

## CONVENTION ON MIGRATORY SPECIES

### MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

Distr: General

CMS/Sharks/MOS1/Doc.2/Rev.1

18 September 2012

Original: English

FIRST MEETING OF THE SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

Bonn, Germany, 24-27 September 2012

Agenda Item 2

#### **RULES OF PROCEDURE FOR THE MEETINGS OF THE SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS**

*(Prepared by the Interim Secretariat)*

1. The Draft Rules of Procedure (RoP) for the Meetings of the Signatories of the Memorandum of Understanding on the Conservation of Migratory Sharks, annexed hereto, were prepared by the Interim Secretariat in accordance with paragraph 21 of the MoU.
2. In order to maintain continuity across the CMS Family, the RoP adopted by the African Eurasian Migratory Waterbird Agreement (AEWA), themselves a modification of the CMS RoP, were used as the basis for the current draft.
3. The Interim Secretariat would particularly like to draw the Signatories' attention to the following rules:
  - a) Rule 4, paragraphs 1 and 2:  
As per paragraph 19 of the MoU, at the first Meeting of the Signatories, the frequency and timing of meetings of the Signatories should be determined. The Signatories may therefore wish to take a decision on this matter and reflect it in Rule 4, paragraph 1 and 2 of the attached draft RoP.
  - b) Rule 7:  
Paragraph 21 of the MoU stipulates that the RoP should make provisions for attendance and participation of observers. Rule 7, paragraphs 1-4 elaborate these provisions. Paragraph 5 has been added to the same Rule to elaborate the procedure on accepting a non-Range State, an intergovernmental or a non-governmental organization, or other body, that wish to associate themselves with the MoU. The Secretariat felt that this paragraph is necessary as the MoU itself remains silent on this matter.
  - c) Rule 35:  
Procedures for the submission of proposals to amend the MoU, its Annexes and other proposals are presented in Rule 35. According to these rules proposals should be submitted to the Secretariat at least 150 days (amendments to the MoU) or 60 days (other proposals) before the opening of the meeting.

This is in line with the provisions of the parent Convention, and AEWA. However, as Signatories might wish to make an exception from this time limitation for the first Meeting of the Signatories the bracketed text was added by the Secretariat. This text would not apply to future meetings and would be deleted from the ROP after the present meeting.

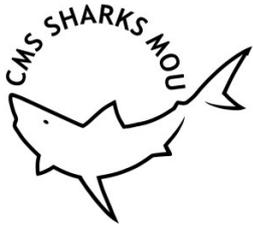
d) Rules 39 - 51:

According to paragraph 18 of the MoU, decisions of by the Meeting of the Signatories should be made by consensus. This is reiterated also in Rule 40, paragraph 1. Nevertheless, in the event that all efforts to reach consensus should fail, provisions for voting are outlined in rules 39-51.

**Action requested:**

The Meeting is invited to:

- a) Adopt the attached draft Rules of Procedure for this Meeting.
- b) Take a decision on the frequency and timing of the meetings of the Signatories.



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### RULES OF PROCEDURE FOR THE SESSIONS OF THE MEETING OF THE SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

Note: Rule 40 has been amended from a simple majority to a two-thirds majority to be consistent with procedures proposed in other documents.

#### Purpose

##### Rule 1

These Rules of Procedure shall apply to any Session of the Meeting of the Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks, hereafter referred to as the MoU, convened in accordance with Section 6 of the MoU.

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to any other meeting held in the framework of the MoU.

#### Definitions

##### Rule 2

For the purpose of these Rules:

- (a) “MoU” means the Memorandum of Understanding on the Conservation of Migratory Sharks, concluded on 12 February 2010 in Manila, the Philippines and which entered into effect on 1 March 2010. This MoU is an agreement within the meaning of Article IV, paragraph 4 of the Convention on the Conservation of Migratory Species of Wild Animals (1979).
- (b) “Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, 1979.
- (c) “Signatories” means the Signatories to the MoU.

