

ANNEX XII

**Rules of Procedure for the Meeting of the
Parties**

RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES

PURPOSE

Article 1

1. These rules of procedure shall apply to any Session of the Meeting of the Contracting Parties to the Agreement on the Conservation on Cetaceans of the Black sea, Mediterranean Sea and contiguous Atlantic area, convened in accordance with article III of the Agreement.
2. Insofar as they are applicable, these rules shall apply *mutatis mutandis* to any other meeting held in the framework of the Agreement on the Conservation on Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area.

DATE AND PLACE OF MEETINGS

Article 2

1. Ordinary sessions of the Meeting of the Parties shall be held at intervals of not more than three years.
2. The Meeting of the Parties shall take place in the country chosen by the previous Meeting of the Parties on the basis of a formal invitation that should have been issued to this effect by the responsible authority of that country. If more than one Party issues an invitation to host the next session of the Meeting of the Parties, and two or more invitations are maintained after informal consultations, the Meeting of the Parties shall decide on the venue of the next session by secret ballot.
3. If no invitation has been received, the Meeting of the Parties shall be held in the country where the Secretariat has its seat, unless other appropriate arrangements are made by the Secretariat of the Agreement or the Secretariat of the Convention.
4. Extraordinary sessions of the Meetings of the Parties shall be convened by the Agreement Secretariat on the written request of at least two thirds of the Parties.

DELEGATES, CREDENTIALS, OBSERVERS

Article 3

Representatives

1. A Party to the Agreement (hereafter referred to as a "Party¹") shall be entitled to be represented at the Meeting by a delegation consisting of a Head of Delegation 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 his/her absence, an Alternative Representative of that Party shall act in his place.

¹ See Articles I, paragraph 3.i), and XIV of the Agreement. A Party is a State which has deposited with the Government of the Principality of Monaco its instrument of ratification, acceptance, approval or accession in due time before the Meeting.

3. States or regional economic integration organizations that have ratified, accepted or approved the Agreement or have signed it without reservations in respect of ratification, acceptance or approval or have acceded to it are represented at the Meetings of the Parties and exercise their voting rights, even though the Agreement has not yet entered into force for them.
4. Logistic and other limitations may require that no more than four delegates of any Party be present at a plenary session. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the Meeting.

Article 4
Credentials

1. The Representative or any Alternative Representative of a Party shall, before exercising the voting rights of the Party, have been granted powers by, or on behalf of, a proper authority, such as the Head of State, the Head of Government or the Minister of Foreign Affairs or the head of an executive body of any regional economic Organization, enabling them to represent the Party at the Meeting and to vote.
2. Such credentials shall be submitted to the Secretariat of the Agreement at the beginning of the Meeting.
3. A Credentials Committee of not more than five representatives shall examine the credentials and shall report thereon to the Meeting. Pending a decision on their credentials, delegates may participate provisionally in the Meeting.
4. If credentials are submitted in a language other than one of the working languages of the Meeting (French and English), they shall be accompanied by a suitable translation into one of these two languages to permit their efficient validations by the Credentials Committee.

Article 5
Observers²

1. The United Nations, its Specialized Agencies, the International Atomic Energy Agency and any State not a Party to the Agreement may be represented at the Meeting by observers
2. Any Body or Agency technically concerned *inter alia* with the conservation of cetaceans and fisheries management, which is either:
 - a) an international Agency or Body; or
 - b) an international non-governmental Agency or body, or a national governmental Agency or body; or
 - c) a national non-governmental Agency or Body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Agreement of its desire to be represented at the Meeting by observers, shall be permitted to be represented unless, for those referred to in paragraph 2b and 2c, at least one-third of the Parties present object.

² See Agreement, Article III, paragraph 4

3. Bodies and Agencies desiring to be represented at the Meeting by observers shall submit the name of their representatives and in the case of Bodies and Agencies, referred to in paragraph 2b and 2c, of this Article, evidence of the approval of the State in which they are located, to the Secretariat of the Agreement prior to the opening of the Meeting.
4. Logistic and other limitations may require that no more than two observers from any non-Party State, Body or Agency be present at the Meeting. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the Meeting.

AGENDA

Article 6

1. The Secretariat shall prepare the provisional agenda of each Meeting, in consultation with the Convention Secretariat and the Sub Regional Coordination Units.
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 the present article;
 - d) Any item proposed by a Party, the Scientific Committee or the Secretariat.
3. The Secretariat shall, in consultation with the Bureau, 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.
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.
6. Any item of the agenda of an ordinary 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 of the Parties.

