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ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION ON
THE PROTECTION AND USE OF TRANSBOUNDARY
WATERCOURSES AND INTERNATIONAL LAKES**

Legal Board

First meeting

Verona, Italy, 28-29 June 2004

DRAFT RULES OF PROCEDURE

Prepared by the secretariat with the assistance of Mrs. Phani Daskalopoulou-Livada (Greece),
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1. The draft rules of procedure for the meetings of the Parties to the Protocol on Water and Health (see annex) are based on the rules of procedure for the meetings of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes.
2. Rules 5, 6, 17, 20 and 21 have been redrafted to reflect:
 - (a) The outcome of the discussion on the rules of procedure during the second meeting of the Signatories to the Protocol (Geneva, 2-4 July 2003) and the third meeting of the Working Group on Water and Health (Budapest, 11-12 March 2004) (rule 6 regarding the participation of the private sector and rules 5 and 20, paragraph 1(iv) regarding the participation of NGOs);
 - (b) Decision III/2 of the Meeting of the Parties to the Water Convention (Madrid, 26-28 November 2003) regarding new arrangements for the composition of its Bureau and the Bodies to implement the Convention (rules 17, 20 and 21);

(c) Decision III/1 of the Meeting of the Parties to the Water Convention to amend the Convention opening accession to countries outside the UNECE region (rule 5), in view of the proposal announced by Switzerland at the first Regional Implementation Forum (Geneva, 15-16 January 2004) to similarly amend the Protocol.

These amendments are boldfaced in the annex.

3. Furthermore, the secretariat has compared these rules of procedures with those for the meetings of the Parties to other UNECE multilateral agreements and inserted in the text possible amendments in line with the latter. These amendments are italicized in the annex. Editorial changes are not highlighted.

Annex

**DRAFT RULES OF PROCEDURE
FOR THE MEETINGS OF THE PARTIES TO THE PROTOCOL ON WATER AND
HEALTH TO THE 1992 CONVENTION ON THE PROTECTION AND USE OF
TRANSBOUNDARY WATERCOURSES
AND INTERNATIONAL LAKES**

PURPOSE

Rule 1

These rules of procedure shall apply to the meetings of the Parties to the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes convened in accordance with article 16 of the Protocol.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. “Protocol” means the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted in London on 17 June 1999.
2. “Parties” means Contracting Parties to the Protocol.
3. “Parties present and voting” means Parties to the Protocol present and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.
4. “Meeting of the Parties” means the body established by the Parties in accordance with article 16 of the Protocol.
5. “A meeting of the Parties” means an ordinary or extraordinary meeting convened in accordance with article 16 of the Protocol.
6. “Convention” means the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes.
7. “Parties to the Convention” means Contracting Parties to the Convention.
8. “Meeting of the Parties to the Convention” means the body established by the Parties to the Convention in accordance with article 17 of the Convention.
9. “A meeting of the Parties to the Convention” means an ordinary or extraordinary meeting convened in accordance with article 17 of the Convention.

10. “Regional economic integration organization” means an organization referred to in article 21 of the Protocol and in article 23 of the Convention.

11. “Chairperson” means the Chairperson elected in accordance with rule 17 of these rules of procedure.

11 bis. “Bureau” means the Bureau established in accordance with rule 20 of these rules of procedure.

12. “Joint secretariat” means, in accordance with article 17 of the Protocol, the Executive Secretary of the United Nations Economic Commission for Europe and the Regional Director of the Regional Office for Europe of the World Health Organization.

PLACE OF MEETINGS

Rule 3

The meetings of the Parties shall be held at the United Nations Office at Geneva (UNOG) or at the Regional Office for Europe of the World Health Organization (WHO/EURO) at Copenhagen, unless other appropriate arrangements are made by the Parties and/or the Bureau in consultation with the joint secretariat.

DATES OF MEETINGS

Rule 4

1. The Meeting of the Parties shall set the indicative date for the opening and the duration of its next ordinary meeting. Ordinary meetings shall be held at least every three years, if possible in conjunction with a meeting of the Parties to the Convention.

