



9th MEETING OF THE STANDING COMMITTEE
18 – 19 September 2013, Trondheim, Norway

RULES OF PROCEDURE OF THE AEWA STANDING COMMITTEE

Compiled by the UNEP/AEWA Secretariat

Introduction

The present document aims to propose a few amendments to the Rules of Procedure of the AEWA Standing Committee as adopted by the 6th Meeting of the AEWA Standing Committee (StC6), 16-17 June 2010, The Hague, The Netherlands. This introduction aims to provide the rationale for the proposed amendments. The amendments themselves are integrated in the revised version of the Rules of Procedure which follow the introduction, and are visible in track-changed mode.

The proposed amendments can be grouped in three main categories:

Integration into the Rules of Procedure of new functions of the Standing Committee as agreed by the Meeting of the Parties at its 4th session (MOP4). The Rules of Procedure adopted by StC6 state, in their first section, the functions of the Standing Committee as defined by Resolution 2.6. However, MOP4, through resolutions 4.17 and 4.6, defined additional functions of the Standing Committee related to the supervision of, and guidance on the implementation of the Strategic Plan for AEWA 2009-2017 and the enactment of the Implementation Review Process (IRP). For the sake of comprehensiveness of the Rules of Procedure, it is proposed to add new Rules 10 and 11 covering these functions in the terms defined by resolutions 4.17 and 4.6.

Integration into the Rules of Procedure of the Terms of Reference of the regional members of the Committee. Following a request by StC6 to clearly define the tasks of the regional representatives of the Committee, the 7th Meeting of Standing Committee (StC7) adopted *Terms of Reference for AEWA Standing Committee Regional Members*, and agreed on the need to integrate them in the Rules of Procedure. To this purpose, it is proposed to add a new Rule 14 stating the Terms of Reference as agreed by StC7.

Harmonization of the text of the Rules of Procedure with the text of the Agreement. While reviewing the Rules of Procedure, some discrepancies were noted between the terminology used in the Rules of Procedure and in the text of the Agreement, notably as regards sessions of the Meeting of the Parties. It is proposed to take advantage of the current revision to rectify these discrepancies, aligning the text of the Rules of Procedure with the text of the Agreement.

Action requested from the Standing Committee:

The Standing Committee is invited to adopt the amended version of the Rules of Procedure.

RULES OF PROCEDURE OF THE AEWA STANDING COMMITTEE

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General Functions

Rule 1

The Committee provides general policy, operational and financial direction to the Secretariat concerning the implementation and the expansion of the Agreement.

Rule 2

It carries out, between one session of the Meeting of the Parties and the next, such interim activities on behalf of the Meeting as may be necessary.

Rule 3

It oversees, on behalf of the Parties, the development and execution of the Secretariat's budget as derived from the Trust Fund and other sources, and also all aspects of fund raising undertaken by the Secretariat in order to carry out specific functions authorized by the Meeting of the Parties.

Rule 4

It oversees, as representative of the Meeting of the Parties, the implementation of policy by the Secretariat and conduct of the Secretariat's programs.

Rule 5

It provides guidance and advice to the Secretariat on implementation of the Agreement, on the preparation of meetings, and on any other matters relating to the exercise of the Secretariat's functions brought to it by the Secretariat. The Standing Committee works closely with the Technical Committee to ensure consistence in the work of the Agreement.

Rule 6

It represents the Meeting of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, the United Nations Environment Programme and other international organizations for consideration of matters relating to the Agreement and its Secretariat.

Rule 7

It makes recommendations or draft resolutions, as appropriate, for consideration by the Meeting of the Parties.

Rule 8

It performs the functions of a bureau at the sessions of the Meeting of the Parties, in accordance with the rules of procedure of the Meeting of the Parties.

Rule 9

It reports to the Meeting of the Parties on the activities that have been carried out between ordinary sessions of the Meeting of the Parties.

Rule 10

It oversees and provides guidance on the implementation of the Strategic Plan for AEWA 2009-2017.