DOCUMENTS

Article 7

The documents for each ordinary session of the Meeting of the Parties, as per Article 6 paragraph 5 and proposals received from the Parties, as per Article 12 of the Rules of Procedure, shall be distributed

to the Parties in the two working languages by the Secretariat at least sixty days before the opening of the Meeting.

BUREAU

Article 8

1. At opening session of each ordinary Meeting, the acting Chairperson, or in the absence of the Chairperson, a representative of the same Party or in its absence the Head of the Delegation of the host country of the Meeting of the Parties, shall preside until the Meeting of the Parties has elected its Chairperson.
2. At the commencement of the first sitting of each ordinary Meeting³, a Chairperson and a maximum of four Vice Chairpersons shall be elected from among the representatives of the Parties present at the Meeting, based on informal consultations conducted by the Secretariat.
3. The Chairperson 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. If the Chairperson and/or one of the Vice-Chairpersons resign or are otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that office's mandate.
5. For the purpose of the Meeting of the Parties and the Meeting of the Bureau, and throughout session, one of the Vice Chairpersons will be Reporter.

RULES OF ORDER AND DEBATE

Article 9

Powers of Presiding Officer and Vice-Presiding

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 of the Parties:

³ See Agreement, Article VI, paragraph 1

- a) time limits for speakers;
 - b) limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
 - c) the closure of the list of speakers;
 - d) accord the right of reply to any delegate after the closure of the speakers;
 - e) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - f) the suspension or adjournment of the session.
3. Without prejudice to Article 8, paragraph 4, for the debates the Presiding officer may be supply by the Vice-Presiding.

Article 10
Seating, Quorum

1. Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the French language.
2. A quorum for plenary sessions of the Meeting shall consist of more than one-half of the Parties having delegations at the Meeting. No plenary session shall take place in the absence of a quorum.

Article 11
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 delegations of the Parties.
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 their speech to allow any delegate or observer to bring complement on a particular point in his speech.
4. The Chairperson of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by that committee or working group.

Article 12
Submission of Proposals for Amendment of the Agreement and its Appendices

1. As a general rule, subject to any provisions of the Agreement itself,
 - a) proposals shall have been communicated at least 150 days before the session to the Secretariat, which shall have circulated them to all Parties in the working languages of the Meeting⁴,
 - b) proposals arising out of discussion of the foregoing may be discussed at any plenary session of the Meeting provided copies of them have been circulated to all delegations not later than the day preceding the session.

⁴ See Agreement, Article X, paragraph 2

2. The Presiding Officer may also permit the discussion and consideration of urgent proposals arising after the period prescribed with the subparagraph a) of this Article provided that they relate to proposed amendments which have been circulated in accordance with the subparagraph b) of this Article and that their consideration will not unduly inhibit the proceedings of the Meeting. The Presiding Officer may, in addition, 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 it shall not be reconsidered unless a two-thirds majority of the Representatives 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.

Article 13

Point of Order

1. During the discussion of any matter, a delegate may rise to a point of order, and the Presiding Officer in accordance with these Rules shall immediately decide the point of order. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the decision of the Presiding Officer shall be maintained unless a majority of the Representatives present and voting otherwise decide. A delegate rising to a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
 - a) to suspend the sitting;
 - b) to adjourn the sitting;
 - 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.

VOTING

Article 14

Methods of Voting

1. Without prejudice to the provisions of Article 4, paragraph 1, each delegation shall have one vote. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with the number of votes equal to the number of their member States which are Parties. In such case, the member States of such organizations shall not exercise their right individually⁵.
2. Representatives of Parties which are three or more years behind in paying their subscriptions 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 circumstances.

⁵ See Agreement, Article III, paragraph 5.

3. The Meeting shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the French alphabetical order. The Presiding Officer may require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.
4. All votes in respect of the election of officers or of prospective host countries for the next Meeting shall be by secret ballot and, although it shall not normally be used, any Representative may request a secret ballot for other matters. 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.
5. 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.
6. Procedural decisions are taken by a simple majority.
7. If votes are equal, a second vote shall be taken. If the vote is also equal, the motion or amendment shall not be carried.
8. 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.
9. 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.

Article 15

Majority

Except where otherwise provided for under the provisions of the Agreement, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the forwarding of the business of the Meeting shall be decided by a simple majority of votes cast, while all other decisions shall be taken by a two-thirds majority of votes cast.

Article 16

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 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 there from, 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.

Article 17

Elections

1. If in an election to fill one place 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 amongst them to reduce the number of candidates to two.
3. In the case of 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 Article.

