



CONVENTION ON MIGRATORY SPECIES

Distr.
GENERAL

UNEP/CMS/Conf. 8.4/Rev 2
26 October 2005

ORIGINAL: ENGLISH

EIGHTH MEETING OF THE
CONFERENCE OF THE PARTIES
Nairobi, 20-25 November 2005
Agenda item 3

RULES OF PROCEDURE FOR THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES

(Prepared by the Secretariat)

1. Attached are the provisional Rules of Procedure for the Eighth Meeting of the Conference of the Parties. There have been no substantive amendments to the Rules of Procedure adopted by the Conference of the Parties at its seventh meeting (Bonn, September 2002). However, the Secretariat proposes the addition of a new rule 12 on the submission of Resolutions and Recommendations for the Conference of the Parties.

2. The new rule is consistent with similar provisions in other Conventions, such as Ramsar and CITES. Now that CMS has almost 100 Parties, it is essential that both Governments and the Secretariat have sufficient time to consider and process draft resolutions and recommendations (CMS already has such rules covering amendments to the species Appendixes). The proposed formulation is as follows:

Rule 12 - Submission of Resolutions or Recommendations

“As a general rule Resolutions or Recommendations shall have been communicated at least 60 days before the meeting to the Secretariat who shall circulate them to all Parties in the working languages in the meeting. The remaining provisions of Rule 11 shall also apply *mutatis mutandis* to the treatment of Resolutions and Recommendations.”

3. Special attention is drawn to Rule [15 (2)] which, for ease of reference, is reproduced below:

“Representatives of Parties which are three or more years behind in paying their subscriptions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote. However, the Conference of the Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Standing Committee.”

4. In Resolution 6.8, paragraph 13, the Conference of Parties served notice “to Parties with contributions in arrears that rule 14 (2) on withholding of voting rights will be strictly adhered to at the seventh Meeting of the Conference of Parties”.

5. The Budget and Fund Management Service of UNON has recently informed the Secretariat of the current status of Party contributions to the CMS Trust Fund. As of 31 August 2005, the following

countries are three years or more in arrears: Cameroon, Democratic Republic of Congo, Guinea-Bissau, Mali, Niger, Somalia, Togo, Burkina Faso, Chad, Mauritania, Paraguay, Ukraine, Uzbekistan, Argentina, Georgia, Uruguay, Congo, Nigeria, Sao Tome and Principe, Morocco and Uganda.

6. Earlier this year, in February 2005, the Executive Secretary sent individual letters to all Parties informing them about the forthcoming COP. The letter reminded Parties about Rule 14(2) and informed all Parties with subscription arrears about the exact amount and duration of the arrears. Since the letter a number of Parties have paid outstanding subscriptions.

7. However, the Secretariat has not received any formal communication from 21 Parties listed above to confirm that subscription arrears will be paid or details of any mitigating circumstances that should be brought to the attention of the Standing Committee. In case of Morocco, the Deputy Executive Secretary was in contact with the Authorities on their unpaid subscriptions amounting US\$ 6,405 from 2002 to 2005. It was understood that a new policy was recently established for transferring competencies to “the National correspondents of MEAs (CITES, RAMSAR, CBD, CMS, etc.)” to allow the concerned Departments and Ministries to proceed directly with the payment (previously under the Foreign Affairs Ministry). The procedure of decentralization and inscription on their own budget is a matter of one to two months. It is expected that Morocco will pay the arrears at once, before the COP or in early 2006, as confirmed.

8. The last COP in 2002 accepted a statement from one country (Argentina) that it faced exceptional economic hardships and allowed Argentina to exercise its right to vote. At the time the current paper was being prepared in early September 2005, discussions between Argentina and the Secretariat were taking place in the hope that some arrears could be paid before COP8.

