

RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES TO ASCOBANS

(as adopted at MOP9, including an Annex relating to virtual meetings)

PART I

DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) The Representative of a Party shall exercise the voting rights of that Party. In the absence of the Representative, an Alternative Representative of that Party shall act as a substitute over the full range of the Representative's functions.
- (3) Seating limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Advisory Committee or any working group established by the Meeting of the Parties in accordance with Rule 23.

Rule 2: Observers

- (1) All non-Party Range States and Regional Economic Integration Organizations bordering on the waters concerned, as well as organizations listed in Footnote 3 may be represented at the meeting by observers who shall have the right to participate but not to vote.^{2 3}
- (2) Any other body qualified in cetacean conservation and management which has informed the Secretariat not less than 90 days before the Meeting of its desire to be represented at the Meeting by observers, shall be entitled to be present unless at least one-third of the Parties have opposed their application at least 30 days before the meeting.⁴ Once admitted, these observers shall have the right to participate but not to vote.
- (3) Seating limitations may require that no more than two observers from any non-Party Range State or body be present at a plenary session and sessions of the Advisory Committee or of any working group established by the Meeting of the Parties in accordance with Rule 23.

¹ See Agreement, paragraph 1.2, sub-paragraph (e), and paragraphs 8.4 and 8.5. A Party is a Range State or a Regional Economic Integration Organization which has deposited with the United Nations Headquarters by 27 August 1994 its consent to be bound by the Agreement

² See Agreement, paragraph 6.2.1

³ The United Nations, acting as the Depository to this Agreement; the Secretariats, insofar as they are not included under Rule 3, and technical advisory bodies of the Convention on the Conservation of Migratory Species of Wild Animals and its daughter Agreements and Memoranda of Understanding; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention); The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR); the Common Secretariat for the Co-operation on the Protection of the Wadden Sea (CWSS); the North-East Atlantic Fisheries Commission (NEAFC); the International Whaling Commission (IWC); the Baltic Marine Environment Protection Commission (HELCOM); the International Council for the Exploration of the Sea (ICES); the International Union for the Conservation of Nature (IUCN); the North Atlantic Marine Mammal Commission (NAMMCO); the European Cetacean Society (ECS); the Inter-American Tropical Tuna Commission (IATTC)

⁴ See Agreement, paragraphs 6.2.2

Rule 3: Credentials

- (1) The Head of Delegation, any Alternative Representative(s) or Advisor(s) of a Party will be accredited to fully represent the Party at the session of the MOP by the Head of State, Head of Government, Minister of Foreign Affairs, the Minister or Deputy of the focal Ministry/Authority for ASCOBANS, or, in the case of a regional economic organization, by the competent authority of that organization^{5 6}.
- (2) Credentials will include: the full title and date of the session of the MOP; a full list of representatives authorized to represent the Party and to transact all such matters with an indication of who is Head of Delegation; a full signature of the appropriate authority as indicated above and printed on official letterhead, preferably with a seal, clearly indicating that the credentials have been issued by the appropriate authority. The Secretariat will provide a credential template as an example, together with the notification of the venue and dates of the session of the MOP.
- (3) Credentials will be submitted in their original form to the ASCOBANS Secretariat within 24 hours of the start of the MOP. If credentials are presented in a language other than English, they will be accompanied by a courtesy translation into English, in accordance with Rule 19.
- (4) A Credentials Committee of at least 3 Parties will be set up in accordance with Rule 23 to examine submitted credentials and shall report thereon to the meeting.
- (5) Pending a decision on their credentials, representatives may participate provisionally in the meeting, but not vote.

Rule 4: Secretariat

Unless otherwise instructed by the Parties, the Secretariat shall service and act as secretariat for the meeting. Secretariat services are provided through the UNEP/CMS Secretariat.

PART II

OFFICERS

Rule 5: Chairpersons

- (1) The Chairperson of the Advisory Committee shall act as temporary Chairperson of the Meeting until the Meeting elects a Chairperson in accordance with Rule 5, paragraph (2).
- (2) The Meeting in its inaugural session shall elect from among the delegates of the contracting Parties a Chairperson and a Vice-Chairperson.

Rule 6: Presiding Officer

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

⁵ As defined under Article I, paragraph 1(k) of the CMS Convention – ‘regional economic integration organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international Agreements in matters covered by this Convention for which this Convention is in force

⁶ For the purpose of interpreting this Rule, in the case of the European Union “competent authority” means the President of the European Commission or the Commissioner responsible for ASCOBANS

- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Vice-Chairperson shall deputise.
- (3) The Presiding Officer shall not vote, but may designate an Alternative Representative from the same delegation.