Article 18

Election of Members of the Follow-up Committee

1. The election of members of the Follow-up Committee shall be held by secret ballot, unless, in the absence of any objection by one Party, the Meeting of the Parties decides on the members by consensus without taking a ballot.
2. Before the elections begins, the Chairperson shall appoint two tellers from among the delegates. He/she shall hand to them the list of States Parties and of organizations and institutions having the status of ACCOBAMS Partners (hereinafter referred to as "ACCOBAMS Partners") entitled to vote, as well as the lists of candidates nominated respectively by States Parties and ACCOBAMS Partners.
3. The Secretariat shall prepare voting papers with the list of candidates nominated by States Parties and shall distribute them to the States Parties entitled to vote.
4. The Secretariat shall prepare voting papers with the list of candidates nominated by ACCOBAMS Partners and shall distribute them to the ACCOBAMS Partners entitled to vote.
5. Each delegation shall cast its vote by encircling the names of those candidates (three in the case of States Parties and two in the case of ACCOBAMS Partners) for whom it desires to vote.
6. The States Parties and the ACCOBAMS Partners shall deposit their voting papers in the ballot box according to the roll call made by the Chairperson in the alphabetical order.
7. The tellers shall proceed to count the voting papers and to read the names encircled under the supervision of the Chairperson.

8. Voting papers on which more names have been circled than there are seats to be filled shall be considered invalid.
9. The candidates obtaining the greatest number of votes shall be declared elected up to the number of seats to be filled.
10. If there still remain seats to be filled, there shall be another round of voting.
11. If two or more candidates obtain the same number of votes and, as a result, the number of these candidates is greater than the remaining number of seats to be filled, there shall be an additional round of voting restricted to those candidates who obtained the same number of votes. If in this additional round of voting two or more candidates obtain the same number of votes, the Chairperson shall draw lots among them.
12. After each round of voting the Chairperson shall announce the results.

SECRETARIAT

Article 19

1. The Agreement Executive Secretary shall be the Secretary of the Meeting of the Parties.
2. The Secretariat shall provide and direct the staff as required by the Meeting of the Parties.

Article 20

1. The Secretariat shall⁶ :
 - a) Arrange for interpretation at the Meeting;
 - b) Prepare, receive, translate, reproduce and distribute the documents which will be useful during the Meeting;
 - c) Draft the report of the Meeting, under the guidance of the Reporter, for consideration by the Bureau first and for final approval by the Meeting of the Parties;
 - d) Make and arrange for keeping of sound recordings of the Meeting;
 - e) Arrange for the custody and preservation of the documents of the Meeting
 - f) Publish and circulate the official documents which result from the Meeting;
 - g) Generally perform all other work that the Meeting of the Parties may require.

LANGUAGES AND RECORDS

Article 21

Official and Working Languages

1. French and English shall be the official and working languages of the Meetings.
2. The official documents of the Meeting shall be distributed in those two languages.

⁶ See Article IV of the Agreement.

3. Speeches made in any of the working languages shall be interpreted into the other working language.

Article 22
Other Languages

1. A delegate may speak in a language other than a working language. He shall be responsible for providing interpretation into a working language, and interpretation into the other working language may be based upon that interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the two working languages, this translation being trustworthy.

Article 23
Report

1. The report of the Meeting shall be circulated to all Parties in the official languages of the Meeting.
2. Committees and working groups shall decide upon the form in which their report shall be presented.

PUBLICITY OF DEBATES

Article 24
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 Representatives present and voting, that any single session be closed to the public.

Article 25
Sessions of Committees and Working Groups

As a general rule, sessions of committees and working groups shall be limited to the representatives and to observers invited by the Chairpersons of the committees or working groups.

THE BUREAU, OTHER COMMITTEES AND WORKING GROUPS

Article 26

1. During the Meeting of the Party, the Bureau and the Reporter of the Meeting shall meet as often as necessary on request of his Chairman.

Article 27
Credentials Committee and Working Groups

1. In addition to the Credentials Committee, the Meeting of the Parties may establish working groups as may be necessary to enable them to carry out their functions. They shall define the terms of

reference and composition of each working group, the size of which shall be limited according to the number of places available in assembly rooms.

2. The Meeting of the Parties may decide that any such working group may meet in the period between ordinary Meetings.
3. The Credentials Committee and each working group shall elect their own officers.
4. Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committee and working groups; however interpretation may not be provided in sessions of the committee and working groups.

AMENDMENT

Article 28

These Rules may be amended as required by decision of the Meeting.