Action requested:

The Parties are invited to bring their contributions up to date in advance of COP8, or to communicate to the Secretariat the nature of any mitigating circumstances, before the Standing Committee deliberates on this matter in its meeting scheduled for 20 November 2005 in Nairobi. The Conference of the Parties is invited to adopt the new rule 12 on the submission of Resolutions and Recommendations.

STATUS OF CONTRIBUTIONS FOR CMS TRUST FUND											
No	05-Sep-05 PARTIES	Unpaid pledges 1996	Unpaid pledges 1997	Unpaid pledges 1998	Unpaid pledges 1999	Unpaid pledges 2000	Unpaid pledges 2001	Unpaid pledges 2002	Unpaid pledges 2003	Unpaid pledges 2004	Number of Years in Arrears
1	Cameroon	212	279	265	347	265	427	520	288	322	9
2	Dem. Rep. Congo	212	279	265	347	265	230	280	128	143	9
3	Guinea-Bissau	212	279	265	347	265	33	40	32	36	9
4	Mali	212	279	265	347	265	66	80	64	72	9
5	Niger	212	279	265	347	265	66	80	32	36	9
6	Somalia	212	279	265	347	265	33	40	32	36	9
7	Togo	121	279	265	347	265	33	40	32	36	9
8	Burkina Faso		129	265	347	265	66	80	64	72	8
9	Chad		66	265	347	265	33	40	32	36	8
10	Mauritania			133	347	265	33	40	32	36	7
11	Paraguay				347	265	460	560	512	572	6
12	Ukraine				1733	5019	6245	7601	1697	1895	6
13	Uzbekistan				477	663	822	1000	352	393	6
14	Argentina					12736	36253	44124	36779	41087	5
15	Georgia					155	227	276	160	179	5
16	Uruguay					1061	1578	1920	2561	2861	5
17	Congo					265	97	0	32	36	4
18	Nigeria						1052	1280	2177	2432	4
19	Sao Tome and Principe						3	39	32	36	4
20	Morocco							1640	1408	1573	3
21	Uganda							20	160	179	3
	TOTAL	1393	2148	2518	6027	22814	47757	59700	46606	52068	
										241,031	

EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE
CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD
ANIMALS

Provisional Rules of Procedure

Draft of 31 August 2005

Part I

Delegates, Observers, Secretariat

Rule 1 - Delegates

- (1) A Party to the Convention (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) Without prejudice to the provisions of Rule 14, paragraph 2, the Representative of a Party shall exercise the voting rights of that Party. In their absence, an Alternative Representative of that Party shall act in their place over the full range of their functions.
- (3) Logistic and other limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Committee of the Whole established under Rule 23. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.

Rule 2 - Observers

- (1) The United Nations, its Specialized Agencies, the International Atomic Energy Agency and any State not a Party to the Convention may be represented at the meeting by observers who shall have the right to participate but not to vote.²
- (2) Any body or agency technically qualified in protection, conservation and management of migratory species which is either
 - (a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or
 - (a) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be represented unless at least one-third of the Parties present object. Once admitted, these observers shall have the right to participate but not to vote.³

- (3) Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of their representatives (and in the case of bodies and agencies referred to in paragraph (2) (b) of this Rule, evidence of the approval of the State in which they are located) to the Secretariat of the Convention prior to the opening of the meeting.
- (4) Logistic and other limitations may require that no more than two observers from any non-Party State, body or agency be present at a plenary session or a session of the Committee of the Whole of the meeting. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.

¹ See Articles I, paragraph 1 (k), and XVIII of the Convention. A Party is a State which has deposited with the Government of the Federal Republic of Germany its instrument of ratification, acceptance, approval or accession by 31 August 2005.

² See Convention, Article VII, paragraph 8.

³ See Convention, Article VII, paragraph 9.

(5) The standard participation fee for all non-governmental organisations is fixed by the Standing Committee and announced in the letter of invitation. Greater contributions are appreciated.