PART III

RULES OF ORDER OF DEBATE

Rule 7: Powers of Presiding Officer

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

Rule 8: Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order in the English language of the names of the Parties, non-Party Range States, including Regional Economic Integration Organizations, and non-Range States.
- (2) A quorum for plenary sessions shall consist of two thirds of the Parties. No plenary session shall take place in the absence of a quorum.

Rule 9: Right to Speak

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

Rule 10: Submission of Proposals for Amendment of the Agreement and its Annex

- (1) As a general rule, proposals for amendment of the Agreement or its Annex, together with the reasons for the amendment, shall be communicated at least 90 days before the Meeting to the Secretariat, which shall circulate them to all Parties in the working language of the Meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting, provided copies have been circulated to all delegations not later than the day preceding the session. However, decisions with respect to such proposals shall follow the provisions of paragraph 6.5 of the Agreement.
- (2) After a proposal has been adopted or rejected by the Meeting, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 11: Submission of Documents and Resolutions

- (1) As a general rule, draft Resolutions shall be submitted to the Secretariat at least 95 days before the meeting, who shall circulate them to all Parties at least 90 days before the meeting. The remaining provisions of Rule 10 shall also apply *mutatis mutandis* to the treatment of draft Resolutions.
- (2) As a general rule, documents intended for discussion at the meeting shall be submitted to the Secretariat at least 35 days before the meeting, who shall circulate them to all Parties at least 30 days before the meeting.

Rule 12: Procedural Motions

- (1) During the discussion of any matter, a delegate may raise a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Parties present and voting decide otherwise. A delegate raising a point of order may not speak on the substance of the matter under discussion, but only on the point of order.
- (2) 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 adjourn the debate on the particular subject or question under discussion;
- (d) to close the debate on the particular subject or question under discussion.

Rule 13: Arrangements for Debate

- (1) The Meeting may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any subject matter. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.

PART IV

VOTING

Rule 14: Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, Paragraph 2, each Representative duly accredited according to Rule 3 shall have one vote. Regional Economic Integration Organizations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their Member States that are Parties to the Agreement. In such case, the Member States of such organizations shall not exercise their right individually.
- (2) The Meeting shall normally vote by show of hands, but any Party may request a roll-call vote.

- (3) At the election of officers or of prospective host countries, any Party may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
- (4) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Parties present and voting.
- (5) If votes are equal, the motion or amendment shall not be carried.
- (6) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.
- (7) 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 15: Majority

Except where otherwise provided for under the provisions of the Agreement or these Rules, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of Parties. All other decisions shall be taken by a simple majority among Parties present and voting, except that financial decisions and amendments to the Agreement and its Annex require a three-quarter majority among those present and voting.

Rule 16: Procedure for Voting on Motions and Amendments

- (1) A delegate may move that parts of a proposal or of an amendment be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment that 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 therefrom, and so on until all amendments have been put to the vote. If, 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 amendment proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from 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 17: Elections

- (1) If, in an election to fill a vacancy, no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.
- (2) If, in the first ballot, there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held to reduce the number of these candidates to two.

PART V

LANGUAGES AND RECORDS

Rule 18: Working Language

English shall be the working language of the Meeting.

Rule 19: Other Languages

- (1) A delegate may speak in a language other than English, provided he/she furnishes interpretation into English.
- (2) Any document submitted to the Meeting shall be in English.

Rule 20: Summary Records

Summary records of the Meeting shall be kept by the Secretariat and shall be circulated to all Parties in English.

PART VI

OPENNESS OF DEBATES

Rule 21: Plenary Sessions

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

Rule 22: Sessions of the Working Groups

As a general rule, sessions of working groups shall be limited to the delegates and to observers invited by the Chairs of working groups.

PART VII

WORKING GROUPS

Rule 23: Establishment of Working Groups

The Meeting of the Parties may establish such working groups as may be necessary to enable it to carry out its functions. It shall define the terms of reference, composition, and elect the Chairpersons of each working group. Seating limitations may restrict the size of each working group.

Rule 24: Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.

PART VIII

FINAL PROVISIONS

Rule 25: Amendments to the Rules of Procedure

These rules may be amended as required by decision of the Meeting of the Parties. They will remain in force until and unless an amendment is called for and adopted.