- (d) “Meeting of the Signatories” means the Meeting of the Signatories in accordance with Section 6 of the MoU.
- (e) "Session" means any ordinary or extraordinary session of the Meeting of the Signatories convened in accordance with Section 6 of the MoU.
- (f) The “Chair” means the Chair elected in accordance with Rule 21, paragraph 1, of the present rules of procedure.
- (g) “Subsidiary body” means all committees or working groups established by the Meeting of the Signatories.
- (h) “Advisory Committee” means the body established in accordance with Section 7 of the MoU.
- (i) The “Bureau”, means the body established in accordance with Rule 26 (1).
- (j) “Secretariat” means the Secretariat of the MoU established in accordance with Section 8 of the MoU.
- (k) “Convention Secretariat” means the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals.
- (l) “Cooperating partner” means a non-Range State, an intergovernmental or a nongovernmental organization, or other body or entity that associates itself with this Memorandum of Understanding in accordance with the provisions of paragraph 30 of the MoU.

## **Place of Meetings**

### Rule 3

(1) The Meeting of the Signatories shall take place in the country chosen by the previous Meeting of the Signatories on the basis of a formal invitation that should be issued to this effect by the responsible authority of that country. If more than one Signatory issues an invitation to host the next session of the Meeting of the Signatories, and two or more invitations are maintained after informal consultations, the Meeting of the Signatories shall decide on the venue of the next session by secret ballot.

(2) If no invitation has been received, the session of the Meeting of the Signatories shall be held in the country where the Secretariat has its seat, unless other appropriate arrangements are made by the Secretariat of the MoU or the Convention Secretariat.

## **Dates of Meetings**

### Rule 4

(1) Ordinary sessions of the Meetings of the Signatories shall be held at intervals determined by the Meeting of the Signatories.

(2) At each ordinary session, the Meeting of the Signatories shall determine the year and venue of the next ordinary session of the Meeting of the Signatories. The exact dates and duration of each ordinary session shall be established by the Secretariat, in consultation with the Convention Secretariat and the host country of the meeting.

(3) Extraordinary sessions of the Meetings of the Signatories shall be either convened on the written request of at least one third of the Signatories or by the Advisory Committee in accordance with paragraph 24 (d) of the MoU.

(4) An extraordinary session shall be convened not later than ninety days after the request has been received, in accordance with paragraph 3 of this rule.

#### Rule 5

The Secretariat shall notify all Signatories of the venue, and the provisional agenda of an ordinary session of the Meeting of the Signatories at least 12 months before the session is due to commence. The notification shall include the draft agenda for the meeting and the deadline for submission of proposals by the Signatories. Only Signatories, the Advisory Committee, the Bureau and the Secretariat shall be entitled to submit proposals.

#### **Observers**

#### Rule 6

(1) The Secretariat shall notify the Convention Secretariat, in its role as Depository of the MoU, the United Nations, its specialized Agencies, any Range State not Signatory to the MoU, any regional economic integration organization, any secretariat of relevant international conventions and other instruments, particularly those concerned with the conservation and management of marine living resources or conservation and management of sharks, and any relevant scientific, environmental, cultural, fisheries or technical body concerned with the conservation and management of marine living resources or the conservation and management of sharks of the session of the Meeting of the Signatories so that they may be represented as observers.

(2) Such observers may, upon the invitation of the Chair, participate without the right to vote in the proceedings of any session of the Meeting of the Signatories unless at least one third of the Signatories present at the meeting object.

#### Rule 7

(1) Any agency or body, national or international, whether governmental or non-governmental, technically qualified in conservation matters or in research on migratory sharks, which has informed the Secretariat of its wish to be represented at the Meetings of the Signatories by observers, shall be admitted unless at least one third of the Signatories present at the meeting object. Once admitted these observers shall have the right to participate but not to vote.

(2) Bodies or agencies desiring to be represented at the meeting by observers shall submit the names of their representatives, and in case of national non-governmental bodies or

agencies, evidence of the approval of the State in which they are located, to the Secretariat at least one month prior to the opening of the session.

(3) Such observers may, upon the invitation of the Chair, participate without the right to vote in the proceedings of any session unless at least one third of the Signatories present at the meeting object.

(4) Seating limitations may require that no more than two observers from any Range State not a Signatory, body or agency be present at a session of the Meeting of the Signatories. The Secretariat shall notify those concerned of such limitations in advance of the meeting.

