

Annex VI: Approved Rules of Procedures

Rules of Procedure for Meetings of the Conference of the Parties to the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

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I. INTRODUCTION

Scope

Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties and *mutadis mutantis*, to any subsidiary bodies to the Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes, and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region convened in accordance with Article 13 of the Convention.

Definitions

Rule 2

For the purposes of these rules:

1. "Convention" means the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, adopted at Waigani, Papua New Guinea on the 16th September 1995, also known as the Waigani Convention.
2. "Parties" means Parties to the Convention.
3. "Conference of the Parties" means the Conference of the Parties established by Article 13 of the Convention.
4. "Decision" means that which is set out in Rule 32.
5. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.
6. "Chairperson" means the Chairperson of the Conference of the Parties elected in accordance with Rule 18 of these rules of procedure.
7. "Secretariat" means the South Pacific Regional Environment Programme designated as Secretariat of the Convention in accordance with paragraph 3 of Article 14 of the Convention.
7. "Parties present and voting" means Parties present at the sitting at which voting takes place and casting an affirmative or negative vote. Parties which abstain from voting are considered as not voting.

II. MEETINGS

Place of meetings

Rule 3

At each ordinary meeting, the Conference of the Parties shall decide on the venue of the next ordinary meeting to be hosted by one of the Members or by the Secretariat. In unforeseen circumstances, the Secretariat may in consultation with the Chairperson and the Parties, change the venue of the next ordinary meeting.

Dates of meetings

Rule 4

1. Ordinary meetings of the Conference Parties shall be convened once every other year unless the Parties decide otherwise, to coincide where possible with the ordinary meetings of Contracting Parties to the Convention on Conservation of Nature in the South Pacific (Apia Convention) and to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region and related Protocols (SPREP Convention) and the SPREP Meeting.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by a meeting of a Conference of the Parties, or at the written request to the Secretariat of any Party, provided that within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least a two thirds majority.
4. In case of an extraordinary meeting convened at the written request of a Party, it shall be convened no later than ninety days after receipt by the Secretariat of the request as mentioned in paragraph 3 of this rule and supported by at least a two thirds majority.

Notification of meetings

Rule 5

The Secretariat shall notify all parties of the dates and venue of Ordinary and Extraordinary meetings at least ninety days before the meetings.

III. OBSERVERS

Participation of non-Parties

Rule 6

- 1 The Secretariat shall invite as an observer, any other government which is a member of SPREP to any meeting.
- 2 Such observers, upon invitation of the Chairperson and with the consent of Parties at the meeting, may participate without a vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the Parties wishing to do so have spoken.

Participation of United Nations, other International Organisations, Specialized Agencies, Regional Organisations

Rule 7

1. The participation of observers or advisers will be governed by Article 13 paragraph 5 of the Convention.
2. Such observers and advisers may, upon invitation of the Chairperson and with the consent of the meeting, participate without vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the Parties wishing to do so have spoken.

IV. SESSIONS OF MEETINGS

Plenary Sessions, ad hoc Meetings and Working Groups.

Rule 8

1. Plenary sessions of the meetings shall be open to those invited to attend, unless the Parties at the meeting decide on closed sessions.
2. Sessions of ad hoc meetings and working groups of the meetings shall be held in private, unless the Parties at the meeting decide otherwise.

V. AGENDA

Preparation of Provisional Agenda

Rule 9

In cooperation with the Chairperson, the Secretariat shall prepare the provisional agenda of each meeting.

Inclusion of Items in Provisional Agenda for Ordinary Meetings

Rule 10

1. The provisional agenda of each ordinary meeting shall include:
 - a) Items arising from the articles of the Convention, including those specified in its article 13 and Rule 16;
 - b) Items the inclusion of which has been decided at a previous meeting;
 - c) A report by the Secretariat on the work undertaken or achieved as part of the work programme since the last ordinary meeting and containing proposals and other activities to be undertaken in the forthcoming biennium;
 - d) The provisional budget as well as all questions pertaining to the Convention accounts and financial arrangements; and
 - e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

Distribution of Provisional Agenda

Rule 11

The invitations, provisional agenda and supporting documents for each ordinary meeting shall be distributed in English by the Secretariat to the Parties and to entities referred to in Rules 6 and 7 at least six weeks before the opening of the meeting.

Supplementary Items

Rule 12

The Secretariat shall, in consultation with the Chairperson, include any Item that is proposed by a Party and has been received between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda. The meeting shall examine the supplementary provisional agenda together with the provisional agenda.