2. *In the case of an extraordinary meeting convened at the written request of a Party pursuant to article 16, paragraph 1, of the Protocol, it shall be convened not later than 90 days after the date at which the request is supported by at least one third of the Parties.*

NOTIFICATION

Rule 5

1. The joint secretariat shall notify all Parties of the date and venue of a meeting of the Parties at least six weeks before it is due to take place.

2. The joint secretariat shall also provide notification of the date and venue of a meeting of the Parties, at least six weeks before it is due to take place, to:

- (a) Organizations of the United Nations system with specific competence on issues of the Protocol;
- (b) Those member States of the Economic Commission for Europe, member States of the World Health Organization in the European region and regional economic integration organizations which are entitled to become a Party to the Protocol but have not yet done so;
- (c) **Any State that is entitled under article 22, paragraph XX, of the Protocol to seek to accede to it which has requested to be so notified;**
- (d) *Relevant intergovernmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified; and*
- (e) **Relevant non-governmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified**

3. *Unless there are specific reasons requiring the use of other communication methods, notification by electronic mail shall be considered sufficient for the purposes of this rule, provided receipt of the electronic mail is acknowledged by the recipient.*

OBSERVERS

Rule 6

- 1. *Representatives of the States and the organizations identified in rule 5, paragraph 2 (a), (b) and (d), shall be entitled to participate in the proceedings of any meeting governed by these rules. Representatives of any State that is entitled under article 22 paragraph XX, of the Protocol to seek to accede to it shall also be entitled to participate in such meetings, regardless of whether it has requested to be notified of such meetings.*
- 2. *Representatives of any of the organizations referred to in rule 5, paragraph 2 (e) and **representatives of the private sector**, shall be entitled to participate in the proceedings of any meeting governed by these rules, unless one third of the Parties present at that meeting objects to the participation of representatives of that organization/**private sector**.*
- 3. *Observers entitled to participate in meetings pursuant to this rule do not have the right to vote at such meetings.*

AGENDA

Rule 7

In consultation with the Chairperson [*with the Bureau*], the joint secretariat shall prepare the provisional agenda of each meeting of the Parties.

Rule 8

- 1. The provisional agenda for a meeting of the Parties shall include, where appropriate:

- (a) Items specified in article 16, paragraph 3, of the Protocol;
- (b) Items arising from previous meetings of the Parties;
- (c) Any item proposed by the Bureau and/or the joint secretariat;
- (d) Any item proposed by a Party before the agenda is circulated.

2. The first item on the provisional agenda for each meeting shall be the adoption of the agenda.

Rule 9

The provisional agenda for a meeting of the Parties together with available supporting documents shall be distributed by the joint secretariat to the Parties at least six weeks before the opening of the meeting. *In this regard, the provisions of rule 5, paragraph 3 shall apply.*

Rule 10

The joint secretariat shall, in consultation with the Chairperson, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting of the Parties in an addendum to the provisional agenda, which the Meeting of the Parties shall examine together with the provisional agenda.

Rule 11

The Meeting of the Parties when adopting the agenda of its meeting may add, delete, defer or amend items. The Meeting of the Parties may amend the agenda at any time.

REPRESENTATION AND CREDENTIALS

Rule 12

Each Party participating in the meetings of the Parties shall be represented by a delegation consisting of a head of delegation and such other representatives and advisers as it thinks appropriate.

Rule 13

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 14

The credentials of all representatives shall be submitted to the joint secretariat at the opening of any meeting of the Parties. Any later change in the composition of the delegation shall also be submitted to the joint secretariat.

Rule 15

The officers of the Meeting of the Parties shall examine the credentials and submit their report to the Meeting.

Rule 16

Pending a decision of the Meeting of the Parties upon their credentials, representatives shall be entitled to participate in the meeting.

OFFICERS

Rule 17

1. The first meeting of the Parties shall be chaired by a representative of Hungary, host country of the first meeting. If in the future a meeting is again hosted by a Party, a representative of the host country may nominate a person to chair the meeting whether or not he/she has been previously elected as a member of the Bureau.

2. At the end of each meeting, the Meeting of the Parties shall elect a Chairperson and two Vice-Chairpersons from among the representatives of the Parties.

2bis. The Meeting of the Parties may elect additional officers, as it deems necessary for the performance of its functions and the implementation of the work plan. [In particular, the Meeting of the Parties may elect the chairpersons of the working groups, established according to rule 21, who will remain in office until the working groups have elected their officers, as set out in rule 21, paragraph 1.]

