



Agreement on the Conservation of Albatrosses and Petrels

Second Meeting of the Parties

Christchurch, New Zealand, 13 – 17 November 2006

**Proposal to Amend the Rules of Procedure of the
Meeting of the Parties**

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Proposal to Amend the Rules of Procedure of the Meeting of the Parties

A number of amendments are proposed to the rules of procedure for the Meeting of the Parties. These are shown in track change mode in Attachment A.

Rev. 1 of this document suggests further amendments – to Rules 1, 2, 12, 13 and 19.

Parties are invited to give consideration to the adoption of the proposed amendments. The background and rationale for the proposed amendments is provided below.

Rule 1

To ensure that the primacy of the Agreement is maintained it is proposed to include an additional paragraph, 1(3), so that where any inconsistency between the Rules of Procedure and the Agreement arise, that the Agreement shall prevail

Rule 2

Amend Rule 2(2) to ensure it is consistent with the intent of Art VIII, 12g of the Agreement and to define the process to be followed in the event that ACAP receives more than one offer to host the next MoP.

Rule 12

Amend Rule 12 (1) and (2) so that the MoP elects its Chair while the MoP is in session. The MoP cannot take a decision out of session unless it uses the process for intersessional voting set out in Rule 24.

Rule 13

It is proposed to include a provision in this rule to cater for the absence of both the Chair and Vice-Chair from the meeting.

Rule 19

Amend Rule 19 to include a provision to cater for the situation where a party questions the competence of the MoP to consider an issue. There is a concomitant change in Rule 19.

Rule 20 (5)

The Advisory Committee noted, when developing its own rules of procedure, that there could be a potential ambiguity between Rule 20(5) and Rule 23. For example, if there were an equal vote for two candidates for the position of Chairperson under Rule 12, both Rule 20(5) and Rule 23 could potentially be used. Under Rule 20(5) if the votes are equal, a second vote shall be taken. If the second vote is also equal, the motion shall not be carried. Under Rule 23 if, in the second ballot, the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.

It is proposed to remove this ambiguity by deleting Rule 20(5) and inserting a similar rule within Rule 19 – Procedural Motions, as this is the only other instance, apart

from rules relating to the election of officers, where a simple majority can be used to make a decision.

Rule 21 – Taking of Decisions

Rules 19 and 23 should be included in the second sentence of Rule 21(1) as they refer to situations where decisions are not adopted by consensus, or by a two-thirds majority.

Rule 24 – Intersessional voting

Under Rule 24(1) only a Party may submit a proposal for intersessional voting. There will be occasions however when either the Executive Secretary or the Chair of the Advisory Committee will need to put proposals to the Parties for a decision. For example, Financial Regulation 3.1 requires the Executive Secretary to prepare a draft budget for the Parties' consideration. In years where there is no session of the Meeting of Parties, Regulation 3.8 requires Parties to agree the budget using the procedures for intersessional decision making. Currently, under the Rule 24(1), the Executive Secretary does not have the authority to submit the budget to Parties for a vote during the intersessional period. There are other instances in the financial regulations where Parties' authorization must be sought for action to be taken by the Executive Secretary.

As the Meeting of Parties may only take place every three years there is likely to be a recurring need for both the Executive Secretary and the Chair of the Advisory Committee to refer items to Parties for a decision. To address this issue it is proposed that Rule 24(1) be amended to read: "Any Party, **the Executive Secretary, or the Chair of the Advisory Committee** may submit a proposal..."

