

Review of the Rules of Procedure

Actions requested:

The Standing Committee is invited to take note of the contents of this document and:

- i. to review the revised identified gaps and inconsistencies document that reflects the comments and observations received from Contracting Parties; and
- ii. to instruct the Secretariat, on the basis of the input provided at SC59, to finalize a draft of revised Rules for consideration at SC60 in preparation for COP14.

1. Document SC58 Doc.12 *Review of the Rules of Procedure* was prepared and published for SC58. The Standing Committee cancelled SC58 due to the COVID situation and requested that the outstanding SC58 agenda be moved forward to SC59. Document SC58 Doc.12 has therefore been updated accordingly and is presented here as SC59 Doc.12. This document has been prepared by the Secretariat and the Legal Adviser.

Background

2. In Resolution XIII.4, on *Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention*, in paragraph 26, the Conference of the Parties requests the Secretariat to:
 - a. *conduct a review of the Rules of Procedure, identifying text, if any, that may no longer be valid or applicable, is contradictory, is otherwise inconsistent with current Ramsar practices, and the Rules' applicability to subsidiary bodies including the Standing Committee, working groups, and Friends of the Chair groups and, at SC57, report its findings, including information on how it reached these conclusions;*
 - b. *in conducting the aforementioned review, give due consideration to any proposed amendments to the Rules of Procedure that were not considered at the 13th meeting of the Conference of the Contracting Parties; and*
 - c. *develop, as appropriate, based on its findings and Contracting Parties' feedback on its report to SC57, recommendations for Parties at SC58, to consider revisions that might be made to the Rules of Procedure, in preparation for COP14.*
3. The original review of the Rules of Procedure was set out in document SC57 Doc.13. Relevantly, this document acknowledged (at paragraph 4) that "document COP13 Doc.4.2, presented at the 13th meeting of the Conference of the Contracting Parties (COP13) sets out proposed

amendments to the Rules of Procedure advanced by Japan, Sweden and the United States of America”.

4. Further, the Standing Committee through Decision SC57-13 took note of the progress in the review of the Rules of Procedure and instructed the Secretariat to prepare a revised document with the comments received, to be presented at SC58.
5. In light of Resolution XIII.4, paragraph 26(c) and Decision SC57-13, the Secretariat contacted all Contracting Parties in writing and requested feedback on document SC57 Doc.13. Comments were received from: Armenia and Sweden (on behalf of European Contracting Parties); Egypt; Finland; Japan; South Africa; and the United States of America. Myanmar also provided a formal response but did not provide comments on the text.
6. After reviewing the feedback received, and in light of the range of views received and in the interest of transparency and equity, the Secretariat with the assistance of the Legal Advisor has:
 - summarized all comments that represent divergent views, or are in addition to, recommendations made in document SC57 Doc.13; and
 - taken note of explanatory comments that may assist the Contracting Parties in their deliberations over the proposed amendments to the Rules of Procedure.
7. Accordingly, a fifth column has been added to Tables 1 and 2 (which were set out in document SC57 Doc.13) which is entitled ‘Divergent/additional comment’. The aforementioned summaries and comments are included in this fifth column. The updated version of Table 1 in SC57 Doc.13 is set out in **Annex 1** to this document, while the updated version of Table 2 is set out in **Annex 2**.
8. Certain recommendations and comments were summarized due to their length. Where recommendations are repeated they have been included once.
9. Recommendations concerning a rule or rules that were not contemplated in the original review set out in document SC57 Doc.13 are accompanied by a footnote naming the Contracting Party responsible for the addition. Where the proposed amendments were too long to include in the table, or were in the form of track changes to the text of the Rules of Procedure, they have been included in a footnote.
10. Certain proposed amendments contain some inconsistencies, for example in the use of terminology. The Secretariat understands that at this stage Contracting Parties have submitted their main points, and that they expect that the Secretariat will do a final edit, ensuring consistency and coherence in the use of terms. Comments are thus included without edits in this regard.
11. By way of further background, Rule 25.5 states that “Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies ...” with certain exceptions. However, it is at times unclear which rules apply to meetings of these other bodies, thereby giving rise to confusion. The recommendation by the United States of America to adopt the equivalent of Rule 27 of the United Nations Convention to Combat Desertification (UNCCD) RoP would largely address this issue.¹

¹ “Save as provided in rules 28 to 33, the present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies.” See https://www.unccd.int/sites/default/files/sessions/documents/2019-08/1COP1_0.pdf

Annex 1²

Rules that are no longer valid or applicable, that contradict or that are otherwise inconsistent with current Ramsar practices (and recommended amendments)

	Rule	Issue ³	Recommendation regarding amendments	Divergent/additional comment
1	Title ⁴			Sweden/Armenia: Amend and simplify title. ⁵ Further, all headings should be as short as possible.
2	Rule 1: Purpose	States that the Rules apply to any meeting of the COP. However, certain rules only apply to specific meetings of the Standing Committee (SC) (for example Rules 5.1 and 34.1, which logically concern the SC meeting at which proposals for the following meeting of the COP are discussed). This is contradictory and may give rise to confusion.	Create separate Rules for the SC which apply <i>mutatis mutandis</i> to other subsidiary bodies. ⁶ Alternatively, specify in Rule 1 that the Rules apply to any meeting of the COP unless otherwise specified.	USA/South Africa/Finland⁷: Opposed to creating new Rules of Procedure (RoP) for subsidiary bodies. USA: Suggested adopting Rule 27 of the UNCCD RoP, which says that the RoP apply <i>mutatis mutandis</i> to other subsidiary bodies. It is generally understood that rules directed to a specific subsidiary body apply only to that subsidiary body and are not applied <i>mutatis mutandis</i> to the COP or other bodies. Egypt: RoP are too long and detailed. Suggest shortening them.
3	Rule 2: Definitions	Certain terms employed in the Rules are not explicitly defined in Rule 2, on 'Definitions'. For example: 'Conference Bureau' ⁸ ; 'session' ⁹ ;	All terms that have a particular meaning within the context of the Convention and its meetings should be defined in Rule 2. This would allow for ease of reference and	USA: Apart from Rules 25.5(e) and 34.3, 'recommendation' used as a normal verb throughout.

² **Table 1** from Doc SC57-13.

³ No longer valid or applicable; contradictory; inconsistent with current Ramsar practices; ambiguous or poorly drafted.