(5) Any non-Range States, intergovernmental and international and national non-governmental organizations, or other relevant body and entity wishing to become a cooperating partner to this Memorandum of Understanding in accordance with paragraph 30 of the MoU, will be accepted unless at least one third of the Signatories present at the meeting object.

## **Agenda**

### Rule 8

The Secretariat shall prepare the provisional agenda of each meeting.

### Rule 9

The provisional agenda of each ordinary session of the Meeting of the Signatories shall include, as appropriate:

- (a) Items arising from the paragraphs or the Annexes of the MoU;
- (b) Items, the inclusion of which has been decided at a previous meeting or which emanate from decisions taken at a previous meeting;
- (c) Items referred to in rule 15 of the present rules of procedure; and
- (d) Any item proposed by a Signatory, the Advisory Committee or the Secretariat.

### Rule 10

Except for proposals made on the amendment of the MoU, the official documents for each ordinary session of the Meeting of the Signatories, as referred to in Rule 54, and proposals received in accordance with Rule 5, shall be made available in the official languages by the Secretariat to the Signatories at least 60 days before the opening of the meeting.

### Rule 11

The Secretariat shall include any item which has been proposed by a Signatory and has been received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

## Rule 12

The Meeting of the Signatories shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda, it may add, delete, defer, or amend items. Only items which are considered by the Meeting of the Signatories to be urgent and important may be added to the agenda.

## Rule 13

The provisional Agenda for an extraordinary session of the Meeting of the Signatories shall consist only of those items proposed for consideration in the request for the extraordinary meeting. The provisional agenda and any necessary supporting documents shall be distributed to the Signatories at the same time as the invitation to the extraordinary meeting.

## Rule 14

The Secretariat shall report to the Meeting of the Signatories on the administrative and financial implications of all substantive agenda items submitted to the meeting, before these items are considered by the Meeting of the Signatories. Unless the Meeting of the Signatories decides otherwise, no such item shall be considered until the Meeting of the Signatories has received the Secretariat's report on the financial and administrative implications.

## Rule 15

Any item of the agenda of an ordinary session of the Meeting of the Signatories, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Meeting of the Signatories.

## **Representation and Credentials**

### Rule 16

Each Signatory participating in a Meeting of the Signatories shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives, and advisers as the Signatory may deem necessary. Logistics and other limitations may require that no more than four delegates of any Range State be present at a plenary session. The Secretariat shall notify Signatories of any such limitations in advance of the meeting.

### Rule 17

A representative may be designated as an alternate head of delegation. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

### Rule 18

(1) The original instrument of credentials of the head of delegation and other representatives, alternate representatives, and advisers, shall be submitted to the Secretariat, if possible, not later than twenty-four hours after the opening of the meeting.

(2) The credentials shall be issued by the Minister of the Focal Ministry for the MoU or a higher body; that is the Head of State, Head of Government, Minister of Foreign Affairs, or the head of an executive body of any Regional Economic Integration Organization.

(3) The credentials must bear a full signature of the appropriate authority or else be sealed and initialled by that authority. The seal and/or letter heading should clearly indicate that the credentials have been issued by the appropriate authority.

(4) A representative may not exercise the right to vote unless his/ her name is clearly and unambiguously listed in the duly issued credentials and accepted as such in the Meeting of the Signatories.

(5) If credentials are submitted in a language other than one of the working languages of the MoU (English, French and Spanish), they shall be accompanied by a suitable translation into one of these three languages to permit efficient validation by the Credentials Committee.

#### Rule 19

A Credentials Committee composed of at least one Signatory of each region present at the meeting, elected at the first session of each ordinary meeting, shall examine the credentials and submit its report to the Meeting of the Signatories for approval.

#### Rule 20

Pending a decision of the Meeting of the Signatories upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

### **Officers**

#### Rule 21

(1) At the commencement of the first session of each ordinary meeting, a Chair and a Vice-Chair shall be elected from among the representatives of the Signatories present at the meeting, on the basis of a proposal put forward by the Signatories. The Signatories shall consider first the candidate(s) put forward by the host country of the meeting for the post of Chair of the meeting.

