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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Tenth session

Geneva, 22 August - 2 September 1994

Agenda item 5 (a)

PROCEDURAL, INSTITUTIONAL AND LEGAL MATTERS

(a) RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

Note by the Vice-Chairman on the informal consultations on the draft Rules of Procedure

The attached text is the result of the work of the informal consultations on the draft rules of procedure which were held on 29 and 31 August 1994. Document A/AC.237/WG.II/L.8 served as the basis for the discussions. All draft rules contained therein were reviewed in detail and remain open for further discussion. The attached text reproduces only those draft rules that were amended by the government delegations participating in the informal consultations. These are: Rule 2 on "Definitions": paragraph 8; Rule 6 on "Observers": paragraph 1; Rule 12 on the "supplementary provisional agenda"; Rule 22 on "Officers": paragraphs 1 and 2; Rule 27 on "Subsidiary bodies": paragraphs 2, 4, 5 and 6; Rule 28 on the "Secretariat": paragraphs 1 and 2 and Rule 42 on "Voting": paragraphs 1 and 2. Rule 42 contains several alternative proposals that were put forward during the informal consultations. In addition to the changes mentioned above, the title of the draft rules of procedure has been revised for editorial purposes and the title of section 1 has been changed from "Purposes" to "Scope". Previous revisions and new amendments to document L.8 appear in bold type in the attached text.

United Nations Framework Convention on Climate Change

Draft Rules of Procedure of the Conference of the Parties and its subsidiary bodies

1. SCOPE

Rule 1

II. DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means . . .
2. "Parties" means . . .
3. "Conference of the Parties" means . . .
4. "Session" means . . .
5. "Regional economic integration organization" means . . .
6. "President" means . . .
7. "Secretariat" means . . .
8. **"Subsidiary body" means those bodies established by Articles 9 and 10 of the Convention, as well as any body, including a committee or working group, established pursuant to Article 7(2)(i) of the Convention.**

V. OBSERVERS

Rule 6

1. **The United Nations, its specialized agencies, [any international entity entrusted by the Conference of the Parties pursuant to Article 11 of the Convention with the operation of the financial mechanism,] and the International Atomic Energy Agency . . .**

VI. AGENDA

Rule 12

[The secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and **two weeks before the opening of the session in a supplementary provisional agenda, which the Conference of the Parties shall examine together with the provisional agenda.**]

VIII. OFFICERS

Rule 22

1. At the commencement of the first meeting of each ordinary session, a President, **seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur** shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and **one Bureau member shall represent the small island developing states.** The offices of President and Rapporteur shall normally be subject to rotation among the **five regional groups.**

2. The officers referred to in paragraph 1 above, shall remain in office until their successors are elected at the next ordinary session and shall serve in that capacity at any intervening extraordinary sessions. **No officer may serve on the Bureau for more than two consecutive terms of one year.**

3. . . .

IX. SUBSIDIARY BODIES

Rule 27

1. These rules shall apply mutatis mutandis to the proceedings of the subsidiary bodies.

[2. The Conference of the Parties may establish, by consensus, such subsidiary bodies as are deemed necessary for the implementation of the Convention.]

3. In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

4. The Conference of the Parties may decide that subsidiary bodies may meet in the period between ordinary sessions. Where appropriate, such meetings shall be held in conjunction with the sessions of the Conference of the Parties. **[Meetings of subsidiary bodies shall be held in conjunction with the sessions of the Conference of the Parties, unless the Conference of the Parties decides otherwise.]**

5. Unless the Conference of the Parties decides otherwise, the Chairman of any subsidiary body other than those established by Articles 9 and 10 of the Convention, shall be elected by that subsidiary body from among the representatives of the Parties present at the session. **The Chairmen, Vice-Chairmen and Rapporteurs of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms of one year.** Subject to Articles 9 and 10 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairman of a subsidiary body, to adjust the allocation of work.

6. **Each subsidiary body shall elect its own Vice-Chairman and Rapporteur.**

X. SECRETARIAT

Rule 28

1. The head of the secretariat of the Convention, **or the representative of the head of the secretariat**, shall act in that capacity in all sessions of the Conference of the Parties **and of its subsidiary bodies.**

2. The head of the secretariat of the Convention shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, **within available resources. The head of the secretariat of the Convention shall manage and direct such staff and services and provide appropriate support and advice to the presiding and other officers of the Conference of the Parties and of its subsidiary bodies.**

XII. VOTING

Rule 42

Alternative A

[1. The Parties shall make every effort to reach 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 **[or, in the case of the adoption of a proposed protocol [by consensus.] [, by a three-fourths majority vote]]** of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in Article 7, paragraph 2 (k) of the Convention or the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting [, except that adoption of a motion or proposal to close or limit debate or the list of speakers shall require a two-thirds majority vote of the Parties present and voting.].

Alternative B

[1. Decisions of the Conference of the Parties on matters of substance shall be taken by consensus.]

2. . . .

Alternative C

1. The Parties shall make every effort to reach 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, [except a decision under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention] shall, as a last resort, be taken by a two-thirds majority vote [or, in the case of the adoption of a proposed protocol, by a [two-thirds] [three-fourths] majority vote] of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in Article 7, paragraph 2 (k) of the Convention or the present rules of procedure. Decisions of the Parties under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention, shall be taken by consensus.

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

Alternative D

1. Decisions of the Conference of the Parties shall be taken as follows:

- (a) Decisions on matters of substance shall be taken by consensus.
- (b) Decisions on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.
- (c) Decisions on financial matters shall be taken by a two-thirds majority vote.
- (d) The adoption of a proposed protocol shall be by consensus.

2. . . .

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3. If the question arises as to whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If, on matters other than elections, 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.

5. For the purposes of this rule, the phrase "Parties present and voting" means Parties present at the meeting at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.