

**Convention on the Conservation and Management of Highly Migratory Fish
Stocks in the Western and Central Pacific Ocean**

Preparatory Conference for the Establishment of the Commission

Draft Agenda Item II(c): Draft Rules of Procedure for the Preparatory Conference

1. Paragraph 4 of the Resolution establishing the Preparatory Conference provides for the Preparatory Conference to adopt its rules of procedure. The Preparatory Conference needs to consider the issue of the adoption of appropriate rules of procedure for the conduct of its business. The rules of procedure adopted by MHLC were the rules of procedure used at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).¹ Those rules reflected the standard rules of procedure for international conferences held under United Nations auspices.

2. While many of the elements included in the UNFSA rules of procedure are standard rules of procedure for the orderly conduct of international meetings, there are some provisions which are not the usual regional practice, but rather are based on UN practice. Any rules of procedure adopted by the Preparatory Conference might be based on standard international practice for international meetings, adapted as appropriate to the regional setting. Although the Preparatory Conference might wish to develop its own rules of procedure it should be noted that certain essential matters are prescribed in the Resolution. Thus, under paragraph 4 of the Resolution, the rules of procedure shall require decisions on questions of substance to be taken by a three-fourths majority of those present and voting and decisions on questions of procedure shall be taken by a majority of those present and voting.

3. Until such time as rules of procedure are developed with specific application to the Preparatory Conference, the rules of procedure used for the MHLC meetings should continue to be applied, *mutatis mutandis*, given that the Preparatory Conference was established by a resolution of the MHLC.

In developing Rules of Procedure, the following elements might be taken into account:

- Representation
 - composition of delegations
 - alternates and advisers

¹ A/CONF.164/6. MHLC7 adopted these rules of procedure, *mutatis mutandis*.

- Officers
 - elections
 - general powers of Chair
 - acting Chair
 - replacement of Chair
 - voting rights of the Chair
- Secretariat of the Conference
 - duties of the secretariat
 - statements by the secretariat
 - invitations to technical or legal advisers
- Opening of the Conference
- Conduct of Business
 - quorum
 - speeches
 - points of order
 - precedence
 - closing of list of speakers
 - adjournment of debate
 - closure of debate
 - suspension or adjournment of the meeting
 - order of motions
 - submission of proposals and substantive amendments
 - withdrawal of proposals and motions
 - decisions on competence
 - reconsideration of proposals
- Decision-making
 - general agreement
 - voting rights
 - majority required
 - meaning of the phrase “representatives present and voting”
 - method of voting
 - conduct during voting
 - explanation of vote
 - division of proposals
 - amendments
 - order of voting on amendments
 - order of voting on proposals
 - elections

- Subsidiary bodies
 - establishment of subsidiary bodies
 - rules of procedure of subsidiary bodies
- Public and private meetings
 - general principles
 - communiqués on private meetings
- Other participants and observers
 - observers
 - representatives of other intergovernmental organisations
 - representatives of interested UN organs and bodies
 - representatives of non-governmental organisations
 - representatives of associate members of regional commissions
 - written statements
- Suspension and amendment of the rules of procedure
 - method of suspension
 - method of amendment

Recommendation

It is recommended that any further work that might be necessary on the matter of rules of procedure for the Preparatory Conference be taken up by the same process as any work on the development of rules of procedure for the Commission.