**RULES OF PROCEDURE FOR THE SESSIONS OF THE MEETING OF THE
PARTIES TO THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES
AND PETRELS¹**

Part I

ADMINISTRATION

Rule 1 – Purpose

- (1) These rules of procedure shall apply to any session of the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels, convened in accordance with Article VIII of the Agreement.
- (2) Unless specified to the contrary in a relevant instrument, these rules shall apply *mutatis mutandis* to any other meeting held within the framework of the Agreement on the Conservation of Albatrosses and Petrels, including the Advisory Committee until such time as it has established its own rules of procedure.
- (3) Where any inconsistency between these Rules and the Agreement arise, the Agreement shall prevail

Rule 2 – Date and Place of Meetings

- (1) Ordinary sessions of the Meeting of the Parties shall be at intervals of not more than three years, unless the Meeting of the Parties decides otherwise.
- (2) In accordance with Article VIII (9) and (12)(g), each ordinary session of the MOP shall decide on the time and venue of the next session by consensus, or if consensus cannot be achieved, by a two-thirds majority of the Parties present and voting. Such a vote shall take place by a secret ballot
- (3) Any extraordinary session of the Meeting of the Parties shall be convened not more than ninety days after the date at which the request is made to the Secretariat. The Secretariat shall notify Parties of the date, location and duration of the meeting not more than 30 days after such a request.

Rule 3 – Representation

- (1) A Party to the Agreement (hereafter referred to as a "Party") shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such other accredited Alternative Representatives and Advisers as the Party may deem necessary.
- (2) Subject to the provisions of Rule 20 paragraph 2, the Representative of a Party shall exercise the voting rights of that Party. In the Representative's absence,

¹ These rules of procedure are taken from ANNEX 4 of the Report of the First Session of the Meeting of the Parties (ACAP/MOP1/Doc.11 Rev 6).

an Alternative Representative of that Party shall act in the Representative's place over the full range of functions.

Rule 4 – Observers

- (1) All signatories to the Agreement, other States which are not Parties, any member economy of the Asia Pacific Economic Co-operation Forum in respect of Article VIII, paragraph 15 of the Agreement, the United Nations, any specialised agency of the United Nations, any regional economic integration organisation, any Secretariat of a relevant international convention, particularly regional fisheries management organisations, may send observers to the sessions of the Meeting of the Parties, who shall have the right to participate but not vote.
- (2) Any international scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to sessions of the Meeting of the Parties and its subsidiary bodies. Such participation may include submitting documents to the Secretariat for distribution to the Parties as information documents and addressing the sessions of the Meeting of the Parties.
- (3) Written applications for attendance from such international bodies (described in paragraph 2) should be received by the Secretariat at least 90 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 60 days before the meeting. An applicant shall be permitted to attend as a non-voting observer unless one third of the Parties that respond object to their application.
- (4) Any other scientific, environmental, cultural or technical body concerned with the conservation and management of marine living resources or the conservation of albatrosses and petrels may request admittance to sessions of the Meeting of the Parties and its subsidiary bodies. Such participation may include submitting documents to the Secretariat for distribution to the Parties as information documents and addressing the sessions of the Meeting of the Parties.
- (5) Written applications for attendance from such other bodies (described in para 4) should be received by the Secretariat at least 60 days before the relevant meeting, and circulated forthwith by the Secretariat to Parties. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 30 days before the meeting. An applicant shall be permitted to attend as a non-voting observer provided no objection is received.
- (6) Prior to the meeting, the names of representatives of observers shall be submitted to the Secretariat by the State, agency, organisation or body invited to attend.
- (7) In relation to Article XI of the Agreement, the Secretariat shall be bound by the above procedures.

Rule 5 – Credentials

- (1) The Representative and any Alternative Representative of a Party shall have been granted powers by, or on behalf of, the Head of State, the Head of Government or the Minister of Foreign Affairs, the head of a relevant government department or the head of an executive body of any regional economic organisation, enabling them to represent the Party at the meeting and to vote.
- (2) Such credentials shall be submitted to the Secretariat no later than 24 hours after the meeting commences. Any later change in the composition of the delegation affecting voting rights shall also be contingent on submission of revised credentials to the Secretariat.
- (3) A Credentials Committee of three Representatives of Parties shall examine the credentials and shall report thereon to the meeting. Pending a decision by the Parties on their credentials, representatives may participate in the meeting.
- (4) If credentials are submitted in a language other than one of the working languages of the meeting, they shall be accompanied by a suitable translation into one of these languages to permit efficient validations of the credentials by the Credentials Committee.

