



# SECRETARIAT OF THE PACIFIC REGIONAL ENVIRONMENT PROGRAMME

## RULES OF PROCEDURE FOR MEETINGS AND CONFERENCES OF THE CONTRACTING PARTIES TO THE CONVENTION ON CONSERVATION OF NATURE IN THE SOUTH PACIFIC

### APIA CONVENTION

(Adopted at the First Meeting of  
Contracting Parties, Noumea, New Caledonia,  
12 July 1991 as amended at the Joint Extraordinary Meeting  
of the Contracting Parties to the Apia and SPREP Conventions  
held during the 9<sup>th</sup> SPREP Meeting of Officials,  
Tonga, 25-27 November 1996 and the Fifth Ordinary and Plenipotentiary Meeting of the Contracting  
Parties to the Convention on the Conservation of Nature in the South Pacific (Apia Convention))

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## **PURPOSE**

### **Rule 1**

These rules of procedure shall apply to any meeting and conference of the Contracting Parties to the Convention on the Conservation of Nature in the South Pacific.

## **DEFINITIONS**

### **Rule 2**

For the purposes of these rules:

1. "Convention" means the Convention on Conservation of Nature in the South Pacific, done at Apia on 12 June 1976;
2. "Organisation" means the South Pacific Regional Environment Programme
3. "South Pacific Regional Environment Programme Action Plan" means the Action Plan for Managing the Natural Resources and Environment of the South Pacific Region adopted by the Conference on the Human Environment in the South Pacific, held in Rarotonga, Cook Islands, 8-11 March 1982, as modified by subsequent Intergovernmental Meetings that reviewed this Action Plan;
4. "Meeting" means any ordinary or extraordinary meeting of the Contracting Parties to the Convention;
5. "Conference" means any conference of plenipotentiaries of the Contracting Parties to the Convention.

## **PLACE OF MEETINGS**

### **Rule 3**

The Contracting Parties shall decide at each meeting the venue and timing of the next meeting. In unforeseen circumstances, the Organisation may in consultation with the Chairperson and the Contracting Parties, change the venue and timing of the next meeting.

## **DATES OF MEETINGS AND CONFERENCES**

### **Rule 4**

1. Ordinary meetings of the contracting Parties shall be convened once every two years. Unless the Contracting Parties otherwise agree, Ordinary Meetings shall be held jointly with Ordinary Meetings of the Parties to the 1986 Convention for the Protection of the Natural Resources of the Environment of the South Pacific Region at any time during the SPREP Meeting held under the 1993 Agreement establishing the South Pacific Regional Environment Programme (SPREP).
2. Extraordinary meetings shall be convened at the request of any Contracting Party or upon request of the Organisation, provided requests are supported by at least two-thirds of the Contracting Parties. It shall be the function of an extraordinary meeting of the Parties to consider those items proposed in the request for the extraordinary meeting and any other items agreed to by all the Contracting Parties attending the Meeting.

3. The Organisation shall convene a conference of plenipotentiaries of the Contracting Parties to adopt Protocols to this Convention or amendments to this Convention. Such conference shall be convened by the Organisation, where proposed amendments have been submitted by a Contracting Party to the Organisation, and the Organisation has transmitted such proposal for consideration to all other Contracting Parties and two-thirds of the Contracting Parties have requested the convening of such a Conference.
4. The Organisation shall convene any meetings and conferences of the Contracting Parties.
5. Any ordinary meeting shall fix the date and duration of the next ordinary meeting to coincide where possible with the Meeting of Parties to the SPREP Convention and related Protocols and the SPREP Intergovernmental Meeting.
6. Any extraordinary meeting shall be convened not more than ninety days after the date at which the request mentioned in paragraph 2 of this Rule has been received or formulated by the Organisation and supported by the requisite number of Contracting Parties.
7. The venue, date and duration of any conference convened in accordance with paragraph 3 of this Rule shall be fixed by agreement of the Contracting Parties which requested the convening of the conference.