Rule 3 - Credentials

(1) The Representative or any Alternative Representative of a Party shall, before exercising the voting rights of the Party, have been granted powers by, or on behalf of, a proper authority, such as the Head of State, the Head of Government or the Minister of Foreign Affairs or the head of an executive body of any regional economic organisation or as mentioned in footnote 1, enabling them to represent the Party at the meeting and to vote.

(2) Such credentials shall be submitted to the Secretariat of the Convention.

(3) A Credentials Committee of not more than five Representatives shall examine the credentials and shall report thereon to the meeting. Pending a decision on their credentials, delegates may participate provisionally in the meeting.

Rule 4 - Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.⁴

Part II

Officers

Rule 5 - Chairpersons

(1) The Chairperson of the Standing Committee shall act as temporary Chairperson of the meeting until the meeting elects a Chairperson in accordance with Rule 5, paragraph 2.

(2) The Conference in its inaugural session shall elect from among the representatives of the Parties a Chairperson and a Chairperson of the Committee of the Whole. The latter shall also serve as Vice-Chairperson of the Conference.

(3) The Conference shall also elect, from among the representatives of the Parties, a Vice-Chairperson of the Committee of the Whole. If the Chairperson of the Committee of the Whole is absent or is unable to discharge the duties of Chairperson, the Vice-Chairperson shall deputize.

Rule 6 - Presiding Officer

(1) The Chairperson shall preside at all plenary sessions of the meeting.

(2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Chairperson of the Committee of the Whole shall deputize.

(3) The Presiding Officer shall not vote but may designate an Alternative Representative from the same delegation.

Rule 7 - Bureau

(1) The Presiding Officer, the Chairperson and Vice-Chairperson of the Committee of the Whole, and the Chairpersons of the Scientific Council and the Standing Committee, and the Secretariat shall constitute the Bureau of the Conference with the general duty of forwarding the business of the meeting including, where appropriate, altering the timetable and structure of the meeting and specifying time limits for debates.

(2) The Presiding Officer shall preside over the Bureau.

⁴ See Convention, Article IX, paragraph 4 (a).

Part III

Rules of Order and Debate

Rule 8 - Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the meeting, propose to the Conference:
 - (a) time limits for speakers;
limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
 - (b) the closure of the list of speakers;
 - (c) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - (d) the suspensions or adjournment of the session.

Rule 9 - Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the English language.
- (2) A quorum for plenary sessions and sessions of the Committee of the Whole of the meeting shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of the Committee of the Whole shall take place in the absence of a quorum.

Rule 10 - Right to Speak

- (1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.
- (2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.
- (3) A speaker shall not be interrupted except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during their speech to allow any delegate or observer to request elucidation on a particular point in that speech.
- (4) The Chairperson of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by that committee or working group.

Rule 11 - Submission of Proposals for Amendment of the Convention and its Appendices

- (1) As a general rule proposals shall, subject to any provisions of the Convention itself, have been communicated at least 150 days before the meeting to the Secretariat, which shall have circulated them to all Parties in the working languages of the meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the meeting provided copies of them have been circulated to all delegations not later than the day preceding the session. The Presiding Officer may also permit the discussion and consideration of urgent proposals arising after the period prescribed above in the first sentence of this Rule provided that they relate to proposed amendments which have been circulated in

accordance with the second sentence of this Rule and that their consideration will not unduly inhibit the proceedings of the Conference. The Presiding Officer may, in addition, permit the discussion of motions as to procedures, even though such motions have not been circulated previously.

(2) After a proposal has been adopted or rejected by the Conference it shall not be reconsidered unless a two-thirds majority of the Representatives participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

[Rule 12 - Submission of Resolutions or Recommendations]

As a general rule Resolutions or Recommendations shall have been communicated at least 60 days before the meeting to the Secretariat who shall circulate them to all Parties in the working languages in the meeting. The remaining provisions of Rule 11 shall also apply *mutatis mutandis* to the treatment of Resolutions and Recommendations.]