Addition, Deletion, Deferment or Amendments of Items

Rule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend any item.

Agenda for Extraordinary Meeting

Rule 14

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for holding of the extraordinary meeting. The agenda shall be transmitted to the Parties at the same time as the invitation to the extraordinary meeting.

Report on Administrative and Budgetary Implications

Rule 15

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items before they are considered by the meeting.

Incomplete Consideration of Items

Rule 16

Any Item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Parties.

VI. REPRESENTATION

Composition of Delegation

Rule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other representatives, alternate representatives and advisers as it may require.

VII. OFFICERS

Election of Officers

Rule 18

1. At the commencement of the first session of each ordinary meeting, a Chairperson, a Vice Chairperson and a Rapporteur are to be elected from among the representatives of the Parties by a simple majority vote. These officers will constitute the bureau of the conference.
2. The Chairperson, Vice Chairperson and Rapporteur shall remain in office until such successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings.
3. The Chairperson, Vice Chairperson and Rapporteur may also exercise the rights of a representative, including the right to vote, unless there is an alternate representative of the same Party present.
4. At the first session of each ordinary meeting, the Chairperson of the previous ordinary meeting, or in his/her absence, the Vice Chairperson, shall preside until the meeting has elected a Chairperson for the Meeting.

General Powers of the Chairperson

Rule 19

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall declare the opening and the closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce consensus and decisions resulting from that vote. The Chairperson shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The Chairperson may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

Interim Chairperson
Rule 20

1. The Chairperson, if temporarily absent from a meeting or any part thereof, shall designate the Vice-Chairperson to act as Chairperson.
2. A Vice-Chairperson acting as Chairperson shall have the powers and duties of the Chairperson.

Replacement of Officer
Rule 21

If the Chairperson, Vice Chairperson or Rapporteur is unable to complete the term of office, a representative shall be named by the same Party to fulfill the remainder of the term of office.

VIII. SUBSIDIARY BODIES

Working Groups and Committees
Rule 22

1. The Conference of the Parties may establish, in accordance with Article 13, paragraph 4(f) of the Convention, such, working groups, Committees or agencies as are deemed necessary for the effective implementation of the Convention.
2. The meeting may decide that such working groups, or committees may meet in the period between ordinary meetings.
3. Unless otherwise decided, the meeting shall elect a Chairperson for each such working group or committee and shall determine the terms of reference of each such working group or Committee. Each working group or committee shall elect its own officers other than the Chair.

IX. SECRETARIAT

Duties and Functions of the Secretariat
Rule 23

SPREP shall act as the Secretariat of any meeting and shall be responsible for the arrangements and administration of meetings. In addition to the functions specified in the Convention, in particular Article 14, the Secretariat shall in accordance with these rules:

- a) ensure the receipt, and circulation of documents of the meeting, its committees and working groups;
- b) publish and circulate the decisions, reports and relevant documentation of the meeting;
- c) arrange for the custody and preservation of the documents of the meeting in the archives; and

d) generally perform all other work that the meeting may require.

X. CONDUCT OF BUSINESS

Quorum Rule 24

Two-thirds of the Parties shall constitute a quorum for all meetings, working groups or committees.

Procedures for Speaking Rule 25

1. No one may address a meeting without having previously obtained the permission of the Chairperson. The Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The Chairperson may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chairperson shall call the speaker to order without delay.

Points of Order Rule 26

During the discussion of any matter, a Party may question the procedure being followed by raising a point of order, on which the Chairperson shall immediately rule in accordance with these rules. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to the meeting for immediate decision and the ruling shall stand unless overruled by the decision of the meeting. A Party may not, in raising a point of order, speak on the substance of the matter under discussion.

Motions and Amendments to Motions Rule 27

Motions and amendment to motions, to be discussed or put to the meeting for decision, shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to representatives before the meeting at which they are to be considered. Unless any representative calls for a postponement, the Chairperson may permit the discussion and consideration of such motions and amendments without previous circulation.

Order of Procedural Motions

Rule 28

- 1 Subject to rule 25, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - a) to suspend a sitting;
 - b) to adjourn a sitting;
 - c) to adjourn the debate on the question under discussion; and
 - d) for the closure of the debate on the question under discussion.
- 2 Permission to speak on a motion falling within 1 (a) to (d) above shall be granted only to the proposer and, in addition, to the one speaker in favour of and two against the motion, after which it shall be put to the meeting for an immediate decision.