3. The Chairperson, the Vice-Chairpersons **and the other elected officers** shall serve as the officers of the Meeting of the Parties and remain in office until their successors are elected. They shall be eligible for re-election. If the Chairperson or one of the Vice-Chairpersons **or one of the other elected officers** is permanently unable to serve as officer, the remaining members of the Bureau shall co-opt a successor by consensus. The Bureau should take into account the proposal for a successor by the Party represented by the outgoing Chairperson, Vice-Chairperson or other elected officer.

4. The Chairperson shall participate in the meeting of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the Party concerned shall designate another representative who shall be entitled to represent it in the Meeting of the Parties and to exercise its right to vote.

Rule 18

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall:

- (a) Declare the opening and closing of the meeting of the Parties;

- (b) Preside at the sessions of the meeting;
 - (c) Ensure the observance of these rules;
 - (d) Accord the right to speak;
 - (e) Put questions to the vote and announce decisions;
 - (f) Rule on points of order;
 - (g) Subject to these rules, exercise control over the proceedings and maintain order.
2. The Chairperson may, moreover, propose:
- (a) The closure of the list of speakers;
 - (b) A limitation on the time allowed to speakers and on the number of times each representative may speak on a question;
 - (c) The adjournment or closure of the debate;
 - (d) The suspension or adjournment of the meeting of the Parties.
3. The Chairperson, in the exercise of his/her functions, remains under the authority of the Meeting of the Parties.

Rule 19

1. If the Chairperson is temporarily absent, asks to be temporarily replaced, is unable to complete his/her term of office, is unable to perform his/her functions or resigns, a Vice-Chairperson shall act as Chairperson.
2. At any time the Chairperson may ask one of the Vice-Chairpersons or the person nominated by the host country in accordance with rule 17 to chair the meeting.

BUREAU

Rule 20

1. **The Bureau of the Meeting of the Parties shall be composed of the Chairperson and the two Vice-Chairpersons of the Meeting of the Parties, the chairpersons of the working groups established according to rule 21 and, if applicable, the other officers elected according to rule 17, paragraph 2 bis.**

- 1ii. **The Chairperson of the Meeting of the Parties to the Convention shall be invited to be a member of the Bureau of the Meeting of the Parties to the Protocol.**

liii. **If the Meeting of the Parties to the Convention so decides, the Chairperson of the Meeting of the Parties to the Protocol shall be a member of the Bureau of the Meeting of the Parties to the Convention.**

liv. **The Bureau [shall] [may] invite the representatives of two non-governmental organizations, appointed by non-governmental organizations at the meetings of the Parties, to participate as observers in its meetings.**

lv. The Bureau shall be chaired by the Chairperson of the Meeting of the Parties. If the Chairperson is temporarily absent or is unable to complete his/her term of office or to perform his/her functions, a Vice-Chairperson **or any other Bureau member** shall act as Chairperson.

2. The terms of reference of the Bureau shall be established by the Meeting of the Parties.

BODIES TO IMPLEMENT THE WORK PLAN

Rule 21

1. The Meeting of the Parties may establish **working groups and other bodies, such as task forces and expert groups**, as it deems necessary for the performance of its functions and the implementation of the work plan, and may request them to help organizing workshops, seminars, training courses and other meetings under the Protocol. **The working groups and other bodies** shall elect their own officers.

2. The Meeting of the Parties shall determine both the matters to be considered **by the working groups and other bodies** and their term. The Meeting of the Parties may at any time terminate the function of **the working groups and other bodies**.

3. To promote harmonious cooperation with the Meeting of the Parties to the Convention, the Meeting of the Parties to the Protocol shall make arrangements with the Meeting of the Parties to the Convention regarding the terms of reference of **working groups and other bodies** established under the Protocol and the Convention.

JOINT SECRETARIAT

Rule 22

The Executive Secretary of the United Nations Economic Commission for Europe and the Regional Director of the Regional Office for Europe of the World Health Organization shall provide secretariat services for the Meeting of the Parties and all meetings organized under its auspices. They may delegate these functions to a member of their staff.

