

RULES OF PROCEDURE FOR THE MEETINGS AND CONFERENCES OF THE CONTRACTING PARTIES TO
THE CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE
MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICAN REGION

PURPOSE

Rule 1

These rules of procedure shall apply to any meeting or conference of the Contracting Parties convened under the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region.

DEFINITIONS

Rule 2

For the purposes of these rules:

(a) "Action Plan for the Eastern African Region" means the programmatic regional plan adopted by the Conference of Plenipotentiaries on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 17-21 June 1985, Nairobi, Kenya, as modified by subsequent intergovernmental meetings that reviewed this Action Plan;

(b) "Conference" means any conference of plenipotentiaries of the Contracting Parties to the Convention;

(c) "Convention" means the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, adopted on 21 June 1985, at Nairobi, Kenya;

(d) "Executive Director" means the Executive Director of the United Nations Environment Programme or his/her designated representative;

(e) "Meeting" means any ordinary or extraordinary meeting of the Contracting Parties to the Convention;

(f) "Organization" means the United Nations Environment Programme as provided in article 16 of the Convention;

(g) "President" means the President of the Bureau elected in accordance with rule 16 of these rules of procedure.

PLACE OF MEETINGS AND CONFERENCES

Rule 3

Unless they decide otherwise, the Contracting Parties shall normally meet at the seat of the regional coordinating unit designated by the Contracting Parties as being responsible for the administration of the Action Plan of Eastern Africa.

DATES OF THE MEETINGS AND CONFERENCES

Rule 4

1. In accordance with article 17 of the Convention, Ordinary meetings of the Contracting Parties shall be convened once every two years and extraordinary meetings shall be convened in accordance with the conditions set forth in that article.
2. Each ordinary meeting shall fix the opening date and the duration of the next ordinary meeting.
3. No extraordinary meeting shall be convened less than fifteen days or more than ninety days after the date on which the request mentioned in article 17 of the Convention has been received or formulated by the Executive Director and supported by the requisite number of Contracting Parties.
4. A conference shall be convened in accordance with the conditions set forth in articles 18 or 19 of the Convention.
5. The opening date and the duration of conferences convened in accordance with articles 18 or 19 shall be fixed by joint agreement of the Contracting Parties which requested the convening of the conference.
6. In accordance with article 16 of the Convention, the Executive Director shall convene the meetings and conferences of the Contracting Parties.

INVITATIONS AND PARTICIPATION

Rule 5

The Executive Director shall invite all Contracting Parties to the Convention to participate in the deliberations of the meetings or conferences and shall invite other States, intergovernmental organizations and international non-governmental organizations listed in rule 47 below to observe the meetings and conferences.

AGENDA

Rule 6

In agreement with the President, the Executive Director shall prepare a provisional agenda for each meeting and conference.

Rule 7

The provisional agenda for each ordinary meeting shall include:

- (a) As appropriate, items mentioned in article 17(1) of the Convention and in relevant articles of the Protocols;
- (b) All items the inclusion of which was requested at a previous meeting;

- (c) A report by the Executive Director on the work undertaken or achieved as part of the Action Plan for the Eastern African Region since the last ordinary meeting and containing recommendations for activities to be undertaken in the forthcoming biennium;
- (d) Any item proposed by a Contracting Party; and
- (e) The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 8

The invitation and provisional agenda, together with supporting documents, for each ordinary meeting shall be communicated by the Executive Director to the Contracting Parties at least five weeks before the opening of the meeting.

Rule 9

The provisional agenda for an extraordinary meeting, or for any conference provided for in articles 18 and 19 of the Convention, shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting or the conference. It shall be transmitted to the Contracting Parties at the same time as the invitation to the extraordinary meeting or the conference.

Rule 10

The Executive Director shall, in consultation with the President, include any item suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a revised provisional agenda which the meeting shall examine together with the provisional agenda.

ADOPTION OF THE AGENDA

Rule 11

At the opening of any ordinary meeting, the Contracting Parties, when adopting the agenda for the meeting, may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 12

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.

