



SECRETARIAT OF THE PACIFIC REGIONAL ENVIRONMENT PROGRAMME

RULES OF PROCEDURE FOR MEETING AND CONFERENCES OF THE CONTRACTING PARTIES TO THE WAIGANI CONVENTION TO BAN THE IMPORTATION INTO FORUM ISLAND COUNTRIES OF HAZARDOUS AND RADIOACTIVE WASTES AND TO CONTROL THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES WITHIN THE SOUTH PACIFIC REGION

WAIGANI CONVENTION

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I. INTRODUCTION

Scope

Rule 1

The present rules of procedure shall apply to any meeting and Conference of the Contracting Parties to the Waigani Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region convened in accordance with Article 13 of the Convention.

Definitions

Rule 2

For the purposes of these rules:

1. "Convention" means the Waigani Convention to Ban the importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of hazardous Wastes with the South Pacific Region, adopted at Waigani, Papua New Guinea 16 September 1995;
2. "Parties" means Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties established by Article 13 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties Convened in accordance with Article 13 of the Convention
5. "President" means the President of the Conference of the Parties elected in accordance with Rule 18 paragraph 1
6. "Secretariat" means the South Pacific Regional Environment Programme designated as Secretariat of the Convention in accordance with paragraph 3 of Article 14 of the Convention.
7. "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 of 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;
8. " Parties present and voting" means Parties present at the sitting at which voting takes place and casting an affirmative or negative vote. Parties which abstain from voting are considered as not voting.

II. MEETINGS

Place of meetings

Rule 3

1. At each ordinary meeting, the Conference of the Parties shall decide on the venue of the next ordinary meeting to be hosted by one of the Members or by the Secretariat. In unforeseen circumstances, the Secretariat may in consultation with the President and the Parties, change the venue of the next ordinary meeting.

Dates of meetings

Rule 4

2. Ordinary meetings of the Conference Parties shall be convened once every other year unless the Parties decide otherwise, to coincide where possible with the Meeting of Contracting Parties to the Apia and Noumea Conventions and related Protocols and the SPREP Intergovernmental Meeting.
3. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.
4. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by a meeting of a Conference of the Parties, or at the written request of any Party, provided that within six month of the request being communicated to the Parties by the Secretariat, it is supported by at least by a two thirds majority

5. In case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more ninety days after the date at which the date on which the request is supported by at least two thirds s in accordance with paragraph 3 of this rule.

Notification of meetings

Rule 5

1. The Secretariat shall notify all parties of the dates and venue of ordinary and extraordinary meeting

III. OBSERVERS

Participation of non Parties,

Rule 6

- 1 The Secretariat shall notify as an observer, any other government or administration which is a member of SPREP to any meeting.
- 2 Such observers, upon invitation of the President and if there is no objection from the majority (with the consent) of the meeting, may participate without vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the parties wishing to do so have spoken.

Participation of United Nations, specialized agencies

Rule 7

1. The secretariat shall invite, as an observer any State Member of the United Nations, any United Nations specialized agency, any intergovernmental organization or any national, regional or international organization or non-governmental organization which has direct in the transboundary movement of hazardous wastes as well as their management and disposal, which has informed the Secretariat of its wish to be represented at any meeting , subject that their admission to the meeting is not objected to by the majority of the Parties present at the meeting.
2. Such observers may, upon invitation of the President and with the consent of the meeting, may participate without vote in the deliberations of the meeting. They shall be permitted to speak on any other matter only after the Parties wishing to do so have spoken.

IV. SESSIONS OF MEETINGS

Plenary sessions, ad hoc meetings and working groups.

Rule 8

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

V. AGENDA

Preparation of provisional agenda

Rule 9

In co-operation with the President, the Secretariat shall prepare the provisional agenda of each meeting and Conference

Inclusion of Items in provisional Agenda for ordinary meetings

Rule 10

1. The provisional agenda of each meeting shall include:
 - (i) Items arising from the articles of the Convention, including those specified in its article 13;
 - (ii) Items the inclusion of which has been requested at a previous meeting;
 - (iii) A report by the Secretariat on the work undertaken or achieved as part of the workprogramme since the last ordinary meeting and containing proposal and other activities to be undertaken in the forthcoming biennium;
 - (iv) The provisional budget as well as all questions pertaining to the Convention accounts and financial arrangements;
 - (v) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated

Distribution of provisional agenda

Rule 11

The invitations, provisional agenda and supporting documents for each ordinary meeting shall be distributed in the official languages by the Secretariat to the Parties and to entities referred to in Rules 6 and 7 at least six weeks before the opening of the meeting.

Supplementary items

Rule 12

The Secretariat shall, in agreement with the President, include any Item that is proposed by a Party and has been received between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda. The meeting shall examine the supplementary provisional agenda together with the provisional agenda.

Addition, deletion, deferment or amendments of items

Rule 13

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items.

Agenda for extraordinary meeting

Rule 14

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for holding of the extraordinary meeting. The agenda shall be transmitted to the Contracting Parties at the same time as the invitation to the extraordinary meeting.

