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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR
THE APPLICATION OF THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Eighth session

Rome, 8-12 October 2001

Item 5 (a) of the provisional agenda*

PREPARATION FOR THE CONFERENCE OF THE PARTIES

DRAFT RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

Note by the secretariat

1. At its seventh session, the Intergovernmental Negotiating Committee had before it a note by the secretariat (UNEP/FAO/PIC/INC.7/7) containing draft rules of procedure for the Conference of the Parties prepared in response to the request made to the secretariat by the Committee at its sixth session.
2. The Committee commended the secretariat on its work and noted that the document prepared was a good basis upon which to initiate discussion on the issue.
3. A number of representatives expressed their preliminary views on some of the draft rules of procedure, such as those on the periodicity of meetings of the Conference of the Parties, modalities of distribution of documents, voting methods and the quorum. A number of representatives also supported the proposal to consider a rule enabling the election of officers for the Conference of the Parties and the Chemical Review Committee at the preceding session.
4. The Committee decided to establish an open-ended legal working group, under the chairmanship of Mr. Patrick Széll (United Kingdom), to consider the note by the secretariat and work on the draft text attached thereto. The working group was encouraged to look at existing rules of procedure from other multilateral environmental agreements, as well as those under development, but was advised that it would not be necessary to follow the precedents slavishly.

* UNEP/FAO/PIC/INC.8/1.

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5. Reporting on the discussions in the open-ended legal working group, the Chair of the group said that members had decided to concentrate efforts on an examination of the draft rules of procedure for the Conference of the Parties and to defer consideration of the procedure for settlement of disputes until a future session of the Committee. The Chair pointed out that the group's deliberations had shown a need for further detailed examination of the issues within the following areas: rule 4 (Dates of meetings); rule 7 (Participation of other bodies or agencies); rule 22 (Election of officers); rule 36 (Quorum); rule 46 (Majority required); and rule 51 (Method of voting for general matters).

6. The Committee took note with thanks of the report and requested the group to reconvene at the eighth session of the Committee and to accord priority in its deliberations to the examination and possible resolution of the outstanding issues identified in the draft rules of procedure.

7. The draft rules of procedure as presented by the open-ended legal working group are annexed to the present note.

8. The Committee invited members to provide comments and proposals on non-compliance, reporting and issues associated with discontinuation of the interim PIC procedure by 1 February. At the same time, the secretariat has also received comments from Canada and the Commission of the European Communities regarding the draft rules of procedure. These comments are reproduced in document UNEP/FAO/PIC/INC.8/INF/2.

AnnexROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN
HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADEDraft rules of procedure of the Conference of the Parties and its subsidiary bodies **Submitted by the Chair of the legal working group

I. INTRODUCTION

ScopeRule 1

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Article 18 of the Convention.

DefinitionsRule 2

For the purposes of the present rules:

1. "Convention" means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at Rotterdam, on 10 September 1998;
2. "Parties" means Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties established by Article 18 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 18 of the Convention;
5. "Regional economic integration organization" means an organization defined in Article 2 (h) of the Convention;
6. "President" means the President of the Conference of the Parties elected in accordance with Rule 22, paragraph 1;
7. "Secretariat" means the Secretariat established by Article 19, paragraph 1 of the Convention.
8. "Subsidiary body" means the body established pursuant to Article 18, paragraph 6 of the Convention, as well as any body established pursuant to Article 18, paragraph 5 (a) of the Convention.
9. "Parties present and voting" means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

** Previously issued as annex IV to document UNEP/FAO/PIC/INC.7/15.

II. MEETINGS

Place of meetings

Rule 3

The meetings of the Conference of the Parties shall take place at the seat(s)^{1/} of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

Dates of meetings

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held once every year^{2/} unless the Conference of the Parties decides otherwise.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.
3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of meetings

Rule 5

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

III. OBSERVERS

Participation of United Nations, specialized agencies and non-Parties

Rule 6

1. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings as observers.
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting, unless at least one third of the Parties present at the meeting object.

^{1/} Will depend on the decision regarding the location of the Secretariat.

^{2/} One representative in the Legal Working Group proposed that the phrase “once every year” should be replaced by “once every two years”.

Participation of other bodies or agenciesRule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer may be so admitted unless at least one third of the Parties present at the meeting object.^{3/}
2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

Notification by SecretariatRule 8

The Secretariat shall notify those entitled to be observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7, of the dates and venue of the next meeting.

IV. AGENDA

Preparation of provisional agendaRule 9

In agreement with the President, the Secretariat shall prepare the provisional agenda for each meeting.

