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CONFERENCE OF PLENIPOTENTIARIES ON THE
CONVENTION ON THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS
CHEMICALS AND PESTICIDES IN
INTERNATIONAL TRADE

Rotterdam, 10-11 September 1998
Item 2 (a) of the provisional agenda*

ADOPTION OF THE RULES OF PROCEDURE

Rules of procedure for meetings of the 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

Note by the secretariat

1. The Secretariat has the honour to transmit to the Conference, in the annex to the present note, the rules of procedure for meetings of the 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 (INC/PIC).
2. The Conference may wish to decide to apply the rules of procedure of the INC/PIC, mutatis mutandis, to its proceedings.
3. With regard to matters related to credentials of the representatives, which are not covered by the rules of procedure of the INC/PIC, it should be noted that the credentials and full powers of the representatives must be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or, in the case of the European Community, by the President of the European Commission. The delegates should submit to the Secretariat their credentials and full powers before the opening of the Conference if

* UNEP/FAO/PIC/CONF/1.

possible, but not later than 12 noon on Thursday, 10 September 1998. The representatives may participate in the Conference pending a decision of the Conference upon their credentials. The Conference may wish to appoint the Credentials Committee that will examine, with the assistance of the secretariat, the credentials of the representatives at the Conference and report thereon to the Conference.

Annex

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

I. PURPOSES

These rules of procedure shall govern the negotiation of an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade.

II. DEFINITIONS

Rule 1

1. "Parties" means the States and regional economic integration organizations which are members of the Food and Agriculture Organization of the United Nations (FAO) participating in the negotiation of the international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. Regional economic integration organizations which are members of FAO shall participate in the negotiation in matters within their competence. Such participation shall in no case entail an increase in the representation to which the member States of those organizations would otherwise be entitled. Such organizations shall provide a statement on the extent of their competence with respect to matters within the negotiation. Notification shall be made by such organizations of any relevant modification in the extent of their competence.
2. "Chairperson" means the Chairperson elected in accordance with rule 8, paragraph 1, of the present rules of procedure.
3. "Secretariat" means the Secretariat provided by the Executive Director and the Director-General required to service the negotiations.
4. "Executive Director" means the Executive Director of the United Nations Environment Programme.
5. "Director-General" means the Director-General of the Food and Agriculture Organization of the United Nations.
6. "Meeting" means any session convened in accordance with these rules of procedure.
7. "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties who abstain from voting are considered as not voting.

III. PLACE AND DATES OF MEETINGS

Rule 2

The venue and dates of the meetings shall be decided by the Parties in consultation with the Secretariat.

IV. AGENDA

Drawing up of the provisional agenda for a meeting

Rule 3

The Executive Director and the Director-General, after approval by the Bureau referred to in paragraph 1 of rule 8 below, shall submit to each meeting the provisional agenda for the following meeting. The provisional agenda shall include all items recommended by the Parties.

Adoption of the agenda

Rule 4

At the beginning of each meeting, the Parties shall adopt the agenda for the meeting on the basis of the provisional agenda.

Revision of the agenda

Rule 5

During a meeting, the Parties may revise the agenda for the meeting by adding, deleting or amending items. Only items which the Parties consider to be urgent and important may be added to its agenda during the meeting.

V. REPRESENTATION

Composition of delegations

Rule 6

The delegation of each Party shall consist of a head of delegation and such alternate representatives and advisers as may be required.

Alternates and advisers

Rule 7

The head of delegation may designate an alternate representative or an adviser to act as a representative.

VI. OFFICERS

Elections

Rule 8

1. The Parties shall elect from among the representatives of the State Parties a Bureau composed of one Chairperson, three Vice-Chairpersons and a Rapporteur.
2. In electing the officers, the Parties shall have due regard to the principle of equitable geographical representation. Each of the five regional groups shall be represented by one member.

Acting Chairperson

Rule 9

If the Chairperson finds it necessary to be absent from a meeting or any part thereof, he/she shall call on a Vice-Chairperson to take his/her place.

Replacement of the Chairperson

Rule 10

If the Chairperson is unable to continue to perform his/her functions, a new Chairperson shall be elected with due regard to rule 8, paragraph 2.

VII. SECRETARIAT

Rule 11

The Executive Director and the Director-General may designate their representatives during the meetings.

Rule 12

The Executive Director and the Director-General shall provide and direct the staff of the Secretariat required to service the negotiations, including any subsidiary organs which may be established by the Parties.

Rule 13

The Executive Director and/or the Director-General, or their designated representatives may, subject to rule 17, make oral as well as written statements at the meetings concerning any matter under consideration.