Part II

LANGUAGES, DOCUMENTS AND RECORDS

Rule 6 – Official and Working Languages

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.

Rule 7 – Other Languages

- (1) A speech may be made in a language other than a working language if the speaker provides for interpretation into a working language. Interpretation by the Secretariat into the other working languages may be based upon the first interpretation.
- (2) Any document submitted to the Secretariat in any language other than a working language shall be accompanied by an accurate translation into one of the working languages.

Rule 8 – Documents

- (1) The documents for each ordinary session of the Meeting of the Parties, and proposals received from the Parties, subject to Rule 18 of the Rules of Procedure, shall be distributed to the Parties in the working languages by the Secretariat at least sixty days before the opening of the meeting.

- (2) At the discretion of the Chairperson, and only under exceptional circumstances, documents may be accepted after this deadline but shall be submitted by the Party in all working languages.
- (3) Wherever practicable, documents shall be circulated electronically.

Rule 9 – Records

- (1) Summary records of the sessions of the Meeting of the Parties shall be circulated to all Parties in the official languages of the meeting within 60 days.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.
- (3) Sound recordings of the sessions of the Meetings of the Parties, and whenever possible its subsidiary bodies, shall be kept by the Secretariat. Such recordings shall be kept by the Secretariat for the purposes of verification and shall not be retained beyond the end of the next meeting. Access to recordings shall be limited to the Secretariat and the representatives of those delegations present at the meeting, and shall be subject to a written request.

PART III

OFFICERS

Rule 10 – Secretariat

- (1) The Head of the Agreement Secretariat (the Executive Secretary) shall be the Secretary at the sessions of the Meeting of the Parties.
- (2) The Executive Secretary shall provide and direct the staff of the Secretariat as required by the Meeting of the Parties.

Rule 11 – Responsibilities of Secretariat

- (1) In addition to the functions specified in Article X of the Agreement, the Secretariat shall:
 - a) arrange for interpretation at the sessions of the Meeting of the Parties;
 - b) prepare, receive, translate, reproduce and distribute the documents of the Meeting of the Parties;
 - c) draft the report of the meeting, for consideration by the Meeting of the Parties;
 - d) arrange for the custody and preservation of the documents of the Meeting of the Parties; and
 - e) perform such other duties as the Meeting of the Parties may require.

Rule 12 – Chairpersons

- (1) The first session of each ordinary meeting shall elect a Chairperson from among the Representatives of the Parties. The Chairperson of the Advisory Committee shall serve as Vice-Chairperson of the Meeting of the Parties. The term of office of the Chairperson shall commence straight away.

- (2) The Chairperson shall remain in office until a new Chairperson is elected at the first session of the next ordinary meeting.

Rule 13 – Presiding Officer

- (1) The Chairperson shall preside at all sessions of the Meeting of the Parties.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Chairperson of the Advisory Committee shall deputise.
- (3) In the absence of both the Chairperson and the Vice-Chairperson, a representative of the Party providing the Chairperson shall deputise in their temporary absence.
- (4) The Presiding Officer shall not vote but may designate an Alternative Representative from their delegation.
- (5) The term of the Chairperson shall be limited to a maximum of two meetings.

