



FIFTH MEETING OF THE TECHNICAL COMMITTEE

30th March – 2nd April North Berwick near Edinburgh, Scotland

RULES OF PROCEDURE FOR MEETINGS OF THE TECHNICAL COMMITTEE

INTRODUCTION

The attached Rules of Procedure for meetings of the Technical Committee (Annex I) were adopted at the 4th Meeting of the Technical Committee, which took place from 12-13 May 2003 in Tashkent, Uzbekistan.

During the discussion on these Rules it was proposed to amend Rule 1 by including the following words: *The Technical Committee established in accordance with Article VII of the Agreement provides, **in coordination with the Standing Committee**, scientific and technical advice and information to the Meeting of the Parties, and through the Agreement Secretariat to the Parties. Its functions are defined in Article VII paragraph 3.* The Executive Secretary proposed to wait for the new rules and procedures of the Standing Committee (StC) and therefore postpone these issues until the following TC meeting.

PROPOSAL OF THE SECRETARIAT

Meanwhile the first Meeting of the Standing Committee took place from 24-25 November 2003 in Bonn, Germany. After a number of amendments were made the Standing Committee adopted the Rules of Procedure for their meetings as attached hereto as Annex II.

The Secretariat proposes to review the Rules of Procedure for the Meetings of the Technical Committee once more and to take in consideration to insert in Rule 1 the following words: The Technical Committee established in accordance with Article VII of the Agreement provides scientific and technical advice and information, to the Meeting of the Parties **and/ or the Standing Committee**, through the Agreement Secretariat to the Parties.

**RULES OF PROCEDURE FOR MEETINGS OF THE TECHNICAL
COMMITTEE OF THE AGREEMENT ON THE CONSERVATION OF
AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)**

General functions

Rule 1

The Technical Committee, established in accordance with Article VII of the Agreement, provides scientific and technical advice and information, to the Meeting of the Parties and, through the Agreement Secretariat to the Parties. Its functions are defined in Article VII paragraph 3.

Rule 2

In particular, it makes recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out.

Rule 3

In the event of an emergency the Technical Committee may request the Agreement Secretariat to urgently convene a Meeting of Parties concerned, to avoid deterioration of the conservation status of one or more migratory waterbird species.

Representation and attendance

Rule 4

1. In accordance with Article VII paragraph 1, the Committee membership shall comprise:
 - (a) nine experts representing the different regions of the Agreement Area (north & south west Europe, central Europe, eastern Europe, south-western Asia, north Africa, central Africa, west Africa, east and south Africa) elected among all the Parties on the recommendation of the Parties of the region in question;
 - (b) one representative appointed by each of the following organisations: the International Union for Conservation of Nature and Natural Resources (IUCN), Wetlands International, the International Council for Game and Wildlife Conservation (CIC); and
 - (c) one expert from each of the following fields: rural economics, game management, and environmental law; elected by the Parties.
2. Any Party has the right to recommend an expert in the fields of rural economics, game management and environmental law for nomination by the Meeting of the Parties.
3. With exception of the experts in the field of rural economics, game management and environmental law all the above-mentioned representatives, shall name an Alternate Member for each position to be approved by the Meeting of the Parties.

Rule 5

Except as provided for in Rule 8, attendance at meetings of the Technical Committee shall be limited to members of the Technical Committee or their Alternates and observers of the Parties.

Rule 6

Only Members shall exercise the voting rights. In his/her absence, the Alternate shall act in his or her place.

Rule 7

1. The term of office of the members shall expire at the close of the second ordinary Meeting following that at which they were elected. At each ordinary meeting of the Meeting of the Parties, elections shall be held only for those regional members whose term of office will have expired at the close of the meeting and for any regional member who indicates a desire to stand down without completing a full term of office. The same provisions shall apply with respect to the alternate/members nominated in accordance with rule 4.

2. In the instance a Member and/ his Alternate stands down simultaneously without completing a full term of office the Chair of the Technical Committee in close cooperation with the region/organisation involved and in consultation with the Agreement Secretariat is permitted to nominate an expert of the region or organisation involved to replace the Member and Alternate intersessionally with full voting rights. The term of office of the replacement member/alternate shall expire at the close of the next ordinary Meeting of the Parties with the possibility that the Meeting appoints him/ her as a representative or alternate.

Rule 8

1. The Chairperson may invite observers of non-contracting Parties and invite or admit a maximum of four observers from specialized international inter-governmental and non-governmental organizations.

2. In addition, at each meeting of the Technical Committee, the Chairperson may invite guests to contribute to specific agenda items.