Rule 14

The Executive Director and the Director-General shall be responsible for convening meetings in accordance with rules 2 and 3 and for making all the necessary arrangements for meetings, including the preparation and distribution of documents at least six weeks in advance of the meetings.

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Rule 15

The Secretariat shall, in accordance with these rules: interpret speeches made at meetings; receive, translate and circulate the documents of the meetings; publish and circulate reports and relevant documentation to the Parties; have the custody of the documents in the archives; and generally perform all other work that the Parties may require.

VIII. CONDUCT OF BUSINESS

Quorum

Rule 16

1. The Chairperson may declare a meeting open and permit the debate to proceed when at least one third of the State Parties participating in the meeting are present. The presence of a majority of State Parties so participating shall be required for any decision to be taken.

2. For the purpose of determining a quorum, as specified in paragraph 1 above, a regional economic integration organization which is a member of FAO shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought.

Powers of the Chairperson

Rule 17

In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson shall rule on points of order and, subject to these rules, shall have control over the proceedings of the meetings and over the maintenance of order at meetings. The Chairperson may propose to the meeting the limitation of the time to be allowed to speakers, the limitation of the number of times each Party may speak on any subject, the closure of the list of speakers or the closure of the debate. The Chairperson may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.

Rule 18

The Chairperson, in the exercise of his/her functions, remains under the authority of the Parties.

Powers of the Acting Chairperson

Rule 19

A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

The Chairperson shall not vote

Rule 20

The Chairperson shall not vote, but may designate another member of his/her delegation to vote in his/her place.

Speeches

Rule 21

No one may address the meeting without having previously obtained the permission of the Chairperson. Subject to the rules, the Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Chairperson shall call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Precedence

Rule 22

The Chairperson, Vice-Chairperson or Rapporteur or a designated representative of any subsidiary organ which may be established subject to rule 47, may be accorded precedence in speaking for the purpose of explaining the conclusion arrived at by the subsidiary organ concerned and for the purpose of replying to questions.

Points of order

Rule 23

1. During the discussion of any matter, a Party may at any time raise a point of order, and the point of order shall be immediately decided by the Chairperson in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairperson. The appeal shall be immediately put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority vote of the Parties present and voting.

2. A Party raising a point of order may not speak on the substance of the matter under discussion.

Time limit on speeches

Rule 24

The meeting may limit the time allowed to each speaker and the number of times each person may speak on any question, except on procedural questions, when the Chairperson shall limit each intervention to a maximum of five minutes. When debate is limited and a speaker has spoken for his/her allotted time, the Chairperson shall call him/her to order without delay.

Closing of list of speakers

Rule 25

During the course of a debate the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any Party if, in his/her opinion, a speech delivered after he/she has declared the list closed renders this justified. When the debate on an item is concluded because there are no other speakers, the Chairperson, with the consent of the meeting, shall declare the debate closed.

Adjournment of debate

Rule 26

During the discussion of any matter, a Party may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, one Party may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Closure of debate

Rule 27

A Party may at any time move the closure of the debate on the subject under discussion, whether or not any other Party has signified his/her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two Parties opposing the closure, after which the motion shall be immediately put to the vote. If the meeting is in favour of the closure, the Chairperson shall declare the closure of the debate.

Suspension or adjournment of the meeting

Rule 28

During the discussion of any matter, a Party may move the suspension or the adjournment of the meeting. Such motion shall not be debated, but shall immediately be put to the vote.

Order of procedural motions

Rule 29

Subject to rule 23, and regardless of the order in which they are submitted, the following motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the subject under discussion;
- (d) To close the debate on the subject under discussion.

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Invocation of certain rules by regional economic integration organizations which are members of FAO and their member States

Rule 30

No representative of a regional economic integration organization which is a member of FAO shall invoke rules 23, 26, 27, 28, 31 and 33 if those rules have already been invoked on the same matter by any of its member States. No representative of the member States of such an organization shall invoke any of the above-mentioned rules if a representative of that organization has already done so on the same matter.

Proposals and amendments

Rule 31

Proposals and amendments shall normally be introduced in writing and submitted to the Secretariat, which shall circulate copies to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Parties unless copies of it have been circulated in the official languages of the meeting to all Parties not later than the day preceding the meeting. Subject to the consent of the Parties, the Chairperson may, however, permit the discussion and consideration of proposals or amendments, even though these proposals or amendments have not been circulated or have only been circulated the same day.