Items on provisional agenda for ordinary meetingRule 10

The provisional agenda for each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its Article 18;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

^{3/} One representative in the Legal Working Group proposed that the following sentence be inserted at the end of Rule 7.1: "Upon request by a Party, the Secretariat shall inform that Party which of its national NGOs expressed their wish to be represented at the meeting as an observer."

Distribution of provisional agenda

Rule 11

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Supplementary items

Rule 12

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Addition, deletion, deferment or amendment of items

Rule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Agenda for extraordinary meeting

Rule 14

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

Report on administrative and budgetary implications

Rule 15

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

Incomplete consideration of item

Rule 16

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

V. REPRESENTATION AND CREDENTIALS

Composition of delegationRule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Alternates and advisersRule 18

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

Submission of credentialsRule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Examination of credentialsRule 20

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

Provisional participationRule 21

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties to accept their credentials.

VI. OFFICERS

Election of officersRule 22^{4/}

1. At the commencement of each ordinary meeting, a President and four Vice-Presidents, one of whom shall act as a Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. They shall serve as the Bureau of the meeting. Each of the five regional groups shall be represented by one Bureau member. The Chairs of the Chemical Review Committee and any other subsidiary bodies shall be members ex-officio of the Bureau. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.
2. The officers referred to in paragraph 1 above, shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. No officer may serve on the Bureau for more than two consecutive terms.
3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

^{4/} There was support within both the INC and the Legal Working Group to modify the cycle of Bureau membership so that members would take up office at the end of the Conference of the Parties in which they were appointed rather than at the beginning. This would draw the practice of the Rotterdam Convention into line with that of a growing number of environmental bodies including CITES, CSD and (most recently) the Biodiversity Convention. The Legal Working Group noted that there were various way of addressing this matter. For example, the changes introduced by the COP-5 of the Biodiversity Convention - in decision V/20 it decide to amend its rules of procedure as follows:

(a) By replacing the first two sentences of paragraph 1 of rule 21 with the following sentences: “At the commencement of the first session of each ordinary meeting a President and ten VicePresidents, one of whom shall act as Rapporteur, are to be elected from among the representatives of the Parties. They shall serve as the bureau of the Conference of the Parties. The term of office of the President shall commence straight away and the terms of office of the Vice-Presidents shall commence upon the closure of the meeting at which they are elected”; and

(b) By replacing the first two sentences of paragraph 2 of rule 21 with the following sentences: “ The President shall remain in office until a new President is elected at the commencement of the next ordinary meeting and the Vice-Presidents shall remain in office until the closure of the next ordinary meeting. They shall serve as the bureau of any extraordinary meeting held during their term of office and provide guidance to the Secretariat with regard to preparations for, and conduct of, meetings of the Conference of the Parties”; and

(c) By replacing the words “ a President for the meeting” in rule 25 with “a new President”.

If such an approach were to be followed it would also be necessary to draft provisions to cover the specific situation of COP-1. The Secretariat will prepare a text for this transitional situation,taking into account any written proposals submitted before the 1st of February 2001. The LWG proposes to consider the cycle of Bureau membership, which relates to both Rule 22 and 26, in detail at INC-8.

General powers of the PresidentRule 23

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meetings, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Acting PresidentRule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officerRule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

Temporary PresidentRule 26

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in the absence of the President, a Vice-President, shall preside until the meeting has elected a President for the meeting.

VII. SUBSIDIARY BODIES

Application of rules to subsidiary bodiesRule 27

Save as provided in rules 28 to 33, the present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Establishment of subsidiary bodies

Rule 28

1. The Conference of the Parties may establish, in accordance with Article 18, paragraph 5 (a), such subsidiary bodies, as it considers necessary for the implementation of the Convention, in addition to the subsidiary body established under Article 18, paragraph 6.
2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

Quorum for non open-ended subsidiary bodies

Rule 29

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetings

Rule 30

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

Election of officers for subsidiary bodies

Rule 31

The Chair of the Chemical Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chair of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

Matters for consideration

Rule 32

Subject to Article 18, paragraph 6 (b), of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

VIII. SECRETARIAT

Duties of the heads of the SecretariatRule 33

1. The heads of the Secretariat shall jointly exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies. Either head of the Secretariat may designate a representative to serve in its place.
2. The heads of the Secretariat shall jointly arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The heads of the Secretariat shall jointly manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Functions of the SecretariatRule 34

In addition to the functions specified in the Convention, in particular in article 19, the Secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting; and
- (e) Arrange for the custody and preservation of the documents of the meeting.