REPORT OF THE EXECUTIVE DIRECTOR

Rule 13

The Executive Director shall report to the meeting or conference on the administrative and financial implications of all substantive agenda items submitted to the meeting for consideration. Unless the meeting decides otherwise, no such

item shall be considered until at least forty-eight hours after the meeting has received the Executive Director's report on its administrative and financial implications.

REPRESENTATION AND CREDENTIALS

Rule 14

Each Contracting Party shall be represented by an accredited representative, who may be accompanied by such alternates and advisers as may be required.

Rule 15

The credentials of representatives and the names of the alternate representatives and advisers shall be submitted by the Contracting Parties to the Executive Director before the opening of the meeting or conference which the representatives are to attend. The officers of any meeting or conference shall examine the credentials and submit their report to the meeting or the conference. This rule does not, however, prevent a Contracting Party from changing its representative, alternate representative or advisor subsequently, subject to proper submission and examination of credentials as necessary. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

OFFICERS

Rule 16

1. At the commencement of the first sitting of each ordinary meeting, a President, a Vice-President and a Rapporteur are to be elected from among the representatives of the Contracting Parties.

2. The President, Vice-President and Rapporteur shall constitute the Bureau of the meeting. The Bureau shall assist in the general conduct of the business of the meeting and shall serve in that capacity at any intervening extraordinary meeting or conference. The Bureau shall also perform the responsibilities set out in the Terms of Reference of the Bureau of the Contracting Parties.

3. In electing the members of the Bureau the following criteria will be taken into account:

- (a) Equitable geographical distribution; and
- (b) Contributions to the Regional Seas Trust Fund for the Eastern African Region and their regular payment.

4. The President, Vice-President and Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting. A maximum of two of these officers may be re-elected for only one further consecutive term.

5. The President, or Vice-President acting as President, shall participate in the meeting or the conference in that capacity and shall not at the same time exercise the rights of a representative of a Contracting Party. In such a case, the Contracting Party concerned may designate another representative who shall be entitled to represent the Contracting Party in the meeting or the conference and to exercise the right to vote.

Rule 17

If the President is temporarily absent from a sitting or any part thereof, the Vice-President shall assume the duties of President.

Rule 18

If an officer resigns or otherwise becomes unable to complete his/her term of office, a representative of the same Contracting Party shall be named by the Contracting Party concerned to replace him/her for the remainder of his/her mandate, subject to the approval of the other Contracting Parties.

Rule 19

At the first sitting of each ordinary meeting, the President of the previous ordinary meeting or, in his/her absence, the Vice-President, shall preside until the meeting has elected a President for the meeting.

ORGANIZATION OF THE MEETING

Rule 20

1. During the course of a meeting or conference, the Contracting Parties may establish such committees 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 Chair for each such committee and working group. The meeting or the conference shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the Chair of a committee or working group, to adjust the allocation of work.

SECRETARY

Rule 21

The Executive Director shall act as secretary of any meeting or conference. He/she may delegate his/her functions to a member of the Organization.

Rule 22

The Organization shall arrange for interpretation of speeches made at meetings or conferences; receive, translate and circulate the documents of the meeting or conference and its committees and working groups; and publish and circulate 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 23

Two thirds of the Contracting Parties shall constitute a quorum.

Rule 24

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and the closing of the meeting or conference. He/she shall direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from the vote.

POINTS OF ORDER

Rule 25

Subject to the provisions of rule 40, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a simple majority of the Contracting Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 26

Proposals and amendments shall normally be introduced in writing by the Contracting Parties and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any sitting unless copies of it have been circulated to delegations not later than the day preceding the sitting. The President may, however, permit the discussion and consideration of amendments or procedural motions even though these amendments and motions have not been circulated or have been circulated only the same day.

Rule 27

1. Subject to the provisions of rule 25, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

- (a) to suspend a sitting;
- (b) to adjourn a sitting;
- (c) to adjourn the debate on the question under discussion; and
- (d) to close the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (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 28

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 29

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

Rule 30

If the motion referred to in rule 29 is adopted, those parts of a proposal or of an amendment which have been approved 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 31

A motion is considered to be an amendment to a proposal if it merely adds to, delete from, or revises parts 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 32

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 President shall determine the order of voting on the amendments under this rule.

