



Agreement on the Conservation of Albatrosses and Petrels

Sixth Meeting of Advisory Committee

Guayaquil, 29 August – 2 September 2011

Rules of Procedure for the Advisory Committee – proposed changes

Advisory Committee Vice-Chair and Secretariat

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AC6 Doc 10
Agenda Item 3

Rules of Procedure for the Advisory Committee

– proposed changes

A number of issues relating to the Advisory Committee's Rules of Procedure arose during the 5th meeting of the Committee. Consideration of these issues was deferred to the inter-sessional period. Parties were invited to submit comments on these and other issues and these comments were integrated as far as possible into a new working draft. This draft is attached below; the draft includes notes of the changes suggested so that Committee members may see where changes have been suggested. A few broad comments may help Committee members understand why some changes have been proposed.

Rule 2. Delegates. There was a suggestion that the Rules of Procedure might be clearer in relation to members of APEC. This suggestion was considered premature by all Parties that responded to the suggestion and is therefore not included.

Rule 3. Observers. There were a number of issues relating to the clarity of the roles and functioning of observers to the Committee meetings. The suggestions shown are as close to resolution as appeared possible, but Parties that responded were not in agreement. This issue may need further discussion.

Rule 13. Voting. There was a suggestion that the rule on process to be followed when a Party is behind in paying their budget contributions be amended. Most Parties that responded considered that this amendment had the potential to be very detrimental to the financial stability of the Agreement and therefore opposed the suggested change. Since there was not full agreement on the issue, it requires further discussion.

Rule 20. Working Groups. The changes here are to a) allow the Advisory Committee to appoint more than one convenor or vice-convenor should it so desire; b) to limit the number of terms that the convenor or vice-convenor should normally serve (although that number was not agreed by all responding Parties); c) to clarify that the convenor or vice-convenor could invite expert members to assist the working group. It was suggested that "expert members" be defined, but not all responding Parties thought this necessary. This issue may need further discussion.

If changes to the Rules of Procedure are agreed, the heading of the document will be changed.

Action:

The Committee is invited to consider these changes and adopt or reject the suggested revisions.

 <p data-bbox="167 739 375 784">Agreement on the Conservation of Albatrosses and Petrels</p>	<p data-bbox="406 504 981 548">Rules of Procedure – Advisory Committee: Final</p> <p data-bbox="406 548 574 582">Version: English</p> <p data-bbox="406 593 1101 660">Amended, Fifth Meeting of the Advisory Committee, Mar del Plata, Argentina, 13-17 April 2010</p>
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RULES OF PROCEDURE FOR THE ADVISORY COMMITTEE

PART I

MEETINGS, DELEGATES, OBSERVERS, SECRETARIAT

Rule 1: Meetings

1. The Advisory Committee (hereafter referred to as the 'Committee') shall meet annually, unless decided otherwise by the Committee or instructed by the Meeting of Parties, preferably in association with another event that would reduce the travelling costs of participants.
2. At each Meeting, the Committee shall decide on the date, location and duration of the next Meeting. The Secretariat shall notify Parties of these details not less than 120 days before the next Meeting.

Rule 2: Delegates

1. A Party to the Agreement (hereafter referred to as a "Party") shall be entitled to appoint one member to the Committee (hereafter referred to as the Committee Member) and such other Alternative Representatives and Advisers as the Party may deem necessary. Parties shall submit the names of their Committee Member and Alternate Committee Members and Advisers to the Secretariat through their coordinating authorities prior to the start of each Meeting.
2. Subject to the provisions of Rule 13 paragraph 1, the Committee Member shall exercise the voting rights of that Party. In the Committee Member's absence, an Alternate Committee Member of that Party shall act in the Committee Member's place over the full range of functions.
3. The appointed Committee Member or Alternate Committee Member shall be available for consultation between Meetings.

Rule 3: Observers

1. All signatories to the Agreement, other States which are not Parties, any member economy of the Asia Pacific Economic Cooperation 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 Committee meetings, 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 Committee meetings. Such participation may include the submission of information documents to the Secretariat for distribution at meetings and participation in the discussions of the Committee.
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 Committee meetings. Such participation may include the submission of information documents to the Secretariat for distribution to the meeting and participation in the discussions of the Committee.
5. Written applications for attendance from such other bodies (described in paragraph 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. Seating limitations and the financial capacity of the Secretariat may require that no more than two observers from any non-Party State or organisation be present at Meetings.

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Comment [MLT1]: The changes here and in paragraph 4 were accepted by some responders but not by others.

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Rule 4: Secretariat

1. Unless otherwise instructed by the Parties, the Secretariat shall service the Committee.

PART II

OFFICERS

Rule 5: Chair and other Officers

1. The Committee shall elect a Chair and a Vice-chair, from among nominations made by Committee Members, in accordance with Rule 12. Nominees shall be nationals of an ACAP Party. Should Committee Members wish to nominate a national of another ACAP Party, such nominations shall be in consultation with that Party.
2. After election, the Chair and Vice-chair of the Committee shall hold office until the end of the first Meeting of the Committee following the next session of the Meeting of Parties.
3. The Chair and Vice-chair may be nominated for re-election at the end of a term of office. The Chair and Vice-chair shall not normally hold office for more than three consecutive terms.
4. In so far as it is applicable, this rule shall apply *mutatis mutandis* to all appointments made by the Advisory Committee.

Rule 6: Presiding Officer

1. The Chair shall preside at all Meetings of the Committee.
2. If the Chair is absent or is unable to discharge the duties of Presiding Officer, the Vice-chair shall deputise.
3. In the event that both the Chair and the Vice-chair are absent or unable to discharge the duties of Presiding Officer, the appointed members present shall elect a Chair from amongst the Committee Members and their Alternate Committee Members for the duration of that Meeting.
4. If the Presiding Officer is a member of the Committee for whom no alternate has been appointed or an appointed alternate is not present, the Presiding Officer may vote.