⁴ Addition by Sweden/Armenia.

⁵ RULES OF PROCEDURE FOR MEETINGS OF THE CONFERENCES OF THE CONTRACTING PARTIES TO THE CONVENTION ON WETLANDS AND ITS SUBSIDIARY BODIES OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (Ramsar, Iran, 1971).

⁶ This is consistent with CITES Rules of Procedure for its SC (see Rule 17.4).

⁷ Finland made a general comment indicating that it would prefer that the RoP be simplified, not added to. We have assumed that this means they it is opposed to separate RoP for subsidiary bodies.

⁸ Defined in Rule 21.

⁹ Rules 3, 4 and 5 sit beneath the heading "Sessions", a term which, in this context, appears to be used interchangeably with the term 'meetings'. However, the manner in which it is employed in Rules 28.1 and 29 suggests that it is a reference to a convening of the Parties within the context of an overall meeting. This is potentially contradictory and, in any case, gives rise to some ambiguity.

		<p>'recommendation'¹⁰; 'amended proposal'¹¹; and 'sponsor'¹².</p>	<p>avoid any possible confusion regarding the meaning of terms.</p> <p>Rule 2(g): The definition of 'proposal' should be amended to clarify that only a Contracting Party, the SC, the Conference Bureau <i>or any other subsidiary body approved by the COP</i> may submit a proposal.</p> <p>Note that the suggested addition (above) of 'any other subsidiary body approved by the COP', in the definition of 'proposal', brings this into line with current practice, particularly regarding the Scientific and Technical Review Panel (STRP). That is, other bodies have historically sponsored proposals but this is not captured in the definition.</p> <p>The term 'sponsor' should also be defined to clarify that it means 'submit' to the COP for consideration. This recommendation is based on the facts that: the term 'sponsor' is used in Rule 7.5; and the use of the word</p>	<p>If 2(g) changed, it becomes contradictory with Rule 5.1. The same change would need to be reflected in Rule 5.1 for consistency.</p> <p>Finland: Definition of 'Conference Bureau' in Rule 21 acceptable (and is too long to transpose into Rule 2).</p> <p>Sweden/Armenia: Suggest different order of definitions (D, C, B, L, A, F, I, K, J, H). Also suggest: deleting "Meeting" as it repeats b) (and meetings occur in different contexts within the Convention so preferable to use more specific language, such as 'COP'); simply using 'Ramsar meeting' as this is used in the body of the RoP; removing the word 'proposal' with terms that are more specific to body/action/outcome.¹³</p> <p>Hence 'Meeting of the Conference of the Parties' and 'Conference of the Parties' replaced with 'COP' throughout.</p> <p>Should only include definitions for words that are in regular use within the context of the Convention and which are specific and non-replaceable. Suggest using acronyms.</p>
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¹⁰ Rule 2.g defines 'proposal' to include a 'recommendation'. However, the term 'recommendation' is not defined, although it is referred to throughout the Rules [see: Rules 5.1, 10, 19.3, 25.5(e), 34.3 and 34.4]. It is not *prima facie* clear how a 'recommendation' differs from a draft resolution or decision.

¹¹ Rule 42.

¹² Rule 7.5.

¹³ b) ~~"Conference of the Parties"~~ "COP and extraordinary COP" means any ordinary or extraordinary Conference of the Contracting Parties established in accordance with Article 6 of the Convention;

c) "Contracting Party" (CP) or "Contracting Parties" (CPs) means a State or States that have consented to be bound by the Convention and for which it is in force;

e) ~~"Meeting"~~ means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 6 of the Convention;

g) ~~"Proposal"~~ means a draft resolution or recommendation submitted by one or more Contracting Party or the Standing Committee or the Conference Bureau;

h) ~~"Ramsar regional groups"~~ means each of the regional groups in which the Contracting Parties to the Convention have been grouped in order to facilitate the work of the Convention;

			'submit' can give rise to confusion, as noted in row 13 of Table 1.	
4	Rule 3: Place of meetings ¹⁴	Rule 3.2: the term 'meeting' v 'COP' should be checked throughout the Rules.		<p>Finland: In this instance, it may be more appropriate to say 'the COP shall decide'.</p> <p>Sweden/Armenia: Delete 'Sessions' from overarching title as it is not a word that is used in practice. Replace 'secret ballot' with 'secret voting' as 'ballot' means 'drawing lots'. If agreed this substitution should occur throughout.</p>
5	Rule 4: Dates of meetings	Rule 4.3, which provides for an extraordinary meeting to be held, states that such a meeting may be held in two circumstances. The first is at the request of any Contracting Party, provided that, within six months, it is supported by at least one-third of the Parties, in a ballot organized by the Secretariat. The second is when it is deemed necessary by the COP. However, the latter is inconsistent with Article 6 of the Convention, which states that extraordinary meetings shall be convened 'at the written requests of at least one-third of the Contracting Parties'.	Amend Rule 4.3 so that it is consistent with Article 6 of the Convention (that is, delete 'at such times as may be deemed necessary by the Conference of the Parties, or'.)	<p>Finland: Rule 4.3: How does the Secretariat organise a ballot to determine if an extraordinary meeting will be held? Would it be more appropriate for the CPs to express their views in another way (fax, written notification to the Secretariat)? Refer to Article 6 of the Convention – extraordinary meetings at the written request of at least one third of the CPs.</p> <p>Sweden/Armenia: Delete the first sentence of 4.2 ('Each ordinary meeting shall determine the year and venue of the next ordinary meeting.').</p>
6	Rule X: Proposals to be considered by the COP. ¹⁵			<p>Sweden/Armenia: See footnote for proposed text. Note for proposed sub-rule 3: it is not necessary to specify that Draft proposals are considered by the CPs as this is mentioned in Rule 5.1. Also, observers may consider and suggest amendments to Draft proposals.¹⁶</p>

¹⁴ Addition by Finland.

¹⁵ Addition by Sweden/Armenia.

¹⁶ **Rule X: Proposals to be considered by the COP:**

1. Proposed Draft resolutions and proposed recommendations to be considered by the COP can only be submitted by Contracting Parties and the Standing Committee.