PART IV

AGENDA, COMMITTEES AND WORKING GROUPS

Rule 14 – Agenda

- (1) The Secretariat shall prepare the provisional agenda of each meeting, in consultation with the Chairperson of the Meeting of the Parties and the Chairperson of the Advisory Committee.
- (2) The provisional agenda of each ordinary session of the Meeting of the Parties shall include, as appropriate:
 - a) items arising from the articles or the Annexes of the Agreement;
 - 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 paragraph 6 of this Rule; and
 - d) any item proposed by a Party, the Advisory Committee or the Secretariat. Requests for additional items shall be made in writing, giving the rationale for the request.
- (3) The Secretariat shall, in consultation with the Chairperson of the Meeting of the Parties and the Chairperson of the Advisory Committee, include any item that has been proposed by a Party 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.
- (4) The Meeting of the Parties 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 Parties to be urgent and important may be added to the agenda at this stage.
- (5) The provisional Agenda for an extraordinary session of the Meeting of the Parties shall consist only of those items proposed for consideration in the request for this session. The provisional agenda and any necessary supporting documents shall be distributed to the Parties at the same time as the invitation to the extraordinary session, at least 60 days before the session.

- (6) Any item of the agenda of an extraordinary session of the Meeting of the Parties, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next session, unless otherwise decided by the meeting.

Rule 15 – Establishment of Committees and Working Groups

- (1) The Meeting of the Parties may establish such working groups as may be necessary for it to carry out its functions. The Meeting of the Parties shall define the terms of reference and composition of each working group. The Meeting of the Parties may decide that any such working group may meet in the period between ordinary meetings.
- (2) The Credentials Committee and each working group shall elect their own officers.

PART V

RULES OF ORDER AND DEBATE

Rule 16 – Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at each session of the Meeting of the Parties:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at each session of the Meeting of the Parties, propose to the meeting:
 - (a) time limits for speakers;
 - (b) limitation of the number of times the members of a delegation or an observer may speak on any question;
 - (c) the closure of the list of speakers;
 - (d) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - (e) the suspension or adjournment of the session.
- (3) The Presiding Officer shall exercise their powers of office in accordance with customary practice and, in the exercise of that office, remain under the authority of the Meeting of the Parties.

Rule 17 – Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the language of the meeting host.
- (2) No session of the Meeting of the Parties shall take place in the absence of a quorum. A quorum for sessions of the Meeting of the Parties shall consist of

four Parties or one-half of the Parties having delegations at the meeting, whichever is the greater.

Rule 18 – Submission of Proposals for Amendment of the Agreement and its Appendices

- (1) In accordance with Article XII of the Agreement:
 - a) proposed amendments shall be communicated to the Secretariat at least 150 days before the opening of a session of the Meeting of the Parties, which shall transmit them forthwith to all Parties in the working languages of the meeting;
 - b) any comments on the proposed amendment by the Parties shall be communicated to the Secretariat no less than 60 days before the opening of the session. The Secretariat shall, as soon as possible after the last day for submission of comments, communicate to the Parties all comments submitted by that day.
- (2) In exceptional circumstances, the Presiding Officer may also permit the discussion and consideration of proposals arising after the period prescribed in subparagraph 1b) of Rule 18 provided that they relate to proposed amendments which have been circulated in accordance with paragraph 1a) of Rule 18 and that their consideration will not unduly inhibit the proceedings of the meeting. The Presiding Officer may also permit the discussion of motions as to procedures, even though such motions have not been circulated previously.
- (3) After a proposal has been adopted or rejected by the Meeting in accordance with Article XII, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decides.

Rule 19 – Procedural Motions

- (1) During the discussion of any matter, a representative may rise to a point of order, and the Presiding Officer, in accordance with these Rules, shall immediately decide the point of order. A Representative may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a simple majority of the Parties present and voting otherwise decides. A representative rising to a point of order may not speak on the substance of the matter under discussion.
- (2) Any motion calling for a decision on the competence of the Meeting of Parties 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.
- (3) In cases where the votes are equal, a second vote shall be taken. If the second vote is also equal, the motion or amendment shall not be carried.
- (4) The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - (a) to suspend the session;
 - (b) to adjourn the session;
 - (c) to consider a motion in accordance with Rule 19(2) above;
 - (d) to adjourn the debate on the particular subject or question under discussion; and
 - (e) to close the debate on the particular subject or question under discussion.