## **INVITATIONS**

### **Rule 5**

1. The Organisation shall invite all Contracting Parties to the Convention to send representatives to participate in the meetings or conferences.
2. The invitations, provisional agenda and supporting documents for each ordinary meeting shall be communicated by the Organisation to the Contracting Parties, and to entities referred to in Rules 6 and 7 at least six weeks before the opening of the meeting or conference.

### **Rule 6**

1. The Organisation shall invite, as an observer, any other government or administration which is a member of SPREP to any meeting or conference.
2. Such observers, upon invitation of the Chairperson and with the consent of the meeting or the conference, may participate without vote in the deliberations of the meeting or conference.

### **Rule 7**

1. The Organisation shall invite, as an observer to any meeting or conference, any State Member of the United Nations, any United Nations specialised agency, any intergovernmental organisation or any national, regional or international organisation or non-governmental organisation which has direct concern in the protection of the natural resources and environment of the South Pacific Region.
2. Such observers, upon the invitation of the Chairperson and with the consent of the meeting or the conference, may participate without vote in the deliberations of the meeting or conference.

### **Rule 8**

1. The States, governments, administrations or other entities invited to meetings or conferences as observers pursuant to Rules 6 and 7 shall be permitted to speak on any matter only after the contracting Parties wishing to do so have spoken.
2. The consent to participate referred to in Rules 6 and 7 shall be deemed to have been granted if a majority of the Contracting Parties do not object.

## **SESSIONS OF MEETINGS AND CONFERENCES**

### **Rule 9**

1. Plenary sessions of the meetings and conferences shall be open to those invited to attend, unless the Contracting Parties at the meeting or the conference decide on closed sessions by consensus.
2. Sessions of ad hoc meetings and working groups of the meetings and conferences shall be held in private, unless a majority of the Contracting Parties decides otherwise.

## **AGENDA**

### **Rule 10**

In co-operation with the Chairperson, the Organisation shall prepare the provisional agenda of each meeting and conference.

### **Rule 11**

1. The provisional agenda of each ordinary meeting shall include:
  - (i) items mentioned in the Attachment to these Rules;
  - (ii) any other item in relation to the Convention considered appropriate by the Contracting Parties;
  - (iii) all items the inclusion of which was requested at a previous meeting or conference;
  - (iv) a report by the Organisation on the work undertaken or achieved as part of the SPREP Action Plan relating to the Convention and its Protocols since the last ordinary meeting and containing proposals for Action Plan and other activities to be undertaken in the forthcoming biennium, as well as a provisional budget and financial arrangements;
  - (v) any item proposed by a Contracting Party;
  - (vi) the provisional budget as well as all questions pertaining to the Convention accounts and financial arrangements.
2. 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 Agenda of the next ordinary meeting, unless otherwise decided by the Contracting Parties.

### **Rule 12**

The provisional agenda for an extraordinary meeting or conference provided in Rule 4(2) or (3) shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting or the conference. The agenda shall be transmitted to the Contracting Parties at the same time as the invitation to the extraordinary meeting or the conference.

### **Rule 13**

The Organisation shall, on the basis of the requests of Contracting Parties or in consultation with the Chairperson, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting or conference in a supplementary provisional agenda. The meeting or conference shall examine the supplementary provisional agenda together with the provisional agenda.

## **ADOPTION OF AGENDA**

### **Rule 14**

At the opening of any meeting or conference, the Contracting Parties, when adopting the agenda for the meeting, may add, delete, defer or amend items.

### **Rule 15**

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

## **REPRESENTATION AND CREDENTIALS**

### **Rule 16**

At any meeting or conference, the names of Contracting Party representatives and alternate representatives shall be submitted to the Organisation before the opening session. Any later change in the composition of delegations shall also be submitted to the Organisation.

### **Rule 17**

The names of observers invited to participate at any meeting or conference in accordance with Rules 6 and 7 shall be submitted to the Organisation before the opening session. Any later change in the composition of delegations shall also be submitted to the Organisation.