7	Rule 5: Notification	<p>Rule 5.1: states that ‘only Parties, the Standing Committee and the Conference Bureau shall be entitled to submit proposals’. It is common practice for subsidiary bodies and/or the Secretariat to contribute to the drafting of proposals. This is implicitly authorised by Rule 34.2, which states that the ‘Standing Committee may also decide that differences of opinion on a proposal drafted by a subsidiary body or the Secretariat may be shown in brackets and if appropriate with explanatory comments.’</p> <p>Rule: 5.1: states that the deadline for submissions of proposals ‘shall normally be 60 calendar days prior to the opening of the Standing Committee meeting at which recommendations are made for documents...’. This logically does not apply to the submission of documents for COP meetings (that is, it only applies to the meeting of the SC at which proposals for the following COP are discussed).</p>	<p>Rules 5.1/34.2: Clearly defined rules entitled (for example) ‘Submission of proposals’ and ‘Drafting of proposals’, respectively, should be included in the Rules. Note that this would not alter the content of the current Rules, but rather clarify their meaning to avoid confusion. This would ideally help to distinguish the two senses of the term ‘submitting’ a proposal; separating the administrative sense of giving it to the SC from the sense of sponsoring a proposal.</p> <p>Rule 5.2: Remove and place in separate Rules of Procedure for subsidiary bodies. If the Parties do wish the SC to consider all proposals before they are considered by the COP, this should be clearly indicated in the Rules.</p> <p>Alternatively, it could be considered whether it is necessary for all proposals to be reviewed by the SC before they are submitted to the Secretariat for consideration by the COP.</p>	<p>USA: Rule 5.1 will need to be modified to be consistent with the changes made in Rule 2(g): ‘only Parties, the Standing Committee, the Conference Bureau, or any other subsidiary body approved by the COP shall be entitled to submit proposals.’</p> <p>USA: Rule 5.1 (and 34.1, 34.4): change ‘60 calendar days/60 days’ with ‘120 days’ so that Parties’ draft resolutions will be submitted prior to the deadline for the Secretariat to distribute documents, and will allow time for draft resolutions to be translated and distributed alongside other meeting documents rather than a month or so after the deadline.</p> <p>USA and Finland: Do not support proposal to place Rule 5.2 in separate RoP for subsidiary bodies.</p> <p>Finland: Rule 5.2: important to consider how all docs can be submitted to the COP. Rule 13 seems to overlap in part with 5.2.</p> <p>Sweden/Armenia: Proposed amendments in footnote. Note: possible addition for Rule 5.1: The notifications shall include information about dates, venue and if a high-level segment is planned or not and, if that is the case, the dates for such a segment.¹⁷</p>
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2. Proposed Draft resolutions and proposed recommendations must be submitted to the Secretariat at least 60 calendar days prior to the opening of the Standing Committee meeting at which recommendations are made for documents for consideration by the Conference of the Parties.
3. The Conference Bureau is entitled to submit proposals to the COP during the COP.

¹⁷ **Rule 5.1**

The Secretariat shall notify all Contracting Parties of the dates, venue, and provisional agenda of an ordinary COP meeting at least 12 months before it the meeting is due to commence. The notifications shall include information about the dates and venue for the COP. The notification shall also include the draft agenda for the meeting and the deadline for submission of proposals by the

8	Rules 6 and 7: Observers	<p>Rule 7 is entitled 'Participation of other bodies or agencies'. The 'other' implies other than the United Nations and its specialized agencies, referred to in Rule 6. However, there are aspects of Rule 7 that could also apply to observers from the bodies referred to in Rule 6, such as the limitations on seating referred to in Rule 7.6. This lack of clarity could lead to misunderstanding and should be avoided.</p> <p>Rule 7.5 states that 'Proposals made by observers' may only be put to the vote if</p>	<p>Rules 6 and 7 should be consolidated into one rule that is clear and consistent in its application to observers.</p> <p>Rule 7.5: if it is the intention of the Parties that an observer may draft (or announce) a proposal which is in turn submitted by a Contracting Party, this should be clarified. This clarification could – for example – occur in Rules entitled 'Drafting of proposals' and 'Submitting of proposals' (as recommended above under 'Rule 5: Notification').</p>	<p>USA: Delete Rule 7.5.</p> <p>Sweden/Armenia: Proposed amendment in footnote. Note: suggest merging Rules 6 and 7; do not need a sub-rule allowing observers to vote; Use of 'proposal' in current Rule 7.5 is broader than in definition as very rare that voting on an entire DR (rather parts of them); 'sponsored' conjures financial sponsorship so suggest using 'actively supported' instead (and check use of term across RoP).¹⁸</p>
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Contracting Parties, see Rule X.2 for their deadline, which normally shall be 60 calendar days prior to the opening of the Standing Committee meeting at which recommendations are made for documents for consideration by Contracting Parties at the Conference of the Parties. Only Parties, the Standing Committee and the Conference Bureau shall be entitled to submit proposals.

¹⁸ **Rule 6 Observer's Participation in COPs of United Nations, specialized agencies and States not Party to the Convention**

1. The Secretariat shall notify the United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State not a Contracting Party to the Convention, of meetings of the Conference of the Parties so that they may be represented as observers.
2. ~~Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting unless at least one third of the Contracting Parties present at the meeting object.~~

Rule 7 Participation of other bodies or agencies

2. Any organisation ~~body or agency~~, national or international, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of wetlands, which has informed the Secretariat of its wish to be represented at ~~meetings of the Conference of the Parties~~ may be represented at the COP as an ~~meeting~~ by observers, unless at least one third of the Parties present at the meeting object.
3. Organisations ~~Bodies or agencies~~ desiring to receive recognition as observers for the purposes of attending meetings of the Conference of the Parties shall submit appropriate documentation to the Secretariat for consideration three months prior to any ordinary meeting and one month prior to an extraordinary meeting.
4. Organisations ~~Bodies or agencies~~ recognized as observers who desire to be represented at the COPs meeting as observers shall submit the names of these representatives to the Secretariat at least one month prior to the opening of the meeting.
4. ~~Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting, unless at least one third of the Contracting Parties present at the meeting object.~~
5. Any Pproposals made by observers at the COP may be put to the vote only if sponsored by a Contracting Party.
6. Seating limitations may require that no more than two observers from any State ~~not a Contracting Party, body, or agency~~ be present at a meeting. The Secretariat shall notify those concerned of any such limitations in advance of the meeting.
7. The Secretariat will maintain a list of ~~bodies or agencies~~ recognized as observers and shall notify those previously approved to be observers pursuant to Rules 6 and 7 of the date and venue of any ~~session~~ COP scheduled by the Conference of the Parties so that they may be represented.
8. The list of observers shall be provided by the Secretariat to the Contracting Parties not later than 14 days before the meeting of the Conference of the Parties at which they are proposed to be admitted. The list of observers shall indicate the name of the representative and the organization, ~~body or agency~~ that they represent.