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 Meetings:
 - a) open and close the Meeting;
 - 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 Meeting, propose:
- 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;
 - e) the suspension or adjournment of any Meeting; and
 - f) the establishment of discussion and drafting groups on specific issues.

Rule 8: Quorum

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1. No Committee meetings shall take place in the absence of a quorum. A quorum for Committee meetings shall consist of four Committee Members or one-half of the Committee Members present at the meeting, whichever is the greater.

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 Committee Members.
- 2. A Committee Member, advisor 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 participant or observer to request elucidation on a particular point in that speech.

Rule 10: Procedural motions

1. During the discussion of any matter, a Committee Member may call 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 Committee Member 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 decides otherwise. A delegate calling 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:

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- a) to suspend the Meeting;
- b) to adjourn the Meeting;
- 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 11: Arrangements for debate

1. The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, 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 Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
3. During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member 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 Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member 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 Committee Member may move the suspension or the adjournment of the Meeting. 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 Meeting.

Rule 12: Taking of Decisions

1. The Presiding Officer shall put to all Committee Members all questions, proposals and actions requiring decisions. Decisions shall be adopted by consensus or, if consensus cannot be achieved, by voting.

PART IV
VOTING

Rule 13: Voting

1. Without prejudice to the provisions of Rule 2, paragraph 2, each Committee Member shall have one vote.
2. Parties which are one two years behind in paying their budget contributions on the date of the first day of the Committee meeting shall not be eligible to vote unless the Meeting of Parties have agreed to allow those Parties to exercise their vote in accordance with Rule 20 (paragraph 2) of the Rules of Procedure for the Meeting of Parties.
3. The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote between Meetings, there will be a postal or email ballot. Voting by email or postal voting shall be coordinated by the Secretariat.
4. At the election of officers, any Committee Member 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.
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 by Committee Members present and voting.
6. If, during the course of a person being elected to a position, no candidate obtains the support of more than half of the Parties present and voting 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.
7. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat.
8. After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

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Comment [MLT2]: This matter will likely require debate at the AC meeting as no agreement among responders

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Rule 14: Majority and voting procedures on motions and amendments

1. Decisions, within the limit of the power available to the AC, relating to rules of procedure and financial matters shall be adopted by consensus.
2. Any other decision taken by the AC shall be decided by a two thirds majority of the Committee Members present and voting with the exception of the election of officers which shall be undertaken in accordance with Rule 13.

3. If an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

PART V

LANGUAGES AND RECORDS

Rule 15: Working languages

1. English, French and Spanish shall be the working languages of any Committee meeting and working groups.
2. If requested by any Party, speeches made in any of the working languages shall, as feasible, be interpreted into another working language.
3. The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.
4. Interpretation services in a working language shall be provided at a Committee meeting where requested by a Party through the submission of a delegate registration form at least one month prior to the commencement of a Committee meeting.

Rule 16: 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 another working language 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.

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Rule 17: Documents

1. The documents for each meeting of the Committee shall be distributed to the Parties in the working languages by the Secretariat at least 30 days before the opening of the Meeting. If documents are to be translated by the Secretariat, they shall be sent to the Secretariat by those submitting them at least 60 days in advance of the Meeting. Information papers will not normally be translated.
2. At the discretion of the Chair, in exceptional circumstances documents may be accepted after these deadlines, but not later than two weeks before the Meeting. Such documents shall be submitted in all working languages.
3. Wherever practicable, documents will be distributed electronically.
4. A draft agenda shall be adopted by the Advisory Committee for the next meeting. This shall be circulated by the Secretariat 120 days prior to the meeting with a request that any new items for the agenda be notified within 30 days. The Secretariat shall circulate the revised draft agenda at least 60 days prior to the meeting.

Rule 18: Record of the Meeting

1. Records of the Meeting shall be circulated to all Parties in the working languages of the Meeting.
2. Once adopted, amendments to the Records of the Meeting shall not be made without the approval of all Parties attending the meeting. Typographical and minor editorial changes may be made by the Secretariat. A record of any changes made must be maintained by the Secretariat.
3. The Committee and working groups shall decide upon the form in which their records shall be prepared.

PART VI

OPENNESS OF DEBATES

Rule 19: Committee meetings

1. Subject to seating availability, all Meetings 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.

PART VII

WORKING GROUPS

Rule 20: Establishment of working groups

1. The Committee may establish such working groups as may be necessary to enable it to carry out its functions. It shall appoint a Convenor (or Convenors) and Vice-Convenor(s) of each working group from among nominations of nationals of an ACAP Party and define the group's terms of reference; it may also define the composition of each working group and other details it considers necessary. After appointment, the Convenor(s) and Vice-Convenor(s) shall hold office until the end of the first Meeting of the Committee following the next session of the Meeting of Parties. The Convenor(s) and Vice Convenor(s) may be nominated for re-election at the end of a term of office. The Convenor(s) and Vice-Convenor(s) shall not normally hold office for more than [three / two] consecutive terms.
2. Parties may nominate a person as a member or observer to a Working Group at any time by informing the Secretariat and Convenor(s) in writing. Parties may withdraw their member or observer by the same process. In addition, the Convenor(s) and Vice-Convenor(s) may co-opt expert members to their Working Group.

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Comment [MLT3]: One responder recommends defining this term

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~~As a general rule, meetings of working groups shall be limited to the Committee Members, Alternate Committee Members, their advisors, members appointed by the Committee and to members co-opted by the Convenor of the working group.~~

Rule 21: Procedure

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