Withdrawal of Proposals or Motions

Rule 29

A proposal or motion may be withdrawn by its proposer at any time before a decision has been reached or voting has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of Proposals

Rule 30

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover, and one other supporter, after which it shall be put to the meeting for immediate decision.

XI. DECISION

Right to Vote

Rule 31

Each Party shall have one vote.

Consensus or Majority Required

Rule 32

- 1 The Parties shall make every effort to reach an agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in Article 13 paragraph 2 of the Convention or by these rules of procedure.

- 2 Decisions of a meeting on procedural matters shall be decided by a simple majority vote of the Parties present and voting. If a vote is equally divided, a second vote shall be taken. If this vote is equally divided, the proposal shall be regarded as rejected.
- 3 Any question as to whether a matter is one of procedure or substance shall be decided by a simple majority vote of the Parties present and voting.

Voting on Proposals
Rule 33

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall decide on the proposals in the order in which they have been submitted.

Division of Proposals and Amendments
Rule 34

- 1 Any representative may request that parts of a proposal or of an amendment be decided separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour, and the other against. The request shall then be put to the meeting for decision.
- 2 If the request referred to in Paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be decided as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Amendment to a Proposal
Rule 35

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises part of that proposal. An amendment shall be decided before the proposal to which it relates is decided and if the amendment is adopted, the amended proposal shall then be decided.

Order of Decision on Amendments to a Proposal
Rule 36

If two or more amendments are moved to a proposal, the meeting shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been decided. The Chairperson shall determine the order of decision on the amendments under this rule.

Methods of Voting
Rule 37

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names participating in the meeting, beginning with the Party whose name

is drawn by lot by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Conduct during Voting
Rule 38

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting. The Chairperson may limit the time to be allowed for such explanations. The Chairperson shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XII. REPORTS

Adoption and Distribution of Report
Rule 39

The report adopted by the meeting shall be distributed by the Secretariat at the end of the meeting and where necessary as soon as possible after the meeting.

XIII. LANGUAGES

Interpretation
Rule 40

A representative of a Party may speak in a language other than the official language of the meeting, if he or she provides for interpretation, and the costs thereof, into the official language and has provided prior notice to the Secretariat.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of the Convention
Rule 41

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

XV. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 42

These rules of procedure shall remain in force until amended by the Parties.

Annex VII: Approved Financial Rules

Financial Rules for the Administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)

Purpose

Rule 1

These rules shall govern the financial administration of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region. In respect of matters not specially provided for by these rules, the Financial Regulations of the South Pacific Regional Environment Programme shall apply.

Definitions

Rule 2

In these Regulations, unless the contrary intention appears:

‘Convention’ means the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region also referred to as the Waigani Convention.

‘Parties’ means countries who are Parties to the Convention.

‘Expenditure’ means costs directly associated with the convening of meetings of the Parties and implementing an agreed work programme for the Convention.

‘Budget’ means a statement of income and expenditure relating to the convening of meetings of the Parties and the operations of the Convention.

‘Director’ means the Director of the South Pacific Regional Environment Programme (SPREP).

Financial period

Rule 3

The financial period of the Convention shall consist of two consecutive calendar years beginning on 1 January of the first year and concluding on 31 December of the Second Year.

Budget

Rule 4

1. The Secretariat shall prepare the budget proposal for the following biennium and shall dispatch it to all Parties to the Convention at least six weeks before the

opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The budget proposal shall be arranged in such form and in such Parts, Heads and Sub-Heads as the Parties may from time to time direct.

The budget proposal shall include the following documents:

- (a) A detailed statement dealing with each sub-head separately of estimated income and expenditure for the following two years and the basis of computation;
 - (b) A comparative table dealing with each sub-head separately, of actual income and expenditure during the last two fiscal years and of estimated income and expenditure for the following two years;
 - (c) A detailed statement showing the estimated financial position of the Convention; and
 - (d) Any other documents which the Parties may deem necessary and useful.
3. The Conference of the Parties shall consider the budget proposal and adopt a budget prior to the commencement of the financial period that it covers.
4. The budget for a biennium reflecting the work plan for the same period, as approved by the Meeting of the Conference of the Parties, shall constitute the authorisation to the Director to incur commitments and make payments within the allocations approved by the Meeting, provided always that, unless specifically authorised by the Conference of the Parties, commitments are covered by related income.
5. The Director may transfer within the budget, anticipated savings under any Part, Head or sub-head to meet anticipated expenditure under any other Part, Head or Sub-Head.