Rule 11

It assumes the following tasks in the framework of the Implementation Review Process (IRP):

- (a) Upon receiving information on adverse effects or potential adverse effects on either migratory waterbirds or on their sites and habitats as a result of human activities, the Committee shall submit the information to the Party in whose territory the above activities occur who shall respond immediately, addressing the incident under question.
- (b) In agreement with the Party concerned, the Committee may request a mission to assess the impact of the activity at issue on waterbirds, or on their sites and habitats on the spot.
- (c) Upon the conclusion of its on-site assessment, the mission shall report to the Committee on its findings. Based on these findings, the Committee shall make recommendations to the Party concerned as to preventing or mitigation the impact at issue on waterbirds, or on their sites and habitats.
- (d) The Party concerned will ensure that any measures undertaken regarding the activity, site or habitat under issue will be in accordance with its obligations under the Agreement and will be based on the precautionary principle. The Party concerned will inform the Committee as to the above measures at the earliest opportunity, but no later than the next meeting of the Committee.
- (e) The Committee shall prepare and submit to each ordinary session of the Meetings of the Parties, a report on its operations in the framework of the IRP.

Rule 12

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It performs any other functions that may be entrusted to it by the Meeting of the Parties.

Representation and Attendance

Rule 13

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The Committee shall consist of not more than seven Parties, which shall be appointed by the Meeting of the Parties. For at least five of these members, the appointment shall be based upon the principle of balanced geographical distribution, reflecting two representatives from Europe and Central Asian region, one representative from Middle East and Northern Africa region, one representative from the Western and Central Africa region, and one from the Eastern and Southern Africa region. The remaining two members shall comprise the host country for the next session of the Meeting of the Parties and a representative of the Depositary.

Rule 14

Each regional member shall act on behalf of its entire region. In performing their role as regional representatives, members shall accomplish the following duties:

- (a) Circulate all relevant correspondence received by the Secretariat to each Party in their region;
- (b) Inform all Parties in their region about the proceedings and decisions made during Standing Committee meetings;
- (c) Lead consultations within Parties in their region to decide on common AEWA regional issues;
- (d) Follow up on requests made by the Secretariat in correspondence with Parties of their region, e.g. by promoting the revision of comments or enquiries regarding draft meeting reports, completion of

National Reports, provision of inputs on documents, and completion of questionnaires on specific issues related to the Agreement;

- (e) Ensure, to the extent possible, a coordinated flow of information from Parties in the region to the Secretariat and vice versa;
- (f) Promote the drafting and/or revision of relevant documents to be examined by the Meeting of the Parties at its sessions, e.g. proposals for amendments to the Agreement and its annexes², draft Resolutions and Recommendations³;
- (g) Coordinate the compilation of information and the completion of reports on relevant activities in their region to be submitted to meetings of the Committee, and to any regional meetings that take place during the MOP or intersessionally;
- (h) Receive from Parties in the region, and coordinate where appropriate the formulation and the submission of proposals to the Chairperson of the Committee for a decision by postal procedure in accordance with Rule 36;
- (i) Encourage Parties in the region to update the Secretariat with actual information about the national Focal Points as well as to promptly inform the Secretariat in cases of changes;
- (j) Maintain regular contact to non-Party Range States in their region and promote their accession to AEWA.

Comment [W1]: Under new numbering – form Rule 33.

Rule 15

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Each member of the Standing Committee shall be entitled to be represented at meetings of the Committee by a Representative or his or her Alternate Representative. The Representative shall exercise the voting rights of a Member. In his or her absence, the Representative of the member shall act in his or her place.

Rule 16

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If an extraordinary session of the Meeting of the Parties is held between two ordinary sessions, the host Party of that session shall participate in the work of the Committee on matters related to the organization of the session.

Comment [MB(S2): The text of the agreement does not foresee sessions of the Meeting of the Parties other than ordinary and extraordinary

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Rule 17

The term of office of regional members and alternates shall expire at the close of the next ordinary session of the Meeting of the Parties following the session at which they were originally elected. Regional members are eligible for re-appointment but may not serve more than two consecutive terms of office.