Officers

Rule 9

The members of the Committee shall elect a Chairperson and Vice-Chairperson from their regional representatives of the Parties, for terms corresponding to those of the Meetings of the Parties. This election will normally take place immediately before the Meeting of the Parties, and the newly elected officers shall assume their functions at the conclusion of the corresponding Meeting of the Parties.

Rule 10

The Chairperson shall preside at meetings of the Committee, approve the provisional agenda prepared by the Secretariat for circulation, and liaise with committees between meetings of the Committee. The Chairperson may represent the Committee as required within the limits of the Commit-

tee mandate, and shall carry out such other functions as may be entrusted to him/her by the Committee

Rule 11

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

Rule 12

The Agreement Secretariat shall serve the meetings of the Committee.

Elections

Rule 13

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 the second ballot the votes are equally divided, the presiding officer shall decide between the candidates by drawing lots.

Rule 14

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.

Rule 15

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 Rule 13.

Meetings

Rule 16

Meetings of the Committee shall be convened by the Agreement Secretariat in conjunction with each ordinary session of the Meeting of the Parties and at least once between ordinary sessions of the Meeting of the Parties.

Rule 17

Where in the opinion of the Committee an emergency has arisen, which requires the adoption of immediate measures to avoid deterioration of the conservation status of one or more migratory waterbird species, the Chairperson may request the Agreement Secretariat to urgently convene a meeting of the Parties concerned.

Rule 18

Notice of meetings, including date and venue, shall be sent to all Parties by the Secretariat at least 45 days in advance and, in the case of extraordinary meetings, at least 14 days in advance.

Rule 19

A quorum for a meeting shall consist of half of the members of the Committee. No decision shall be taken at a meeting in the absence of a quorum.

Rule 20

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

Rule 21

Decisions of the Committee by voting (pursuant to Rule 20) shall be passed by a simple majority vote of the members present. In the case of a tie, the motion shall be considered rejected.

Rule 22

A summary record of each meeting shall be prepared by the Secretariat as soon as possible and shall be communicated to all members of the Technical Committee.

Working groups

Rule 23

The Committee may establish such ad hoc working groups as may be necessary to deal with specific tasks. It shall define the terms of reference and composition of each working group.

Rule 24

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

Rule 25

The Committee shall receive reports from other committees and working groups established under the Agreement, as necessary.

Communication procedure

Rule 26

Any member or the Technical Committee, or the Secretariat, may submit a proposal to the Chairperson of the Technical Committee for a decision by correspondence. Upon request by the Chairperson the Secretariat shall communicate the proposal to the members for comments within 60 days of the date of communication. Any comments received within these limits shall also be so communicated.

Rule 27

If, by the date on which comments on a proposal were due to be communicated, the Secretariat has not received any objection from a member, the proposal shall be adopted, and notice of the adoption shall be given to all members.

Rule 28

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

Rule 29

The Secretariat shall inform the Contracting Parties on the date and venue of the next Meeting of the Technical Committee. For each Meeting of the Technical Committee the Contracting Parties will receive at least the provisional agenda and draft minutes of the previous meeting. All other documents to be discussed will be made available through the Agreement's website.

Rule 30

The regional representative shall endeavour to ensure a flow of information between the Technical Committee and the Contracting Parties in their region.

Other functions

Rule 31

The Chairperson shall submit a written report on the Committee's work since the previous ordinary meeting to each ordinary Meeting of the Parties.

Final provisions

Rule 32

These Rules shall be applied at the first meeting of the Committee following their approval by the Meeting of the Parties, and may be amended by the Committee as required, in accordance with the provisions of the Agreement and decisions.

ANNEX II

RULES OF PROCEDURE OF THE AEWAS STANDING COMMITTEE

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.

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

Representation and Attendance

Rule 11

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 African region, and one from the Southern African 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 12

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

Rule 13

If an extraordinary meeting or a special meeting of the Meeting of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting.

Rule 14

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

Rule 15

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 16

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.

Officers

Rule 17

The members of the Committee shall elect the Chairperson and Vice-Chairperson at the first meeting after the Meeting of the Parties.

Rule 18

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 19

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 20

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

Elections

Rule 21

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 22

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 23

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 22.

Meetings

Rule 24

The Committee shall normally meet at least once every year.

Rule 25

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

Rule 26

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

Rule 27

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 28

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 29

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

Rule 30

Decisions of the Committee by voting (pursuant to Rule 30) 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 31

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 to.

Rule 32

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 33

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 34

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 35

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 36

The Committee shall submit to each ordinary meeting of the Meeting of the Parties a report on its work since the previous ordinary meeting.

Rule 37

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

Final Provisions

Rule 38

In matters not covered by the present Rules, the Rules of Procedure as adopted by the last regular meeting of the Meeting of the Parties shall be applied *mutatis mutandis*.

Rule 39

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.