### **Rule 18**

The credentials of representatives and alternate representatives shall be submitted to the Organisation before the opening sitting of a conference which the representatives are to attend. The credentials shall be issued either by the Head of State or Government, or by the Minister of Foreign Affairs.

### **Rule 19**

In the case of States sending observers, the credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs. In the case of agencies or organisations identified in [Rule 7,] the credentials shall be issued by the chief executive officer of that organisation.

## **CHAIRPERSON AND VICE-CHAIRPERSON**

### **Rule 20**

1. At the commencement of the first session of each ordinary meeting, a Chairperson and a Vice-Chairperson are to be elected from among the representatives of the Contracting Parties by a simple majority vote.
2. The Chairperson and Vice-Chairperson elected at an ordinary meeting shall remain in office until such successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meeting or conference.
3. The Chairperson, or Vice-Chairperson, may also exercise the rights of a representative, including the right to vote, unless there is an alternate representative of the same Contracting Party present.

#### **Rule 21**

If the Chairperson is temporarily absent from a session or any part thereof, the Vice-Chairperson shall assume the duties of the chair.

#### **Rule 22**

If the Chairperson or Vice-Chairperson resign or otherwise becomes unable to complete the term of office, a representative shall be named by the same Contracting Party to fulfil the remainder of the term of office.

#### **Rule 23**

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.

### **ORGANISATION OF THE MEETING**

#### **Rule 24**

1. During the course of a meeting or of a conference, the Contracting Parties may establish such ad hoc meetings and other working groups as may be required for the transaction of its business.
2. Unless otherwise decided, the meeting or the conference shall elect a Convenor for each such ad hoc meeting or working group and shall determine the terms of reference of each such ad hoc meeting or working group.

### **SECRETARIAT**

#### **Rule 25**

The Organisation shall act as the secretariat of any meeting or conference, and shall be responsible for the arrangements and administration of meetings and conferences including: the provision of secretarial services, interpretation and translation services, the receipt, and circulation of documents of the meeting or conference and its ad hoc meetings and working groups, publishing and circulating the resolutions, reports and relevant documentation of the meeting or the conference. It shall have custody of the documents in the archives of the meeting or conference and generally perform all other work that the meeting or the conference may require.

### **CONDUCT OF BUSINESS**

#### **Rule 26**

Two-thirds of the Contracting Parties shall constitute a quorum for all meetings, conferences or sessions thereof.

#### **Rule 27**

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 or of the conference. He/she shall direct the discussion, ensure the observance of these rules, accord the right to speak, announce decisions, put questions to the vote and announce decisions resulting from that vote.

### **Rule 28**

A Contracting Party may question the procedure being followed at a meeting or conference by raising a point of order which shall be decided immediately by the Chairperson. A Contracting Party may not, in raising a point of order, speak on the substance of the matter under discussion. A Contracting Party may appeal against the ruling of the Chairperson and the appeal shall be immediately put to the vote without discussion. The ruling shall stand unless overruled by the majority of the Contracting Parties present and voting.

### **Rule 29**

Substantive motions and amendments to them shall normally be circulated to representatives in writing before the meeting or conference 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.

### **Rule 30**

1. Subject to the provisions of Rule 28, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting or conference:
  - (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) - (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

### **Rule 31**

If two or more proposals relate to the same question, the meeting or conference, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

### **Rule 32**

Any representative may request that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour of, and the other against, the motion, after which it shall be put immediately to the vote.

### **Rule 33**

If the request referred to in Rule 32 is adopted, those parts of a proposal or of an amendment shall then be put to the vote as a whole; if all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.



### **Rule 34**

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 voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

### **Rule 35**

If two or more amendments are moved to a proposal, the meeting or conference shall first vote 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 put to the vote. The Chairperson shall determine the order of voting on the amendments under this rule.

### **Rule 36**

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

### **Rule 37**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the meeting or the conference, by consensus, 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 immediately to the vote.