		<p>sponsored by a Contracting Party. This is not consistent with the definition of 'Proposal' in Rule 2. Moreover, Rule 5.1 states that only Parties, the SC and the Conference Bureau may submit proposals. It appears that the terms 'submit' and 'sponsor' are used interchangeably in Rule 5.1. If this is the case, an observer may draft a proposal, but that, consistently with Rule 5.1, it must be sponsored (that is, submitted) by a Contracting Party. However, this is not entirely clear and should be resolved.</p> <p>Rule 7.3 refers to 'Bodies or agencies recognized as observers...', while Rule 7.7 refers to bodies or agencies 'previously approved to be observers'. However, the Rules do not clearly set out a process for recognition or approval. In practice, observers are approved/recognized by the COP. See for example Item 7 of the Agenda of COP 13, which is entitled 'Admission of observers'.</p>	<p>Rule 7.7: Clarify that the list of observers provided by the Secretariat to the COP must be approved by the COP in accordance with Rules 7.1, 7.2 and 7.3. Avoid using the terms 'recognized' and 'approved' interchangeably; and choose one term and apply it consistently.</p> <p>See also recommendation regarding the definition of 'proposal' in Rule 2(g).</p>	
9	Rule 8: Preparation of provisional agenda	<p>The Secretariat is to prepare the provisional agenda for a meeting of the COP for consideration by the SC at its annual meeting in the year following the previous COP. This means that the provisional agenda is to be prepared two years in advance of the COP. It may be questioned whether this is efficient and necessary, especially given the likely developments over the following two years.</p>	<p>Consider amending this rule to require the provisional agenda to be made available one year before the COP (for example).¹⁹</p>	<p>South Africa: Noted that due to unforeseen circumstances, the provisional agenda should be made available one year before the COP to allow consultations at country level.</p> <p>Egypt: Should be made available six months before the COP; one or two years is too far in advance.</p> <p>Sweden/Armenia: insert 'COP' before 'AGENDA' in overarching title. Additional proposed amendment</p>

¹⁹ In CITES, a draft agenda is prepared for consideration by the SC at the meeting preceding the COP (that is, the previous year). However, it contains only the standing items and the follow-up to decisions. The Secretariat then has to add any item submitted by any Party before the 150-day deadline.

				in footnote. Note: Current deadline for production of provisional agenda may be too early – some trienniums the SC meeting the year before the COP is suitable. ²⁰
10	Rules 11 - 12: Provisional agenda	<p>Under Rule 11, the Secretariat may, with the agreement of the chairperson, include in a supplementary provisional agenda a proposal received from a Party after the publication of the provisional agenda (which is three months before a meeting of the COP).</p> <p>However, as the deadline is not specific ('...before the opening of the meeting') there may be insufficient time for the documents to be translated and for Parties to consider them in advance of a meeting. This is in conflict with Rule 50.1, which requires all official documents of the meetings to be translated into other official languages. It may also be prejudicial if Parties are unable to properly consider the documents.</p> <p>Under Rule 12, the COP considers the Agenda and the supplementary provisional agenda and may only add items to the agenda if it considers them to be 'urgent and important'. But it is ambiguous whether the items in the supplementary provisional agenda are already considered as included in the provisional agenda.</p>	<p>Possible amendments:</p> <p>It should be clarified that any items that appear in the supplementary provisional agenda, and that were not in the provisional agenda published three months before the meeting, will be included in the final agenda only if the COP considers them to be 'urgent and important'.</p> <p>It would be helpful to apply the same condition to the preparation of the supplementary provisional agenda if it needs to continue to exist. In this case, consideration should be given to the need for the preparation and distribution of related documentation in the official languages.</p>	<p>USA: Delete Rule 11 and subsequent references to the 'supplementary provisional agenda'.</p> <p>Egypt: Delete references to supplementary provisional agenda as this creates confusion. Any necessary amendments can be included in the final agenda.</p> <p>South Africa: Consideration should be given to a scenario where the 'urgent item' is a draft resolution as this will require due consideration by CPs before the submitted draft resolution can be accepted.</p> <p>Sweden/Armenia: Rule 12.2 could be moved to the section on voting.</p>

²⁰ **Rule 8: Preparation of provisional agenda**

The Secretariat shall prepare the provisional agenda of each ordinary meeting COP for consideration and approval by the Standing Committee at its last meeting in good time before the deadline for the Secretariat in Rule 5.1 (at least one year before the COP), annual meeting in the year following the meeting of the Conference of the Contracting Parties.

11	Rule 13: Scope of provisional agenda for extraordinary meetings ²¹			Sweden/Armenia: Delete second sentence as this should be included in rules focussing on notification.
12	Rule 14: Secretariat's report on administrative and financial implications of agenda item ²²			Sweden/Armenia: Requirement to report within 24 hours should be amended to four weeks prior to the opening of the meeting to allow proper consideration of the financial and administrative implications of DRs etc. by CPs.
13	Rules 16 – 20: Representation and credentials	<p>It is not clearly stated that a representative of a Contracting Party may not participate and vote in the absence of accepted credentials. Specifically:</p> <p>Rule 18.5 states that a representative may not vote unless their name is clearly and unambiguously listed in the credentials. However, there is no rule that explicitly states that a person whose name is listed on credentials may not vote because the credentials have not been accepted by the COP as being consistent with the criteria set out in Rule 18.</p> <p>Rule 20 states that representatives shall be entitled to participate provisionally in the meeting pending a decision on their credentials by the COP. This implies that participation is possible even if credentials have not been presented, but it is not explicitly stated and to that extent is not clear.</p>	<p>The Rules need to clearly set out the circumstances in which a representative may participate and vote. If participation or voting (or both) requires that credentials have been accepted, then this should be unambiguously stated in the Rules (including in Rule 39.5, which says that 'Contracting Parties...who do not have appropriate credentials shall be considered as not voting'. It is not clear if 'appropriate' is intended to be synonymous with 'accepted' by the COP).</p> <p>The Rules should be structured so that all of the technical requirements regarding the format of credentials are clearly set out in one sub-rule.</p> <p>Terminology should not be used interchangeably. That is, each term should be applied consistently throughout the Rules to avoid confusion.</p>	<p>USA: Yes, 'appropriate' is intended to be synonymous with 'accepted' by the COP.</p> <p>Supports the equivalent rule in the CITES RoP ('Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote.')</p> <p>Concurs that a deadline for the Credentials Committee to make a recommendation and in turn for the COP to make a decision would be helpful and should be added to the RoP.</p> <p>Finland: Would like to see these rules streamlined. Suggestion that COP decide on credentials before a vote would mean that no voting could take place in first 48 hours of the meeting.</p> <p>South Africa: Crucial to resolve the issue re. credentials and voting to avoid confusion.</p>

²¹ Addition by Sweden/Armenia.

