

## 5<sup>th</sup> Session of the Meeting of Parties

Ljubljana, Slovenia, 4 – 6 September 2006

### *Draft* Rules of Procedure for the 5<sup>th</sup> Session of the Meeting of Parties



#### **Part I**

##### Delegates, Observers, Secretariat

###### Rule 1 - Delegates

- (1) A Party to the Agreement (hereafter referred to as a "Party")<sup>1</sup> 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 substitute over the full range of the Representative's functions.

###### Rule 2 - Observers

- (1) The Foreign and Commonwealth Office, representing the United Kingdom in its role as the Depositary to this Agreement, the Secretariats of the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on the Conservation of European Wildlife and Natural Habitats, IUCN (The World Conservation Union), and all relevant non-Party Range States and Regional Economic Integration Organisations may be represented at the Meeting by observers who shall have the right to participate but not to vote<sup>2</sup>.
- (2) Any other body qualified in bat conservation and management which has informed the Secretariat 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

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<sup>1</sup> See Agreement, Article I (e) and Article XII. A Party is a Range State or a Regional Economic Integration Organisation which has deposited its instrument of ratification or accession no less than 30 days prior to the Meeting.

<sup>2</sup> See Agreement Article V (3)

present object<sup>3</sup>. 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 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 Parties in accordance with Rule 23.
- (4) A standard participation fee may be fixed by the Meeting of Parties, to be paid in advance of the Meeting by all non-governmental organisations. The fee will be announced in the letter of invitation and this Meeting will determine any fee for the next ordinary session of the Meeting of Parties.

#### Rule 3 - Credentials

- (1) Each contracting Party shall assign a Representative for each Meeting and Alternative Representatives as it thinks appropriate. Contracting Parties shall submit the names of these delegates to the Secretariat through their co-ordinating authorities by the start of the Meeting.
- (2) The names of assigned Representatives and Alternative Representatives shall be available for inspection by contracting Parties.

#### Rule 4 - Secretariat

- (1) The Secretariat shall service and act as Secretariat for the Meeting.

### **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 Representatives of the Parties a Chairperson and Vice-Chairperson.

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<sup>3</sup> See Agreement Article V (3)

## Rule 6 - Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (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 and 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 sessions;
  - (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 Organisation, or from any other body, 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;
  - (e) the suspension or adjournment of any session; and
  - (f) the establishment of drafting groups on specific issues.

### Rule 8 - Seating, Quorum

- (1) Delegates 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 Organisations, and non-governmental organisations.
- (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) The 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 clarification on a particular point in that speech.

### Rule 10 - Submission of Proposals for Amendment of the Agreement

- (1) As a general rule, proposals for Amendment of the Agreement, together with the reasons for the amendment, shall be communicated to the Depositary at least 90 days before the Meeting. The Depositary shall circulate them to all Parties in the working language of the Meeting<sup>4</sup>. 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 Article VII (4) 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 - Procedural Motions

- (1) During the discussion of any matter, a delegate may rise to 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 rising to 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 motion before in 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 12 - 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 anyone may speak on any question. 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 for an 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.

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<sup>4</sup> See Agreement Article VII (3)

- (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 13 - 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 Organisations, in matters within their competence, shall exercise their voting rights with a number of votes equal to the number of their member States which are Parties to the Agreement<sup>5</sup>. In such cases, the member states of such organisations 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 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.

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<sup>5</sup> See Agreement Article V (5)

- (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 14 - Majority<sup>6</sup>

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, and Amendments to the Agreement, shall be decided by a two-thirds majority of Parties. Financial decisions require a three-quarter majority among those present and voting.

#### Rule 15 - Procedure for Voting on Motions and Amendments

- (1) A delegate 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 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 which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal of 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. 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,

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<sup>6</sup> See Agreement Articles V (1) and VII (4)

the amended 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.

#### Rule 16 - 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 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 17 - Working Language

The working language of the Meeting is English.

##### Rule 18 - 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 a Meeting shall be in English.

##### Rule 19 - Summary Records

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

### **Part VI**

#### Openness of Debate

##### Rule 20 - 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 21 - 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 22 - Establishment of Working Groups

The Meeting of Parties may establish working groups as may be necessary to enable it to carry out its functions. It shall define the Terms of Reference and composition of each working group, the size of which may be limited according to the number of places available in assembly rooms.

#### Rule 23 - Procedure

- (1) Insofar as they are applicable, these Rules, other than Rule 5 (2), shall apply *mutatis mutandis* to the proceedings of working groups.
- (2) The Meeting shall elect, from the Representatives, Alternative Representatives and advisers, a Chairperson for each working group established to function during the session<sup>7</sup>.

## **Part VIII**

### Amendment

#### Rule 24 - Amendments

These rules may be amended by decision of the Meeting of the Parties.

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<sup>7</sup> This proposed rule follows the advice of the Advisory Committee and is intended to allow for the election of a scientist to be Chairperson of the Scientific Working Group.