Rule 13 - Procedural Motions

(1) During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Representatives present and voting otherwise decide. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

(2) The following motions shall have precedence in the following order over all other proposals or motions before the Conference:

- (a) to suspend the session;
- (b) to adjourn the session;
- (c) to adjourn the debate on the particular subject or question under discussion;
- (d) to close the debate on the particular subject or question under discussion.

Rule 14 - Arrangements for Debate

(1) The Conference may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.

(2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.

(3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

(4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

(5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

(6) Whenever the Conference considers a recommendation originating from the Committee of the Whole, where the discussion of the recommendation has been conducted with interpretation in the three

working languages of the session, there shall be no further discussion on the recommendation, and it shall immediately be decided upon, subject to the second paragraph.

However, any delegate, if seconded by another delegate of another Party, may present a motion for the opening of debate on any recommendation. Permission to speak on the motion for opening the debate shall be granted only to the delegate presenting the motion and the secondary, and to a delegate of each of two Parties wishing to speak against, after which the motion shall immediately be put to the vote. A motion to open the debate shall be granted if, on a show of hands, one third of the voting Representatives support the motion. While speaking on a motion to open the debate a delegate may not speak on the substance of the recommendation itself.

Part IV

Voting

Rule 15 - Methods of Voting

(1) Without prejudice to the provisions of Rule 1, paragraph 2, each representative duly accredited according to Rule 3 shall have one vote. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with the number of votes equal to the number of their member States which are Parties. In such case, the member States of such organizations shall not exercise their right individually.⁵

(2) Representatives of Parties which are three or more years behind in paying their subscriptions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote. However, the Conference of the Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Standing Committee.

(3) The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.

(4) All votes in respect of the election of officers or of prospective host countries shall be by secret ballot and, although it shall not normally be used, any Representative may request a secret ballot for other matters. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.

(5) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.

(6) If votes are equal, the motion or amendment shall not be carried.

(7) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.

(8) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 16 - Majority

Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of votes cast, while all other decisions shall be taken by a two-thirds majority of votes cast.

⁵ See Convention, Article 1, paragraph 2.

Rule 17 - Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.
- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 18 - Elections

- (1) If in an election to fill one place no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them to reduce the number of candidates to two.
- (3) In the case of tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.

Part V

Languages and Records

Rule 19 - Official and Working Languages

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages.

Rule 20 - Other Languages

- (1) A delegate may speak in a language other than a working language. They shall be responsible for providing interpretation into a working language, and interpretation by the Secretariat into the other working languages may be based upon that interpretation.
- (2) Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

Rule 21 - Summary Records

- (1) Summary records of the meeting shall be circulated to all Parties in the official languages of the meeting.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.

Part VI

Publicity of Debates

Rule 22 - Plenary Sessions

All plenary sessions of the meeting shall be open to the public, except that in exceptional circumstances the Conference may decide, by a two-thirds majority of Representatives present and voting, that any single session be closed to the public.

Rule 23 - Sessions of Committees and Working Groups

As a general rule, sessions of committees and working groups other than the Committee of the Whole shall be limited to the delegates and to observers invited by the Chairpersons of the committees or working groups.

Part VII

Committees and Working Groups

Rule 24 - Establishment of Committees and Working Groups

- (1) In addition to the Credentials Committee, the Conference of the Parties shall establish a committee to forward the business of the meeting. This committee shall be called the Committee of the Whole. It shall be responsible for making recommendations to the Conference on any matter of a scientific or technical nature, including proposals to amend the Appendices of the Convention, as well as recommendations concerning financial, administrative and any other matter to be decided upon by the Conference.
- (2) The Conference and the Committee of the Whole may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which shall be limited according to the number of places available in assembly rooms.
- (3) The Credentials Committee and each working group shall elect their own officers.

Rule 25 - Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups; however, with the exception of the Committee of the Whole, interpretation may not be provided in sessions of the committees and working groups.

Part VIII

Amendment

Rule 26

These rules may be amended as required by decision of the Conference.