²² Addition by Sweden/Armenia.

		<p>(The equivalent rule in the CITES Rules of Procedure says ‘Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote.’)</p> <p>Rule 18.4 concerns the format of credentials. As various combinations of seal, signature and letterhead are permissible, it can give rise to some confusion. Further, the person who is authorized to sign the credentials (Head of State, Minister for Foreign Affairs etc. as set out in Rule 18.3) and the term ‘appropriate authority’ appear to be used interchangeably, but it is not entirely clear.</p> <p>The specifications regarding the contents of credentials are spread out across various sub-rules within Rule 18. It is therefore necessary to read parts of different sub-rules to understand what credentials must contain. This is unnecessarily complex.</p> <p>Rule 19.3 states that the Credentials Committee shall examine all credentials and make recommendations to the COP. However, it does not establish a deadline for making a recommendation and in turn for the COP to make a decision. This is problematic if a vote is required before credentials are accepted by</p>	<p>The specifications for credentials should be clearly articulated in one individual rule.</p> <p>The Rules should clearly state that the report of the Credentials Committee will have to be considered by the COP, and a decision made by the same, before vote can occur.</p> <p>It may be useful to consider adding a rule regarding presentation of the equivalent of credentials also for observers, in the form of a simple letter from an appropriate person indicating that the observer is authorized to represent the organization concerned and can speak on their behalf.</p>	<p>Sweden/Armenia: Merge Rules 16 and 17 (delete heading of Rule 17); ‘digital’ and ‘electronic’ used interchangeably in Rule 18 (choose the correct term and apply throughout); what is meant by ‘participate provisionally’ in Rule 20 (this is not defined)? Compare with Rule 35, which says that those lacking credentials cannot vote.</p> <p>Sweden/Armenia: Additional, proposed amendments in footnote.²³</p>
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²³ **Rule 18 Submission of credentials**

1. ~~...Submission of the statement of credentials may be done digitally, conditional upon compliance with the terms set out in Rule 18.3.~~ Submission of credentials may be done in either hardcopy or digital form.
3. ~~...If other authorities in a Contracting Party are entitled to issue credentials for international meetings COPs, this should be notified by the Ministry of Foreign Affairs with an original letter to the Secretary General at the time of submitting their credentials. Submission of credentials may be done in either hardcopy or digital form, with digital submission requiring authentication by a valid digital signature.~~

		the COP. This assumes that a delegate must have had their credentials approved before voting, which is not clearly specified.		
14	Rule 21: Conference Bureau	<p>Rule 21.1 concerns, <i>inter alia</i>, the election of the officers of the Conference Bureau. One of the two Vice-Presidents is to serve as rapporteur. As each meeting of the COP is staffed by one or more professional rapporteurs, it is unclear what the duties of the nominated Vice-President are in this regard. Is the Vice-President to produce a formal report after each session of the COP, for example?</p> <p>There are other rules concerning the functioning of the Conference Bureau elsewhere in the Rules (for example Rule 25.1(a)). This makes it difficult to clearly understand the roles and responsibilities of the Conference Bureau.</p>	<p>The role of the Vice-President acting as rapporteur should be clarified.</p> <p>All rules specifically concerning the Conference Bureau should be grouped together.</p>	<p>USA: Concur that rules should be consolidated. Would like to ensure that new COP Presidency hosts daily Bureau meetings, not outgoing COP Presidency. Amendments should reflect this.²⁴</p> <p>USA: The Vice President is a symbolic, traditional role. The rapporteur function is an honorary title/responsibility as well. In all MEAs in which the USA participates this is the person who would read out something from the official record created by the professional rapporteur. This enables CPs to have a Party read things out instead of a Secretariat staff member/consultant.</p>
15	Rule 22: Role of the President	Rule 22.3 states that the President, in the exercise of the functions of that office, remains under the authority of the COP.	The rule should be amended to link it to Rule 32 (which sets out the process for ensuring that the President remains under the authority of the COP).	
16	Rule 24: Replacement of an officer (unable to complete term) ²⁵			Sweden/Armenia: Addition of following sentence at end of paragraph: 'If that is not possible, the region that officer comes from will have to choose a replacement'. Note: need a back-up system for one-person delegations.

²⁴ Note of Legal Advisor: this will require an amendment to Rule 25(1)(c).

²⁵ Addition by Sweden/Armenia.