Funds

Rule 5

A Trust Fund for the Convention shall be established and managed by the Director. Contributions made pursuant to Rule 6 paragraph 1 (a), (b), (c), (d) shall be credited to this fund. All budget expenditures that are made pursuant to Rule 4, paragraph 4 above shall be charged to the Trust Fund.

Contributions

Rule 6

1. The resources for the financial operation of the Convention shall comprise:
 - (a) The contributions made each biennium by Parties based on a scale adopted by consensus of the Parties. Such contributions shall be due on the first day of the relevant biennium;
 - (b) Contributions made by the Parties in addition to those made pursuant to paragraph (a) above, by other States, as well as governmental, intergovernmental and non-

governmental organisations and from other sources. Such contributions shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the financial regulation for the financial administration of SPREP, as may be agreed by the Director and the contributor;

- (c) The uncommitted balance of appropriations from previous financial periods; and
 - (d) Miscellaneous income.
2. All contributions shall be paid in United States Dollars. However, the Director is empowered to accept, at his discretion, the total or partial payment of contributions by a Party in currencies other than US dollars which are necessary for the functioning of the Convention.
3. The Director shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties, every year, of the status of pledges and payments of contributions.
4. Contributions not immediately required shall be invested in interest bearing deposits at the discretion of the Director. The resulting income shall be credited to the Trust fund.
5. All funds shall be provided by contributions by the Parties to the Convention or by any other States or Organisations referred to in paragraphs 1 (a) and 1 (b) of this rule.

Audit
Rule 7

Unless decided otherwise by the Parties, the accounts and financial management of all funds governed by these rules shall be subject to internal and external audit process of SPREP.

Internal Control
Rule 8

1. The Director shall:
- (a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;
 - (b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and the payments have not previously been made;
 - (c) Designate the officer(s) who may receive monies or incur obligations on behalf of the Convention and disburse Convention funds;
 - (d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions, in order to ensure:
 - (i) The regularity of receipt, custody and disposal of all funds and other financial resources of the Convention; and

- (ii) The conformity of commitments and expenditure with the appropriations or other financial provisions approved by the Parties, or with the purposes and rules relating to the Trust Fund and Special Purpose Accounts.
 - (e) Take all precautionary measures necessary to safeguard the property, equipment and supplies of the Parties; and
 - (f) Arrange for the adequate protection of funds and property by insurance.
2. The Director may, after full investigation, authorise the writing off of losses of cash and other assets, provided that the value of all such items written off shall be reported to the meeting of the Parties.
3. Rules governing quotations and tendering procedures for procurement and disposal of equipment and supplies shall be established by the Director.

External Audit

Rule 9

1. The financial statements shall be submitted by the Director to the Auditor as soon as possible following the end of each fiscal year.
2. All liabilities in respect of the financing of assets shall be incorporated in the budget estimates and biennial financial statements.
3. The Auditors shall:
- (a) Conduct their audit in accordance with generally accepted international auditing standards;
 - (b) Prepare a report expressing an opinion as to the fairness of the Convention's financial statement; and
 - (c) Conduct, at the request of the Parties, additional specific examinations and submit separate reports on the results of their examinations.
4. The Auditors shall submit their report to the Director as soon as possible following the end of the fiscal period to which they relate. The Director shall circulate the full report of the Auditors including comments on the financial operations of the Convention and accounts, together with such remarks as the Director may wish to offer to Parties six weeks prior to the next meeting of the Parties.

General Provisions

Rule 10

1. These Financial Rules are to apply to all financial activities of the Convention irrespective of the source of funds.

Rule 11

2. When the position of the Director is vacant, the Director's functions and powers shall be exercised by the Deputy Director in collaboration with the Chairperson of the Parties.

3. In the absence from SPREP headquarters, or during the incapacity, of the Director, the functions and powers of the Director as provided in these rules shall, during such periods, devolve on the Deputy Director. In the event that the Director and Deputy Director are both absent, an officer of the Director's choice shall be designated Officer-in-Charge with such functions and power as determined by the Director.

Rule 12

4. These rules shall enter into force immediately after their approval by the Parties. These rules may be amended by consensus of the Parties at any Ordinary Meeting with immediate effect.