Rule 33

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 34

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the meeting or the conference, by a two-thirds majority of the Contracting Parties present and voting, 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 35

1. Each Contracting Party shall have one vote.
2. A Contracting Party that is a regional intergovernmental integration organization shall have one vote for each of its member States Party to the Convention present and voting. Contracting Parties which are member States of such regional intergovernmental integration organization shall not have a separate vote.

3. A Contracting Party that is more than twenty-four months in arrears with its contributions shall not be entitled to vote. The meeting may, however, authorize the Contracting Party concerned to participate in the vote if the arrears are due to circumstances beyond its control.

Rule 36

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 37

1. 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.

2. Decisions of a meeting or conference on matters of procedure shall be taken by a simple majority vote of the Contracting Parties present and voting.

3. Any difference of opinion as to whether a matter is one of a procedural or substantive nature shall be decided by a simple majority vote of the Contracting Parties present and voting.

4. If a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Rule 38

Voting shall normally be by show of hands. However, any Contracting Party may request a roll-call vote which shall be taken in the French alphabetical order of the names of the Contracting Parties, beginning with the Contracting Party whose name is drawn by lot by the President. Any Contracting Party may also request a secret ballot.

Rule 39

The vote of each Contracting Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting or conference.

Rule 40

After the President 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 President may permit the Contracting Parties to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

AD HOC WORKING GROUPS

Rule 41

1. In accordance with article 17 (1) (d) the Contracting Parties may establish ad hoc working groups with such representation as they deem appropriate, to consider any matters concerning the Convention and its Protocols.
2. Unless otherwise decided, each ad hoc working group shall elect its own officers.
3. These rules of procedure shall apply mutatis mutandis to such ad hoc working groups.

LANGUAGES

Rule 42

English and French are the official languages of the meetings or conferences of the Contracting Parties.

Rule 43

1. Statements made in a language of the meeting or conference shall be interpreted into the other official language.
2. A representative may speak in a language other than a language of the meeting or conference, if he/she provides for interpretation into one of the official languages.

Rule 44

All working documents of the meeting or conference and all reports, resolutions, recommendations and decisions of the meetings or conferences shall be drawn up in one of the official languages and translated into the other official language.

SOUND RECORDINGS OF THE MEETING

Rule 45

Sound recordings of the meeting or conference, and possibly of its committees and working groups, shall be kept by the secretariat in accordance with the practice of the United Nations.

PUBLIC AND PRIVATE MEETINGS

Rule 46

Plenary sittings of the meetings and conferences shall be held in public, unless the meeting or the conference decides otherwise. Sittings of ad hoc or subsidiary bodies of the meetings and conferences shall be held in private, unless the meeting or the conference decides otherwise.

PARTICIPATION OF OTHER STATES, INTERGOVERNMENTAL ORGANIZATIONS AND
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Rule 47

1. Any coastal State of the Eastern African region invited to participate in the 1985 Conference of Plenipotentiaries on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 17-21 June 1985, Nairobi, Kenya, may participate, without the right to vote, in the deliberations of the meetings or conferences.
2. Any other State Member of the United Nations or member of its specialized agencies which so requests and has a direct concern in the protection and development of the marine and coastal environment of the Eastern African region may participate, upon invitation of the President and without the right to vote, in the deliberations of the meetings or conferences.
3. Representatives of any of the United Nations and its competent subsidiary bodies, the United Nations specialized agencies and the International Atomic Energy Agency which are concerned with the activities of the Action Plan for the Eastern African Region may participate, upon invitation of the President and without the right to vote, in the deliberations of the meetings or conferences.
4. Any intergovernmental organization other than the United Nations, its specialized agencies and the International Atomic Energy Agency and any international non-governmental organization which has specialized expertise related to the protection and development of the marine and coastal environment of the Eastern African region may participate, upon invitation of the President and without a right to vote, in the deliberations of the meeting or conference on matters of direct concern to the organizations they represent.

AMENDMENT OF RULES

Rule 48

These rules of procedure may be amended by a two-thirds majority vote of the Contracting Parties present and voting at a meeting.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 49

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