17	<p>Rule 25: The establishment of subsidiary bodies</p>	<p>Rules 25.1 and 25.4 do not explicitly clarify whether a non-voting member of the SC may join, vote in or be an elected officer of, an SC subgroup or working group.</p> <p>Rule 25.4 says ‘subject to paragraph 4’. This is an error as this text is in paragraph 4. It is therefore unclear what the rule is supposed to be subject to (if anything).</p> <p>Rule 25.5(e) concerns informal working groups ‘in addition to subsidiary bodies’. However, the fact that these groups are provided for in a rule concerning subsidiary bodies gives rise to confusion, in particular regarding the application of Rule 25 to their formation and functioning.</p> <p>Further, Rule 25.5(e) is not technically consistent with the definition of a ‘subsidiary body’ provided for in Rule 2(k). This is because it says that ‘subsidiary body’ ‘means all committees or working groups established by the Conference of the Parties...’.</p>	<p>The ability of non-voting members of the SC to join, vote in, or act as an officer of, one of its subgroups or working groups should be clarified to remove any ambiguity.</p> <p>The referencing error in Rule 25.4 should be eliminated.</p> <p>To avoid confusion, informal working groups should be provided for in a separate rule which makes it clear that they are not subsidiary bodies.</p> <p>Further, the definition of ‘subsidiary body’ provided in Rule 2(k) should be amended to refer to ‘...all <i>formal</i> committees or working groups’ and to explicitly exclude the informal groups provided for in Rule 25.5(e).</p>	<p>Finland: Unclear why rule concerning the Conference Bureau are in subsection to Rule 25.1.</p> <p>USA: Open to various options to remove ambiguity in the text. Also open to non-SC members not only attending/participating in but also serving as officers of subsidiary bodies (which includes all working groups) if requested to do so. However, end result should allow any government party to be present in the room as an observer. Exception would be Conference Bureau, which should be closed to observers, except at the invitation of the President.</p> <p>USA: 25.1(b): Suggests reintroducing a definition of ‘permanent observer’ into Rule 2.</p> <p>USA: As SC creates subsidiary bodies, would be helpful to amend 25.1 to reflect this practice.</p> <p>USA: It may be simplest to combine 25.4 (which is a typographic error) with 25.3(a) to have 25.3(a) now read, ‘Unless otherwise decided by the Conference of the Parties, each body shall elect its own officers. No officer may be re-elected for a third term.’ The only reason to retain this last sentence is because in the STRP people commonly serve two consecutive terms in leadership positions.</p> <p>USA: Does not agree with the recommendation to include ‘formal’ in the definition of subsidiary bodies in Rule 2(k). Both formal and informal working groups are already included in the definition of ‘subsidiary body’ in Rule 2k, which refers to ‘all’ working groups, not just formal ones. To address the confusion that arises due to the wording of Rule</p>
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				<p>25.5(e), it is recommended to delete 'in addition to subsidiary bodies' in that rule.</p> <p>USA: Recommended amendments to Rule 25.1 and 25.1(b).²⁶</p> <p>Egypt: Suggests the title 'Subsidiary bodies'.</p> <p>Sweden/Armenia: proposed amendments in footnote.²⁷ Notes regarding proposed amendments:</p>
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²⁶ **Rule 25.1:**

In addition to the Standing Committee of the Convention, the Scientific and Technical Review Panel, and the Conference Bureau, the Conference of the Parties may establish other committees and working groups if it deems it necessary for the implementation of the Convention. Where appropriate, meetings of these bodies shall be held in conjunction with meetings of the Conference of the Parties or the Standing Committee. Contracting Parties, including those that are not voting representatives in the Standing Committee, its subgroups and working groups, or other of such subsidiary bodies, may attend and participate as observers in all sessions of such bodies, including any session that may be closed to observers from non-CPs countries, international organizations partners, or others. Any Contracting Party may chair a subsidiary body, regardless of whether that CP is a member/representative of that body. Notwithstanding the above, the Conference Bureau shall not be open to any observers except as provided in (b) below.

Rule 25.1(b):

~~Permanent observers to the Standing Committee may attend meetings of the Conference Bureau unless any Contracting Party objects. The President may invite other observers that are not Contracting Parties to attend meetings of the Conference Bureau, or other closed meetings if required to assist proceedings.~~

²⁷ ~~THE STANDING COMMITTEE, THE CONFERENCE BUREAU AND SUBSIDIARY BODIES~~

Rule 25 Establishment of subsidiary bodies

1. In addition to the Standing Committee of the Convention,²⁷ the Scientific and Technical Review Panel,²⁷ and the Conference Bureau, the COP Conference of the Parties may establish other committees and working groups if it deems it necessary for the implementation of the Convention. These can be permanent or temporary.

Rule X Meetings of subsidiary bodies

Where appropriate, meetings of ~~these~~ subsidiary bodies shall be held in conjunction with meetings of the Conference of the Parties or any of the other subsidiary bodies.

Contracting Parties that are not voting representatives in the Standing Committee, its subgroups and working groups, or other subsidiary bodies, may attend and participate in all sessions meetings of such bodies, including any session meeting that may be closed to observers from non-Contracting Party countries, International Organizations Partners, or others-, with the exceptions for the Conference Bureau, see Rule X.

Rule X Meetings of the Conference Bureau

The Conference Bureau shall meet at least once daily over the duration of the ~~meeting COP~~ to review progress of the ~~meeting COP~~, including the draft of the report of the previous day prepared by the Secretariat, and to provide advice to the President in order to ensure the smooth development of the rest of the proceedings.

Permanent observers to the Standing Committee may attend meetings of the Conference Bureau unless any Contracting Party objects. The President may invite other observers that are not Contracting Parties to attend meetings of the Conference Bureau, or other closed meetings if required to assist proceedings.

The Conference Bureau shall be chaired by the chairperson of the Standing Committee during the period previous to the current COP meeting.²⁷

~~2. The Conference of the Parties may decide that any subsidiary body may meet in the period between ordinary meetings.~~

3. a) Unless otherwise decided by the Conference of the Parties, the chair and co-chair for each subsidiary body shall be elected by the Conference of the Parties and shall normally be subject to rotation among the regional groups; also including that chairmanships for all subsidiary bodies together should have as fair as possible representation of the different Ramsar regions.

Unless otherwise decided by the Conference of the Parties, the members of each subsidiary body shall be elected by the Conference of the Parties.

Any Party wishing to join or withdraw from a subsidiary body should make the request in writing to the Chair of the Standing Committee through the Secretariat.

- b) 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 chairperson of a subsidiary body, to make adjustments to the allocation of work.~~
- c) Subsidiary bodies may not take decisions that would normally be taken by the Conference of the Parties, nor may subsidiary bodies alter or otherwise amend decisions or resolutions of the Conference of the Parties without the express prior authorization of the Conference of the Parties.
4. Subject to paragraph 4 3.a of this Rule, each body shall elect its own officers. No officer may be re-elected for a third consecutive term.
5. Unless otherwise decided by the Conference of the Parties, these Rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that:
- a) Additional Rules of Procedure for subsidiary bodies may be adopted by the Conference of the Parties.
- b) A simple majority of the Contracting Parties designated by the Conference of the Parties or Standing Committee to take part in any subsidiary body shall constitute a quorum, but in the event of the body being open-ended, one quarter of the Contracting Parties present shall constitute a quorum;
- c) The chair of a subsidiary body may exercise the right to vote;
- d) Interpretation into the official Convention languages shall be provided in ~~sessions~~ meetings of the Standing Committee. The Secretariat shall endeavour to provide interpretation in other Committee or Working Group ~~sessions~~ meetings, including the meetings of the Conference Bureau, subject to available resources.