(2) The Chair shall participate in the meeting in that capacity and shall not, simultaneously, exercise the rights of a representative of a Signatory. The Signatory concerned may designate another representative who shall be entitled to represent the Signatory in the meeting and to exercise the right to vote.

(3) The Chair and Vice-Chair shall be elected for one term of office which shall end at the beginning of the next ordinary Meeting of the Signatories.

#### Rule 22

(1) In addition to exercising the powers conferred upon the Chair elsewhere by these rules, the Chair shall declare the opening and closing of the meeting, preside at the sessions of

the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote, and announce decisions. The Chair shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order.

(2) The Chair may propose to the Meeting of the Signatories the closure of the list of speakers, limitations on the time to be allowed to speakers and the number of times each Signatory or observer may speak on a question, the adjournment or the closure of the debate, and the suspension or the adjournment of a session.

(3) The Chair, in the exercise of the functions of that office, remains under the authority of the Meeting of the Signatories.

### Rule 23

The Chair, if temporarily absent from a session or any part thereof, shall designate the Vice-Chair to act as Chair. A Vice-Chair acting as Chair shall have the same powers and duties as the Chair.

### Rule 24

If the Chair and/or Vice-Chair resign or are otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Signatory shall be named by the Signatory concerned to replace the said officer for the remainder of that office's mandate.

### Rule 25

At the first session of each ordinary meeting, the Chair of the previous ordinary meeting, or in the absence of the Chair, a representative of the same Signatory, shall preside until the Meeting of the Signatories has elected a Chair for the meeting. The Secretariat should take this role at the first Meeting of the Signatories and at any ordinary session of the Meeting of the Signatories, in the absence of any representative from the Signatory State which chaired the previous session.

## **The Bureau, other Committees and Working Groups**

### Rule 26

(1) The Bureau shall be established. It shall consist of the elected Chair and Vice-Chair of the current Meeting of the Signatories, and the Chair of the Advisory Committee. The Secretariat shall assist and support the Bureau. The Bureau may invite observers to attend the Bureau, as they deem appropriate. The Bureau shall be chaired by the Chair of the current session of the Meeting of the Signatories.

(2) The Bureau shall meet at least once daily to review the progress of the meeting and to provide advice to the Chair in order to ensure the smooth development of the rest of the proceedings.

(3) The Meeting of the Signatories may establish other committees and working groups if it deems it necessary. Where appropriate, meetings of these bodies shall be held in conjunction with the Meeting of the Signatories.

(4) The Meeting of the Signatories may decide that any such body may meet in the period between ordinary meetings.

(5) Unless otherwise decided by the Meeting of the Signatories, the chairperson for each such body shall be elected by the Meeting of the Signatories. The Meeting of the Signatories shall determine the matters to be considered by each such body.

(6) Subject to paragraph 5 of this rule, each body shall elect its own officers. No officers may be re-elected for a third consecutive term.

(7) Unless otherwise decided by the Meeting of the Signatories, these rules shall apply *mutatis mutandis* to the proceedings of such bodies, except that:

(a) A majority of the Signatories designated by the Meeting of the Signatories to take part in any such body shall constitute a quorum, but in the event of the body being opened, one quarter of the Signatories shall constitute a quorum; and

(b) The chairperson of any such body may exercise the right to vote;

(8) There shall be no requirement to provide interpretation in committee or working group sessions including the Bureau.

## **Secretariat**

### Rule 27

(1) The Head of the Secretariat shall be the Secretary of the Meeting of the Signatories. The Secretary or the representative of the Secretary shall act in that capacity in all sessions of the Meeting of the Signatories and of subsidiary bodies.

(2) The Secretary shall provide and direct the staff as required by the Meeting of the Signatories.

### Rule 28

The Secretariat shall, in accordance with these rules:

(a) Arrange for interpretation at the meeting;

(b) Prepare, receive, translate, reproduce and distribute the documents of the meeting;

(c) Publish and circulate the official documents of the meeting;

(d) Make and arrange for keeping of sound recordings of the meeting;

- (e) Arrange for the custody and preservation of the documents of the meeting;
- (f) Draft the report of the meeting for consideration and approval by the Bureau first and for final approval by the Meeting of the Signatories; and
- (g) Generally perform all other work that the Meeting of the Signatories may require.