Rule 18

Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote. The Chairperson of the Technical Committee shall have the right to participate in meetings of the Committee as an observer without the right to vote.

Rule 19

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The Chairperson may invite any person or representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote.

² Proposed amendments and the reason for them shall be communicated to the Agreement Secretariat not less than 150 days before the opening of the session of the next Meeting of the Parties (Article X 3. AEWA).

³ The official documents for each ordinary session of the Meeting of the Parties, including draft Resolutions and Recommendations, as well as proposals submitted by Parties, the Standing Committee, the Technical Committee, the Meeting Committee and the Secretariat, shall be distributed in the official languages by the Secretariat to the Parties at least 60 days before the opening of the next session of the Meeting of the Parties (Rule 10, Rules of Procedure for the sessions of the Meeting of the Parties to AEWA).

Officers

Rule 20

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The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after [the session of](#) the Meeting of the Parties.

Rule 21

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The Chairperson shall preside at meetings of the Committee, approve for circulation the provisional agenda prepared by the Secretariat and maintain liaison with other committees and with the Technical Committee between meetings of the Committee. The Chairperson may represent the Committee and the Parties as required within the limits of the Committee's mandate, and shall carry out such other functions as may be entrusted by the Committee.

Rule 22

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The Vice-Chairperson shall assist in the execution of the Chairperson's functions, and shall preside at meetings in the absence of the Chairperson.

Rule 23

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The Secretariat of the Agreement shall provide a secretary for meetings of the Committee.

Elections

Rule 24

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If in an election to fill one place no candidate obtains an overall majority in the first ballot, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.

Rule 25

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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 for reducing the number of candidates to two.

Rule 26

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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 for reducing 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 Rule 21.

Meetings

Rule 27

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The Committee shall normally meet at least once every 2 years.

Rule 28

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Meetings of the Committee shall be called at the request of the Chairperson or at least three members.

Rule 29

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The Chairperson, in consultation with the Secretariat, shall determine the time and place of meetings.

Rule 30

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Notice of meetings to all Parties including the time and venue, shall be given by the Secretariat at least 45 days and, in the case of emergency meetings, at least 14 days in advance of the meeting.

Rule 31

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A quorum for a meeting shall consist at least of four members out of seven of the Committee. No decision shall be taken at a meeting in the absence of a quorum.

Rule 32

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Decisions of the Committee shall be taken by consensus unless a vote is requested by the Chairperson or by three members.

Rule 33

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Decisions of the Committee by voting (pursuant to Rule 29) shall be taken by a simple majority of the members present. In the case of a tie, the motion shall be considered as rejected.

Rule 34

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A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all Parties, and to the participants that attended the meeting to which the report refers.

Rule 35

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The Committee shall decide on the working languages of its meetings, which in any case shall have simultaneous interpretation in English and French.

Communication Procedure

Rule 36

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Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure. The Secretariat shall communicate the proposal to the members for comments within 60 days of communication; any comments received within these limits shall also be so communicated.

Rule 37

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If no objection to a proposal is received by the Secretariat by the date when the comments on the proposal were due to be communicated, the proposal shall be considered as adopted, and notice of the adoption shall be given to all members.

~~Rule 38~~

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If any member objects to a proposal within the applicable time limit, the proposal shall be referred to the next meeting of the Committee.

Other functions

~~Rule 39~~

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The Committee shall submit to each ordinary [session](#) of the Meeting of the Parties a report on its work since the previous ordinary [session](#).

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~~Rule 40~~

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The Committee may receive reports from other Committees established under the Agreement.

Final Provisions

~~Rule 41~~

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In matters not covered by the present Rules, the Rules of Procedure as adopted by the last [ordinary session](#) of the Meeting of the Parties shall be applied *mutatis mutandis*.

Deleted: regular meeting

~~Rule 42~~

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The Committee shall, by consensus, establish its own Rules of Procedure. These Rules shall come into force on adoption by the Committee by consensus, and may be amended by the Committee as required.