## **VOTING**

### **Rule 38**

1. Contracting Parties shall make every effort to reach agreement on matters by way of consensus and there shall be no voting on such matters until all efforts at consensus have been exhausted.
2. Each Contracting Party shall have one vote.
3. Decisions of a meeting or conference on all matters of substance shall be taken by a two-thirds majority vote of the Contracting Parties present and voting, unless otherwise provided by the Convention or the financial rules.
4. Procedural matters shall be decided by a simple majority vote of the Contracting 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.
5. Any question as to whether a matter is one of procedure or substance shall be decided by a simple majority vote of the Contracting Parties present and voting.
6. For the purpose of these rules, the phrase "Contracting Parties present and voting" means Contracting Parties present at the sitting at which voting takes place and casting an affirmative or negative vote. Contracting Parties which abstain from voting are considered as not voting.

### **Rule 39**

If no consensus is reached, voting may be by show of hands, or may take place by secret ballot.

#### **Rule 40**

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.

### **REPORTS**

#### **Rule 41**

The report adopted by the meetings and conferences shall be distributed by the Organisation as soon as possible after the meetings and conferences.

### **AD HOC MEETINGS AND WORKING GROUPS**

#### **Rule 42**

1. The Contracting Parties may convene ad hoc meetings and working groups during or between ordinary meetings, either of representatives of the Contracting Parties or of experts, in order to study problems which, because of their specialised nature, could not fruitfully be discussed during the normal sittings of a meeting or conference.
2. The terms of reference of these ad hoc meetings and working groups and the questions to be discussed shall be determined by the Contracting Parties.
3. Subject to Rule 24(2), each ad hoc meeting and working group shall elect its own officers.
4. The Organisation shall be responsible for the administrative arrangements of ad hoc meetings and working groups.

### **LANGUAGES**

#### **Rule 43**

English and French shall be the official languages of the meetings and conferences, ad hoc meetings and working groups of the Contracting Parties. A representative may speak in a language other than the official languages of the meeting or conference, if he or she provides for interpretation, and the costs thereof, into one of the languages and has provided prior notice to the Organisation.

### **OVERRIDING AUTHORITY OF THE CONVENTION**

#### **Rule 44**

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

### **AMENDMENTS OF PROCEDURES**

#### **Rule 45**

1. These Rules of Procedure may be amended by a two-thirds majority vote of the Contracting Parties.
2. These Rules of Procedure shall remain in force until amended by the Contracting Parties.

### Attachment to the Rules of Procedure

Ordinary Meetings of the Contracting Parties shall review the implementation of this Convention and, in particular, shall:

- (a) assess periodically the state of the environment relevant to the Convention in the South Pacific region;
- (b) consider, review and recommend cooperative activities to be undertaken within the framework of this Convention and, in particular, to fulfil the Parties obligations under Article VII;
- (c) consider information submitted by the Parties under Articles V(2) and II(2);
- (d) establish working groups as required to consider any matters concerning this Convention;
- (e) consider and undertake any additional action that may be required for the achievement of the purposes of this Convention;
- (f) adopt by consensus financial rules and budget, prepared in consultation with the Organisation, to determine, *inter alia*, the financial participation of the Parties under this Convention;
- (g) make recommendations regarding the adoption of Protocols or any amendments to the Convention; and
- (h) request, receive and consider reports by the Organisation.

**Note to the Attachment:** The Apia Convention does not expressly provide for matters which are to be specifically considered at the meeting of the Parties (unlike Article 22 (1) of the SPREP Convention). The above Attachment attempts to reflect as closely as possible the provisions of Article 22 of the SPREP Convention i.e. generally, to review the implementation of the Convention, review progress made under specific provisions of the Convention, make recommendations for improving/extending the effectiveness of the Convention (e.g. regular reporting to the Secretariat on implementation or requirements), consider co-operative activities to be undertaken within the framework of the Convention; receive and consider reports presented by the Secretariat.

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