## **Conduct of Business**

### Rule 29

- (1) Sessions of the Meeting of the Signatories shall be held in public, unless the Meeting of the Signatories decides otherwise.
- (2) Sessions of subsidiary bodies shall be held in private unless the subsidiary body concerned decides otherwise.
- (3) Delegations shall be seated in accordance with the alphabetical order of the official UN country names in English language.

### Rule 30

The Chair may declare a session of the Meeting of the Signatories open and permit the debate to proceed if at least one half of the Signatories to the MoU are present, and may take a decision when representatives of at least one half of the Signatories are present.

### Rule 31

- (1) No one may speak at a session of the Meeting of the Signatories without having previously obtained the permission of the Chair. Subject to rule 32, 33, 34 and 36, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The Chair may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
- (2) The Meeting of the Signatories may, on a proposal from the Chair or from any Signatory, limit the time allowed to each speaker and the number of times each Signatory or observer may speak on a question. Before a decision is taken, two representatives may speak in favour and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chair shall call the speaker to order without delay.
- (3) A speaker shall not be interrupted except on a point of order. He/she may, however, with the permission of the Chair, give way during his/her speech to allow any other representative or observer to request clarification on a particular point in that speech.
- (4) During the course of a debate, the Chair may announce the list of speakers, and with the consent of the meeting, declare the list closed. The Chair may, however, accord the right of reply to any representative, if appropriate, due to a speech delivered after the list has been closed.

### Rule 32

The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

### Rule 33

During the discussion of any matter, a Signatory may at any time raise a point of order, which shall be decided immediately by the Chair in accordance with these rules. A Signatory may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Signatories present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

### Rule 34

Any motion calling for a decision on the competence of the Meeting of the Signatories to discuss any matter or adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

### Rule 35

(1) [Except at the first Meeting of the Signatories] proposals for amendment of the MoU including its Annexes may be made by any Signatory. The text of any proposed amendment and the reason for it shall be communicated to the Secretariat not less than one hundred and fifty days before the opening of the meeting.

(2) [Except at the first Meeting of the Signatories] a new proposal as well as amendments to proposals, other than those in paragraph 1 of this rule, shall be submitted to the Secretariat at least 60 days before the opening of the meeting. Such proposals that were not submitted to the Secretariat at least 60 days before the meeting, shall be introduced in writing by the Signatories and handed to the Secretariat in at least one of the official languages, for submission to the Bureau.

(3) [Except at the first Meeting of the Signatories] a new proposal shall deal only with matters that could not have been foreseen in advance of the session or arise out of the discussions at the session. The Bureau shall decide if the new proposal meets this requirement, so as to introduce it formally for consideration by the meeting. If a new proposal is rejected by the Bureau, the sponsor(s) shall be entitled to request the Chair to submit the question of its admissibility to a vote, as per Rule 34. The sponsor(s) shall be given the opportunity to make one intervention to present the arguments in favour of the introduction of the new proposal, and the Chair shall explain the reasons for its rejection by the Bureau.

(4) As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it, translated into the official languages of the Meeting of the Signatories, have been circulated to delegations not later than the day preceding the session. Nevertheless, the Chair may permit the discussion and consideration of amendments to proposals or of procedural motions and, in exceptional circumstances, in cases of urgency and when deemed useful to advance the proceedings, permit the discussion and consideration of proposals even

though these proposals, amendments or motions have not been circulated or have been circulated only the same day or have not been translated into all the official languages of the Meeting of the Signatories.

#### Rule 36

(1) Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

(2) Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

#### Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Signatory.

#### Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Meeting of the Signatories, by a two-thirds majority of the Signatories present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

### **Voting**

#### Rule 39

Each Signatory shall have one vote. Regional Economic Integration Organizations (REIO) that are Signatories to this MoU shall, in matters within their competence, exercise their voting rights with a number of votes equal to the number of their Member States which are Signatories to the MoU and present at the meeting. An REIO shall not exercise its right to vote if its Member States exercise theirs, and *vice versa*.

#### Rule 40

(1) The Signatories shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement

reached, the decision shall, as a last resort, be taken by a **two thirds** majority vote of the Signatories present and voting, unless otherwise provided by the MoU.