				<p>proposed new rule regarding joining or withdrawing a subsidiary body based on suggestion by Japan; deletion of second part of current 3(b) regarding the President is based on the fact that the President may only act at COPs. Further, if adjustments must be made this should be reflected in DRs rather than documents submitted to SC meetings. Or is this part of the rule only applicable to the Conference Bureau? If that is the case, the rule should be included in that section of the RoP; rule 4 concerning election of officers: how can each body select its officers when there is a process of nomination and/or COP resolutions? In the STRP officers can have a third triennium so this text needs to be amended; Rule 5(b): SC added as it also designates members of some subsidiary bodies such as the STRP and CEPA OP; Rule 5(d): consider deleting section which provides for interpretation in other committee or working groups due to lack of resourcing (previously suggested by Japan).</p>
18	Rule 27: Functions of the Secretariat	<p>Rule 27(f) requires the Secretariat to prepare a draft report of the meeting for consideration by the Conference Bureau first, followed by final approval by the COP. This suggests the Secretariat need prepare only one draft report to cover the entire meeting of the COP (noting earlier comments regarding the difference between a 'session' and a 'meeting').</p>	<p>The necessary amendments should be made to ensure consistency between these rules.</p> <p>Alternatively, consider whether the Conference Bureau needs to perform this role.</p>	<p>USA: As a result of the inconsistency, the text in 27(f) should be amended to delete the reference to 'the Conference Bureau first and for' and some text added to indicate that the segment of the report related to the final day's proceedings may be approved subsequently by the SC on behalf of the COP for COP proceedings and the Executive Team for SC proceedings.²⁸</p>

Rule X Establishment of informal working groups

- e) In addition to subsidiary bodies, the Conference of the Parties may establish small informal working groups, such as contact groups or friends of the President, to assist it with its work during meetings of the Conference of the Parties. Such groups shall report and make recommendations to the Conference of the Parties.

²⁸ Explanatory text from the USA: The correct process (historically followed at Ramsar and in other MEAs in which we participate) is for all Parties to approve an omnibus report document at the end of the meeting. This is a compilation of the daily reports which are released throughout the meeting, as well as a placeholder for the last day/last afternoon of the meeting (that is, the section that the

		However, Rule 25.1(a) requires the Secretariat to produce draft reports of each day for consideration by the Conference Bureau the following day. Further, there is no explicit requirement that these daily, draft reports then be approved by the COP.		Also similarly request deletion in Rule 25.1(a) of the phrase ‘ including the draft report of the previous day prepared by the Secretariat,’. Finland: Should approval by the ‘meeting’ be approval by the ‘COP’ in Rule 27(f)?
19	Rule 28: Meetings ²⁹			Sweden/Armenia: Replace ‘sessions’ with ‘meetings’. Add a sub-rule 4: ‘Subsidiary bodies that have telephone meetings shall invite both members of the group as well as CPs and observers who have expressed an interest in following the work of the subsidiary body.’
20	Rule 29: Quorum ³⁰			Sweden/Armenia: Insert additional sub-rule concerning quorum for subsidiary bodies. Alternatively, this could be included in the section on subsidiary bodies.
21	Rule 30: Procedure for speaking ³¹			Finland: Rule 30.2: could the President be given authority to decide (the current procedure seems complex and time consuming)? ³² Sweden/Armenia: Note: proposed amendments will group all rules regarding speaking procedures together. They will also result in the sequence of current sub-rules changing.

Secretariat cannot finish in time for the final meeting of the body). As a practical matter, the Bureau (in this case either the Executive Team at the end of a SC or the SC at the end of the COP) is empowered to electronically approve the report from the last day of the meeting in due course. Further, the Bureau does not preview the reports at the COP; they are made available to all Parties on the in-session part of the website.

²⁹ Addition by Sweden/Armenia.

³⁰ Addition by Sweden/Armenia.

³¹ Addition by Finland.

³² Addition by Finland.

				Rule 30.1 – delete ‘session of the’; create new Rule 30.2 based on Rule 31; create new Rule 30.4 based on Rule 32; create new Rule 30.5 by adding Rule 34 ³³ to end of current Rule 30.3 (and replace ‘elucidation’ with ‘clarification’ in current Rule 30.3); create new Rule 30.7 as follows: ‘The speaker should make general points of view only, going into details only if asked for, or if considered necessary. Suggested amendments etc. in detail can be read by the others, when such suggested amendments have been included in the next version of the document for negotiation.’
22	Rule 31: Precedence Rule 32: Point of order Rule 33: Decisions on competence ³⁴			Sweden/Armenia: Delete Rules 31, 32 and 33. Note: These have been added to Rule 30.
23	Rule 34: Proposals and amendments to proposals	Rule 34.1 implies that proposals to be considered by the COP must first be approved by the SC (cf ‘...meeting at which approvals are made...’). It states that this is required by Rule 5. However, Rule 5 refers to the SC ‘meeting at which recommendations are made’. It is unclear whether the use of the word ‘recommendation’ is in this context synonymous with ‘approval’. This should be clarified.	Rule 34.1: If proposals must be approved by the SC prior to being submitted to the COP, the wording of these rules should explicitly say so. However, it may be useful to consider whether it is efficient to require proposals to first be ‘approved’ by the SC before they can be considered by the COP, particularly as they may also be considered by the STRP and at each of five regional meetings	USA: In Rule 34.4, ‘and amendments to proposals’ should be deleted. The Bureau should not need to approve all changes to documents during a meeting. USA: The Standing Committee plays an important role in vetting and improving draft resolutions, and its role should be retained. However, there may be some confusion regarding the term “approved” in this context, as the Standing Committee’s transmittal of the resolution does not constitute final approval of the resolution.

³³ Note by Sweden/Armenia. The current Rule 33, which is to be cut and pasted into Rule 30 to create a new Rule 30.5, reads as follows: ‘Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or 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.’ However, is this practiced? Could this be re-phrased?

³⁴ Addition by Sweden/Armenia.