Decisions on competence

Rule 32

Subject to rule 29, any motion calling for a decision on the competence of the Parties to adopt any proposal or any amendment submitted to the meeting shall be put to the vote before a vote is taken on the proposal or amendment in question.

Withdrawal of proposals or motions

Rule 33

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

Reconsideration of proposals

Rule 34

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

Voting rights

Rule 35

1. Subject to paragraph 2 below, each Party shall have one vote.
2. In any meeting of the negotiation, a regional economic integration organization which is a member of FAO shall in matters within its competence exercise its right to vote with a number of votes equal to the number of its member States which are participating in the meeting. Such organization shall not exercise its right to vote if its member States exercise theirs and vice versa.

Adoption of decisions

Rule 36

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 reached, the decision shall, as a last resort, be taken by a two-thirds majority of the Parties present and voting.
2. Decisions of the meeting on procedural matters shall be taken by a majority of the Parties present and voting.
3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, that issue shall be decided by a two-thirds majority of the Parties present and voting.

Method of voting

Rule 37

Subject to rule 43, the Parties shall normally vote by show of hands, but any Party may request a roll call, which shall then 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 Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Recording of roll call

Rule 38

The vote of each Party participating in a roll call shall be recorded in the relevant documents of the meeting.

Conduct during voting

Rule 39

After the Chairperson has announced the beginning of voting, no Party shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit Parties to explain

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their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chairperson may limit the time to be allowed for such explanation. The Chairperson shall not permit the proposer of a proposal or of an amendment to explain his/her vote on his/her own proposal or amendment.

Division of proposals or amendments

Rule 40

A Party may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two Parties in favour and two Parties against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 41

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Parties shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest therefrom and so on, until all the amendments have been put to the vote. Where, 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. If no amendments are adopted, the proposal shall be put to the vote in its original form.

2. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 42

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

2. Any proposals or motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Elections

Rule 43

All elections shall be held by secret ballot unless, in the absence of any objection, the meeting decides to proceed without taking a ballot when there is an agreed candidate.

Rule 44

1. If, when one person or Party only is to be elected, no candidate obtains, in the first ballot, the majority required, 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 Chairperson shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie 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 preceding paragraph.

Rule 45

1. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority on the first ballot shall be elected.

2. If the number of candidates obtaining such majority is more than the number of places to be filled, those candidates obtaining the largest number of votes shall be elected.

3. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, who shall number not more than twice the places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.

4. If three restricted ballots are inconclusive, unrestricted ballots shall follow in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in a case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall be not more than twice the number of places remaining to be filled.

5. The following three ballots thereafter shall be unrestricted and so on, until all the places are filled.

Equally divided votes

Rule 46

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

IX. SUBSIDIARY ORGANS

Subsidiary organs of the meetings, such as working groups and expert groups

Rule 47

1. The Parties may establish such subsidiary organs as may be necessary for the effective discharge of their functions.
2. Subject to paragraph 2 of rule 8, each subsidiary organ shall elect its own officers. The number of such officers shall be no more than five.
3. The rules of procedure of subsidiary organs shall be those of the meetings, as appropriate, subject to such modifications as the Parties may decide upon in the light of proposals by the subsidiary organs concerned.

X. LANGUAGES AND RECORDS

Languages of the meetings

Rule 48

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the meetings.

Interpretation

Rule 49

1. Speeches made in a language of the meeting shall be interpreted into the other languages.
2. A representative may speak in a language other than a language of the meeting. In this case he/she shall himself/herself provide for interpretation into one of the languages of the meeting, and interpretation into the other languages by the interpreters of the Secretariat may be based on the interpretation given in the first language.

Languages of official documents

Rule 50

Official documents shall be made available in the languages of the meeting.

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XI. PUBLIC AND PRIVATE MEETINGS

Plenary meetings

Rule 51

The plenary meetings shall be held in public unless the meeting decides otherwise. All decisions taken at a private meeting shall be announced at an early public meeting.

Other meetings

Rule 52

Meetings of subsidiary organs, other than any drafting group that may be set up, shall be held in public unless the organ concerned decides otherwise.

XII. OBSERVERS

Participation of observers

Rule 53

Observers may participate in the work of the meeting in accordance with the established practice of the United Nations General Assembly.

Observers from non-governmental organizations

Rule 54

Non-governmental organizations participating in the meeting as observers may make their contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first and second sessions, concerning the participation of non-governmental organizations.

XIII. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 55

A rule of procedure may be amended or suspended by a decision of the meeting taken by consensus, provided that twenty-four hours notice of the proposal has been given.