(2) For the purposes of these rules, the phrase "Signatories present and voting" means Signatories present at the session at which voting takes place and casting an affirmative or negative vote in accordance with Rule 18 paragraph 4. Signatories abstaining from voting shall be considered as not voting.

#### Rule 41

If two or more proposals relate to the same question, the Meeting of the Signatories, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Meeting of the Signatories may, after each vote on a proposal, decide whether to vote on the next proposal.

#### Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. The Chair shall allow the request unless a Signatory objects. If objection is made to the request for separate voting, the Chair shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put to the vote immediately.

#### Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal, which are approved, shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

#### Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

#### Rule 45

If two or more amendments to a proposal are put forward, the Meeting of the Signatories shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed there from, and so on, until all amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this rule.

#### Rule 46

Voting, except for elections and the decision on the venue of the next ordinary meeting, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Signatory; it shall be taken in the English alphabetical order of the names of the Signatories participating in the meeting, beginning with the Signatory whose name is drawn by lot by the Chair. However, if at any time a Signatory requests a secret ballot, that shall be the method of voting on the issue in question, provided that this request is accepted by a simple majority of the Signatories present and voting. The Chair shall be responsible for the counting of the votes, assisted by tellers appointed by the Meeting, and shall announce the result.

#### Rule 47

(1) The vote of each Signatory participating in a roll-call vote shall be expressed by "Yes", or "No", or "Abstain" and shall be recorded in the relevant documents of the meeting.

(2) When the meeting votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call vote.

#### Rule 48

After the Chair has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual proceedings. The Chair may permit the Signatories to explain their votes, either before or after the voting, but may limit the time to be allowed for such explanations. The Chair shall not permit those who put forward proposals or amendments to proposals to explain their vote on their own proposals or amendments, except if they have been amended.

#### Rule 49

All elections and the decision on the venue of the next ordinary meeting shall be held by secret ballot, unless otherwise decided by the Meeting of the Signatories.

#### Rule 50

(1) If, when one person or one delegation is to be elected, no candidate obtains a majority of votes cast by the Signatories present and voting in the first ballot, a second ballot shall be taken between the two candidates obtaining the largest number of votes. If, in the second ballot, the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

(2) In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie then results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

#### Rule 51

(1) When two or more elective places are to be filled at one time under the same conditions, the number of candidates must not exceed the number of such places, those

obtaining the largest number of votes and a majority of the votes cast by the Signatories present and voting in the first ballot shall be deemed elected.

(2) If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places. The voting shall then be restricted to the candidates that obtained the greatest number of votes in the previous ballot and shall not exceed twice the places that remain to be filled. After the third inconclusive ballot, votes may be cast for any eligible person or delegation.

(3) If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and shall not exceed twice the places that remain to be filled. The following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## **Languages**

### Rule 52

The official and working languages of the Meeting of the Signatories shall be English, French and Spanish.

### Rule 53

(1) Statements made in an official language shall be interpreted into the other official languages.

(2) A representative of a Signatory may speak in a language other than an official language, if the Signatory provides for interpretation into one such official language.

## **Documents**

### Rule 54

(1) Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

(2) Document shall be made available in electronic format and can be downloaded from the MoU website by the Signatories and observers. Only in exceptional cases and upon request, will the Secretariat provide paper copies.

(3) Any documents other than information documents, including proposals, submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

(4) When in doubt, the Secretariat shall ask the approval of the Bureau for issuing a document as an official document of the meeting.

(5) Signatories and observers wishing to distribute documents that have not been approved as official documents of the meeting shall make their own arrangements for distribution, after having sought the advice of the Secretariat on how to proceed.

### **Sound Recordings of the Meeting**

#### Rule 55

Sound recordings of the Meeting of the Signatories, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat.

### **Entering into Effect and Amendments to the Rules of Procedure**

#### Rule 56

These rules of procedure shall enter into effect immediately after their adoption. Amendments to these rules shall be adopted by consensus by the Meeting of the Signatories, upon a proposal by one or more Signatories.

### **Overriding authority of the MoU**

#### Rule 57

In the event of a conflict between any provision of these rules and any provision of the MoU, the MoU shall prevail.