Rule 23

For meetings of the Parties the joint secretariat shall:

- (a) *Prepare the documentation, in consultation with the Bureau;*
- (b) Arrange for interpretation;
- (c) Arrange for the translation, reproduction and distribution of the documents;
- (d) Arrange for the custody and preservation of the documents in the archives of the United Nations Economic Commission for Europe and of the Regional Office for Europe of the World Health Organization.

CONDUCT OF BUSINESS

Rule 24

The meetings of the Parties shall ordinarily be held in private. The Meeting of the Parties may decide that a meeting or parts of it shall be held in public.

Rule 25

The Chairperson may declare a meeting of the Parties open and permit debate to proceed when representatives of the majority of the Parties are present.

Rule 26

1. The Chairperson shall determine the list and order of speakers at a meeting of the Parties. Without prejudice to rules 27, 28, 29 and 31, the Chairperson shall call upon speakers in the order in which they indicate their wish to speak. The joint secretariat shall be in charge of drawing up a list of such speakers. The Chairperson may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
2. The Meeting of the Parties may, on a proposal from the Chairperson 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 Chairperson shall call him/her to order without delay.
3. The Executive Secretary, the Regional Director or their representatives may at any meeting make either oral or written statements concerning any question under consideration.

Rule 27

An officer of a body established by the Meeting of the Parties may be accorded precedence by the Chairperson of the Meeting of the Parties for the purpose of explaining the conclusions arrived at by this body.

Rule 28

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

Rule 29

Any motion calling for a decision on the competence of the Meeting of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 30

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be presented in writing and handed to the joint secretariat, which shall circulate copies to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations not later than 24 hours in advance. The Chairperson may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though those amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals for amending the Protocol shall be submitted to the joint secretariat at least 120 days before the meeting of the Parties at which they are proposed for adoption by consensus, so that the joint secretariat in accordance with article 18 of the Protocol can communicate these proposals to the Parties at least 90 days before the meeting of the Parties.

Rule 31

1. Subject to rule 28, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend the meeting of the Parties
- (b) To adjourn the meeting of the Parties;
- (c) To adjourn debate on a question under discussion;
- (d) For closure of the debate on a 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 immediately be put to the vote.

Rule 32

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 that is withdrawn may be reintroduced by any other Party.

Rule 33

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Meeting of the Parties, by a three-fourth 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 immediately be put to the vote.

VOTING

Rule 34

1. The Meeting of the Parties shall make every effort to reach its decisions by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the decisions except for amendments to the Protocol in accordance with its article 18, to rule 33, to rule 47 and to paragraph 2 of this rule shall be taken by a majority of the Parties present and voting.
2. Decisions of the Meeting of the Parties on financial matters shall be adopted by consensus of the Parties present.

Rule 35

If two or more proposals relate to the same question, the Meeting of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Meeting of the Parties may, after each vote on a proposal, decide whether or not to vote on the next proposal.

Rule 36

Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall immediately be put to the vote.

Rule 37

If the motion referred to in rule 36 is adopted, those parts of a proposal or of an amendment to a proposal 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 have been rejected as a whole.

Rule 38

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises 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 39

If two or more amendments to a proposal are moved, the Meeting of the Parties 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.

Rule 40

Except for elections, voting shall normally be by show of hands. A roll call shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting of the Parties beginning with the Party whose name is drawn by lots by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 41

The voting of each Party participating in a vote by roll call shall be recorded in the report of the meeting.

Rule 42

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

Rule 43

All elections shall be decided by secret ballot, unless, in the absence of any objection, the Meeting of the Parties decides to proceed without taking a ballot on an agreed candidate or slate.

OFFICIAL LANGUAGES

Rule 44

The official languages of the Meeting of the Parties shall be English, French, German and Russian.

Rule 45

1. Statements made during meetings of the Parties in an official language shall be interpreted into the other official languages.
2. A representative may speak in a language other than an official language if he/she provides for interpretation into one of the official languages.

Rule 46

Official documents of the Meeting of the Parties shall be drawn up in one of the official languages and translated into the other official languages.

AMENDMENTS TO THE RULES OF PROCEDURE

Rule 47

Amendments to these rules of procedure shall be adopted by consensus of the Meeting of the Parties.

OVERRIDING AUTHORITY OF THE PROTOCOL

Rule 48

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