Part VI

VOTING

Rule 20 – Voting

- (1) Without prejudice to the provisions of Rule 3, paragraph 2, each accredited Party shall have one vote.
- (2) Parties which are one year behind in paying their budget contributions on the date of the opening session of the Meeting of the Parties shall not be eligible to vote. However, the Meeting of the Parties may allow such Parties to continue to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Secretariat.
- (3) The Meeting of the Parties shall normally vote by a roll-call vote. The first voter shall be drawn by lot; voting will then proceed in English alphabetical order. A Party may request voting to be conducted by secret ballot. Such a request shall require support from at least one-third of Parties present and voting.
- (4) Voting by roll-call shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.
- (5) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. Tellers appointed by the Secretariat may assist the Presiding Officer.
- (6) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 21 – Taking of Decisions

- (1) The Chairperson shall put to all Parties, all questions, proposals and actions requiring decisions. In accordance with Article VIII (9), unless provided otherwise in the Agreement or in Rules 4(5), 19, 20, 21, 22, 23, 25 and 26, decisions of Parties shall be adopted by consensus or, if consensus cannot be achieved, by a two-thirds majority of the Parties present and voting.
- (2) In accordance with Article VIII(11)(a), (11)(b), (12)(d) and (15), decisions about rules of procedure, financial matters, and provisions for the relationship to the Agreement by any member economy of the Asia Pacific Economic Co-operation forum whose vessels fish within the range of albatrosses and petrels, shall be adopted by consensus.

Rule 22 – Procedure for Voting on Motions and Amendments

- (1) A representative may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a representative from each of two

Parties wishing to speak in favour of and a representative from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment, which are subsequently approved, shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

- (2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes or revises part of that proposal.
- (3) If two or more proposals relate to the same question, the Meeting shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The meeting may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 23 – Elections

- (1) Elections to office shall be by secret ballot. If, when one person or one delegation is to be elected to a position, no candidate obtains the required majority 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 Presiding Officer shall decide between the candidates by drawing lots.
- (2) If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them to reduce the number of candidates to two.
- (3) In the case of a tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.

Rule 24 – Intersessional voting

- (1) Any Party, the Executive Secretary, or the Chair of the Advisory Committee may submit a proposal, including electronically, to the Chairperson for a decision. Within 7 days, the Chairperson shall send the proposal to the Secretariat for communication to all Parties within a further 7 days, together with any additional information that it considers may assist Parties.
- (2) Parties shall respond to the Secretariat's communication as soon as possible, but within 21 days of the date of distribution of the proposal, indicating whether they wish to support it, reject it, abstain on it, require additional time to consider it, or whether they consider it is not necessary for the vote to be taken during the period between meetings.

- (3) If more than two-third of Parties consider it is not necessary for the vote to be taken during the period between meetings, the Secretariat shall inform all Parties and shall include the proposal on the agenda of the next meeting.
- (4) The result of each intersessional vote shall be determined in accordance with Rule 20 and shall be promptly communicated by the Secretariat to all Parties.
- (5) In so far as they are applicable, these Rules of Procedure shall apply *mutatis mutandis* to any intersessional voting held within the framework of the Agreement on the Conservation of Albatrosses and Petrels.

Part VII

PUBLICITY OF DEBATES

Rule 25 – Plenary Sessions

All plenary sessions of the Meeting of the Parties shall be open to the public unless two thirds of the Parties present and voting at the meeting decide that a session be closed to the public.

Rule 26 – Sessions of Committees and Working Groups

All sessions of committees and working groups shall, in the absence of separate rules for those bodies, be open to the public unless two-thirds of the Parties present and voting at the meeting decide that a session be closed to the public.

Part VIII

AMENDMENT

Rule 27 – Amendment

As provided in Article VIII(13)(a), these rules may be amended by the Meeting of the Parties.