Report on administrative and budgetary implications

Rule 15

The Secretariat 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.

Incomplete consideration of Items

Rule 16

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 provisional agenda of the next ordinary meeting, unless otherwise decided by the Parties.

V. REPRESENTATION AND CREDENTIALS

Composition of delegation

Rule 17

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Submission of credentials

Rule 18

- 1 The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat before the opening of the meeting. Any later change in the composition of delegations shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs.
- 2 The names of observers invited to participate at any meeting in accordance with Rules 6 and 7 shall be submitted to the Organisation before the opening session.
- 3 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 organizations identified in Rule 7, the credentials shall be issued by the chief executive officer of that organization.

VII. OFFICERS

Election of Officers

Rule 19

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

General powers of the President

Rule 20

1. 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, preside at the sessions t the session of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from that vote. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

Interim President

Rule 21

1. The President, if temporarily absent from a meeting or any part thereof, shall designate the Vice president to act as President.
2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of Officer

Rule 22

If the President, Vice President or Rapporteur resign or otherwise becomes unable to complete the term of office, a representative shall be named by the same Party to fulfill the remainder of the term of office.

VIII. SUBSIDIARY BODIES

Ad hoc Meeting, working group and Committees

Rule 23

1. The Conference of the Parties may establish, in accordance with 13, paragraph (f) of the convention, such, working groups, committees or agencies as are deemed necessary for the effective implementation of the Convention.
2. The meeting may decide that such working groups, or committees may meet in the period between ordinary meetings.
3. Unless otherwise decided, the meeting shall elect a Chairman for each such working group or committee and shall determine the terms of reference of each such working group or Committee. Each working group or committee shall elect its own officers other than the Chair.
4. The present rules shall apply mutatis mutandis to the proceedings of working groups and committees, subject to any modifications decided by the Conference of the Parties.

IX. SECRETARIAT

Duties and functions of the Secretariat

Rule 24

SPREP shall act as the Secretariat of any meeting and shall be responsible for the arrangements and administration of meetings. In addition to the functions specified in the Convention, in particular in article 13, the Secretariat shall in accordance with the present rules:

- a) arrange for interpretation and translation services,
- b) ensure the receipt, and circulation of documents of the meeting, its committees and working groups,
- c) publish and circulate the resolutions, reports and relevant documentation of the meeting.
- d) Arrange for the custody and preservation of the documents of the meeting in the archives; and
- e) Generally perform all other work that the meeting may require.

X. CONDUCT OF BUSINESS

Quorum

Rule 25

Two-thirds of the Parties shall constitute a quorum for all meetings, working groups or committees.

Procedures for speaking

Rule 26

1. No one may address a meeting without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat, shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Points of order

Rule 27

During the discussion of any matter, a Party may question the procedure being followed by raising a point of order, on which the President shall immediately rule in accordance with the present 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 majority of the Parties present and voting. A Party may not, in raising a point of order, speak on the substance of the matter under discussion.

Motions and amendments to motions

Rule 28

Motions and amendment to motions, to be discussed or put to the vote, shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to representatives before the meeting at which they are to be considered. Unless any representative calls for a postponement, the President may permit the discussion and consideration of such motions and amendments without previous circulation.

Order of procedural motions

Rule 29

- 1 Subject to rule 26, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - 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) to (d) above shall be granted only to the proposer and, in addition, to the one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motions

Rule 30

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

Reconsideration of proposals

Rule 31

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the 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.

XI. VOTING

Right to vote

Rule 32

Each Party shall have one vote.

Majority required

Rule 33

1. The Parties shall make every effort to reach an 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 of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in Article 13 paragraph 2 of the Convention or by the present rules of procedure.
2. Decisions of a meeting on procedural matters shall be decided by a simple majority vote of the 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.
3. Any question as to whether a matter is one of procedure or substance shall be decided by a simple majority vote of the Parties present and voting.

Voting on proposals
Rule 34

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal

Division of proposals and amendments
Rule 35

- 1 Any representative may request that parts of a proposal or of an amendment be voted separately. If objection is made to the request for division, the President 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.
- 2 If the request referred to in Paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then to be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Amendment to a proposal
Rule 36

A motion is considered to be an amendment to a proposal if it is 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.

Order of voting on amendments to a proposal
Rule 37

If two or more amendments are moved to a proposal, the meeting 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.

Methods of voting
Rule 38

If no consensus is reached as required by rule 31 paragraph 1, voting may be by show hands, or may take place by secret ballot.

Conduct during voting
Rule 39

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 Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

XII. REPORTS

Adoption and distribution of report
Rule 40

The report adopted by the meetings shall be distributed by the Secretariat as soon as possible after the meetings.

XIII. LANGUAGES

Official languages

Rule 41

The official languages of the meetings (working groups Committee??) shall be English and French

Interpretation

Rule 42

Statements made in an official language shall be interpreted into the official language.

A representative of a Party 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 Secretariat.

XIV. OVERRIDING AUTHORITY OF THE CONVENTION

Precedence of the Convention

Rule 43

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

XV. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 44

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