IX. CONDUCT OF BUSINESS

SessionsRule 35

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

QuorumRule 36

The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.^{5/}

^{5/} Rule 36 could be divided into two paragraphs, as follows:

“1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two-thirds of the Parties to the Convention shall be required for any decision to be taken”.

Procedures for speaking

Rule 37

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Precedence

Rule 38

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

“2. For the purpose of determining a quorum, as specified above, a regional economic integration organization shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought”.

Proposed paragraph 2 is based on the proposition that the quorum may not be the same and vary depending on whether it is a regional organization that is entitled to vote, or its member States that are Parties to the Convention. Article 23, paragraph 2 of the Rotterdam Convention, reflected in proposed rule 45, provides that “a regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties” to the Convention. “Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa”. Thus, if a regional organization is competent to do so and votes in place of its member States, it will exercise a given number of votes equal to the number of its member States that are Parties to the Convention. If the member States that are Parties to the Convention are competent they will exercise their right to vote individually. In this case a situation could arise where, as a consequence of the absence of one or several of those States from a meeting of the Conference of the Parties, the number of votes that they would exercise could be less than the number of member States of the regional economic integration organization that are Parties to the Convention. Therefore, the quorum could vary depending on whether the right to vote were to be exercised by a regional economic integration organization or by its member States.

Thus, consideration could be given to the need to provide that a regional economic integration organization should be counted to the extent to which it is entitled to vote on any decision for which the presence of two thirds of the Parties is required. Furthermore, in accordance with Article 23, paragraph 2 of the Rotterdam Convention, as reflected in proposed rule 45 of the rules of procedure, it should be accorded a number of votes equal to the number of its individual States that are Parties to the Convention.

The same provision is found in rule 16, Paragraph 2 of the rules of procedure of the Intergovernmental Negotiating Committee.

The Legal Working Group considered the proposal to insert paragraph 2 above into Rule 36 and because of the differences of views expressed decided to return to the issue at INC-8.

Points of orderRule 39

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

Decisions on competenceRule 40

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to 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 taken on the proposal or amendment in question.

Proposals and amendments to proposalsRule 41

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Order of procedural motionsRule 42

1. Subject to rule 40, the following motions shall have precedence in the order indicated below over all other proposals or motions:
 - (a) To suspend the meeting;
 - (b) To adjourn the meeting;
 - (c) To adjourn the debate on the question under discussion;
 - (d) To close 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.

Withdrawal of proposals or motions

Rule 43

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

Reconsideration of proposals

Rule 44

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

X. VOTING

Right to vote

Rule 45

1. Each Party shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Majority required

Rule 46^{6/}

1. The Parties 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 has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in Article 18, paragraph 4 of the Convention or by the present rules of procedure.
2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.
3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

^{6/} The Legal Working Group noted that Rule 46 as presented at INC-7 merely addressed the question of decision-making on matters of substance. It inserted text regarding decision-making on matters of procedure and for distinguishing between procedure and substance based on the language of Rule 47 of the Rules of Procedure of the Desertification Convention. The Group will consider Rule 46 as a whole at INC8.

Order of voting on proposalsRule 47

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

Division of proposals and amendmentsRule 48

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendment to a proposalRule 49

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.

Order of voting on amendments to a proposalRule 50

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

Method of voting for general mattersRule 51

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.^{2/}

^{2/} A number of representatives in the INC and in the LWG expressed the view that that threshold for triggering a secret ballot should not be as low as a single Party. Some representatives recommended that the threshold should be a majority of the Parties. In this regard the following language will be considered further by the Group at INC-8: "A secret ballot shall be the method of voting on the issue in question provided that the request is support by a majority of the Parties present and voting."

2. When the Conference of the Parties 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.
3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

Conduct during voting

Rule 52

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XI. ELECTIONS

Method of voting for elections

Rule 53

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Absence of majority

Rule 54

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President 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 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.

Election to two or more elective places

Rule 55

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting 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 being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, 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, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. LANGUAGES AND SOUND RECORDS

Official languages

Rule 56

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Interpretation

Rule 57

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documents

Rule 58

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

Sound recordings of meetings

Rule 59

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

XIII. AMENDMENTS TO RULES OF PROCEDURE

Rule 60

The present rules of procedure may be amended by consensus by the Conference of the Parties.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of Convention

Rule 61

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

XV. MISCELLANEOUS

Underlined headings

Rule 62

The underlined headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.
