
AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Resolution 6.5

Amendment to the Rules of Procedure

Adopted by Sixth Session of the Meeting of the Parties, Skukuza, South Africa,
7 - 11 May 2018

Recalling that, in accordance with Article VIII(11)(a) of the Agreement, the first Session of the Meeting of the Parties adopted its rules of procedure, contained in Annex 4 of the report of that Session;

Further recalling that Article VIII(13)(a) provides that the Meeting of the Parties may amend the Rules of Procedure at any session;

Aware that the Rules of Procedure were amended at the Third Session of the Meeting of the Parties, contained in Annex 8 of the report of that Session;

Noting that Rule 24 of the Rules of Procedure for the Meeting of the Parties concerning intersessional voting, contains an error in Paragraph 5 of Rule 24.

The Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels

Agrees:

1. to adopt the attached Rules of Procedure in Appendix A.

RESOLUTION 6.5 APPENDIX A

RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES TO THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

PART I

ADMINISTRATION

Rule 1 – Purpose

(1) Unless otherwise stated, 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, except for the Advisory Committee, which has established its own rules of procedure.

(3) Where any inconsistency between these Rules and the Agreement arises, the Agreement shall prevail.

Rule 2 – Date and Place of Sessions

(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 Meeting of the Parties 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 90 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 Session 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 Session 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, 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 Session, 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 Session. An applicant shall be permitted to attend as a non-voting observer unless one third of the Parties 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 Session, 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 Session. An applicant shall be permitted to attend as a non-voting observer provided no objection is received.

(6) Prior to the Session, 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 Session and to vote.

(2) Such credentials shall be submitted to the Secretariat no later than 24 hours after the Session 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 Session. Pending a decision by the Parties on their credentials, Representatives may participate in the Session.

(4) If credentials are submitted in a language other than one of the working languages of the Session, 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 Sessions.

(2) Speeches made in any of the working languages shall be interpreted into the other working languages.

(3) The official documents of the Sessions shall be distributed in the working languages. Information papers will not normally be translated, with the exception of information papers commissioned by either the Advisory Committee or the Meeting of the Parties.

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 60 days before the opening of the Session.

(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 Session 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 Session. Access to recordings shall be limited to the Secretariat and the Representatives of those delegations present at the Session, 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) At such Sessions, 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 Session, 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) This Rule applies at all times, including between Sessions of the Meeting of the Parties.
- (2) At the beginning of each ordinary Session, the Meeting of the Parties 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, and shall fulfil the role of the Chairperson should the Chairperson not be available. The term of office of the Chairperson shall commence straight away.
- (3) The Chairperson shall remain in office until a new Chairperson is elected.

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 Vice-Chairperson 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 terms of the Chairperson shall be limited to a maximum of two ordinary Sessions.

PART IV

AGENDA, COMMITTEES AND WORKING GROUPS

Rule 14 – Agenda

- (1) The Secretariat shall prepare the provisional agenda for each Session, 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 Session or which emanate from decisions taken at a previous Session;
 - 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 Session, 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 of the Parties.

Rule 15 – Establishment of Committees and Working Groups

(1) The Meeting of the Parties may establish such committees and 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 committee and working group. The Meeting of the Parties may decide that any such committee and working group may meet in the period between ordinary Sessions.

(2) Each committee and working group shall elect its 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 Session 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 Session:

- (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 Session, 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 Session;

b) any comments on a 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 Session. 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 of the Parties in accordance with Article XII of the Agreement, it shall not be reconsidered unless a two-thirds majority of the Parties participating in the Session 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 the 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 Session:

(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 more than one year behind in paying their budget contributions on the date of the opening of any Session of the Meeting of the Parties shall not be eligible to vote at that Session. 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. The Meeting of the Parties 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 as determined by the alphabetical order set forth in Rule 17(1). 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 the 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, 24, 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 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 of the Parties 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 of the Parties shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Meeting of the Parties 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) This Rule applies between Sessions of the Meeting of the Parties.

(2) Where, in the view of any Party, the Executive Secretary or the Chair of the Advisory Committee there are exceptional circumstances that require a decision to be taken in advance of the next ordinary Session of the Meeting of the Parties, any one of them may submit a proposal for such a decision to the Executive Secretary. This proposal for decision may be submitted electronically. Within 7 days, the Executive Secretary shall communicate the proposal to all Parties, together with any additional information that may assist Parties.

(3) Parties shall respond to the Secretariat's communication as soon as possible, but within 45 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 Sessions of the Meeting of the Parties.

(4) If more than two-thirds of Parties consider it is not necessary for the vote to be taken during the period between Sessions, the Secretariat shall inform all Parties and shall include the proposal on the agenda of the next Session.

(5) Notwithstanding Rule 20, the adoption of any decision between Sessions of the Meeting of the Parties shall be by consensus. For the purposes of this Rule, consensus shall mean that all the responses received by the Secretariat within the time frame specified in paragraph 3 of this Rule either support the decision or abstain. The result shall be promptly communicated by the Secretariat to all Parties. If consensus is not obtained, the matter will be placed on the agenda of the next Session of the Meeting of the Parties.

(6) 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 – Public Access

(1) All parts of a Session of the Meeting of the Parties held in plenary shall be open to the public unless two-thirds of the Parties present and voting at the Session decide otherwise.

(2) All 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 Session decide otherwise.

PART VIII

AMENDMENT

Rule 26 – Amendment

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