		<p>Rule 34.2 indicates that the Secretariat or a subsidiary body may draft proposals.</p> <p>Note that it is common practice for the Secretariat to draft proposals under instruction from a Contracting Party or subsidiary body, and to then make them available to the SC /COP/ Contracting Parties. Note that providing them to these entities is an administrative act and not the same as ‘submitting’ a proposal (where the term ‘submitting’ is a synonym for ‘sponsoring’). However, this process has given rise to some confusion.</p> <p>Rules 34.4 and 34.6 both deal with new proposals. It is unclear why the requirements are spread out over two sub-rules.</p>	<p>before they are considered by the SC. These procedural layers are not consistent with other Conventions, where proposals may be considered just once, at the COP. (Note, if the SC is not to be involved, an amendment will be required to remove the reference to the SC).</p> <p>Regarding Rules 34.2 and proposals more generally: see the recommendation in row 3 regarding the drafting and submitting of proposals.</p> <p>See also the recommendation regarding the definition of ‘proposal’ in Rule 2(g), as well as the recommendation to include a definition of ‘sponsor’.</p> <p>Rules 34.4 and 34.6 should be consolidated so that requirements regarding new proposals are clearly set out in one sub-rule.</p> <p>Note the definition of an ‘amendment to a proposal’ is set out in Rule 42 (which is a sub-rule under the heading ‘Voting’). This definition should be included under Rule 2.</p>	<p>As noted with regard to Rule 5 above, the timelines need to be modified in Rule 34.1 and 34.4 to allow Parties’ proposals to be translated and distributed along with other meeting documents in a timely manner. “60 days” should be changed to “120 days.”</p> <p>Sweden/Armenia: Replace title with ‘Draft resolutions and amendments to them’; replace ‘Proposal’ with ‘Draft Resolution’ in sub-rule 1; add ‘The same is applicable for proposals that have been further developed since the SC’ at the end of sub-rule 4; replace ‘session’ with ‘COP’ in sub-rule 5; replace ‘sponsor(s)’ with ‘submittee(s)’ in sub-rule 6; additional, proposed amendments in footnote.³⁵</p>
24	Rule 35: Order of procedural motions			<p>Sweden/Armenia: Replace ‘session’ with ‘COP’ throughout.</p>

³⁵ **Rule 34: ~~Proposals~~ Draft resolutions and amendments to them ~~proposals~~**

2. The Standing Committee may also decide that differences of opinion on a proposal drafted by a subsidiary body or the Secretariat for further submission to the COP by the Standing Committee may be shown in brackets and if appropriate with explanatory comments.
7. CPs that have developed a Draft resolution further since it was discussed at the SC can submit it to the pre-COP to determine if it is a more appropriate departure point for COP negotiations. The document should include track changes so that amendments to the previous version are visible.

25	Rule 37: Reconsideration of proposals ³⁶			Sweden/Armenia: Replace ‘mover’ with ‘submitting CP’.
26	Rule 39: Consensus and voting ^{37 38}			Sweden/Armenia: Rule 39.5 - Are CP’s who are provisionally participating included in the category of CPs ‘who do not have appropriate credentials’? Further, observer CPs are not required to have credentials (although they do at times provide them).
27	Rule 44: Voting procedures ³⁹			Finland: Rule 44.1(c) secret ballot voting occurs if it is ‘accepted’ by a simple majority present and voting. Does this mean that there is a vote on whether to use a secret ballot? Is that practicable? Cf. CITES, where a request for a secret ballot must be ‘seconded’ by 10 Parties, which is a much quicker way of deciding the issue. Finland: Rule 44.2 2 ‘When the meeting votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call vote.’ Is the meaning of this rule clear to all, and should ‘meeting’ in this case be COP? Sweden/Armenia: Rule 44.1(c) – replace ‘ballot’ with ‘voting’.
28	Rule 46: Absence of majority ⁴⁰			Finland: Rule 46.1: ‘If, when one person or one delegation is to be elected, no candidate obtains in

³⁶ Addition by Sweden/Armenia.

³⁷ Addition by Sweden/Armenia.

³⁸ Translator’s note: the Spanish translation of the title of Rule 39 should be amended from “Votación por consenso” to “Consenso y votación”.

³⁹ Addition by Finland.

⁴⁰ Addition by Finland.

				<p>the first ballot a majority of votes cast by the Contracting Parties present and voting, consecutive ballots shall be taken until one of the candidates obtains the largest number of votes cast by the Contracting Parties present and voting'. Is the meaning of this rule clear to all?</p> <p>Cf CITES RoP, rule 29: 'If in an election to fill one place no candidate obtains the absolute majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes.' This is much clearer.</p>
29	Rule 47: Election to two or more elective positions ⁴¹			Finland: Rule 47 seems very complicated. Could this rule be deleted?
30	Rule 48: Official languages	This rule specifies the 'official' and 'working' languages of the Convention. It is unclear what a 'working language' is.	This should be clarified. It may be unnecessary to include the term 'working language', as it is not used in any other rule.	USA: Delete the term 'working language'.
31	Rule 49: Interpretation	This rule allows a Contracting Party to speak in a language other than an official language, as long as that Party provides for interpretation into an official language. However, it is unclear whether they must provide an official, accredited interpreter and whether arrangements must be made with the Secretariat in advance.	If a Party wishes to provide its own interpreter/s for a non-official language, the arrangements must be made in advance with the Secretariat. Nothing needs to be said in the rules about accreditation if it is made clear that the Party concerned is responsible for the words spoken by the interpreter.	Sweden/Armenia: Rule 49.1: insert 'at COP and SC meetings' after 'Statements' so that it reads 'Statements at <u>COP and SC meetings</u> made in official languages...'
32	Rule 50: Languages of official documents	Rules 50.1 and 50.4 deal with the notion of an 'official document', while Rule 50.5 deals with 'documents that have not been admitted as official documents'. However, very little	Consider amending the rule to provide greater clarity regarding the definition of an 'official document' and conversely an 'unofficial document' and the	USA: Informal sharing of flyers and other similar documents at COPs is common practice and does not need much elaboration. However, could

⁴¹ Addition by Finland.

		guidance is provided regarding the distinction between the two.	circumstances in which the latter may be distributed at a meeting. This should also be in an entirely separate rule (as opposed to forming part of a rule on languages).	consider including examples of ‘unofficial documents’ to provide clarity if needed. Sweden/Armenia: proposed amendments in footnote. ⁴²
33	Rule 51: Sound recordings of the meeting ⁴³			Japan: Proposed amendment to Rule 51. ⁴⁴ The proposed amendments are based on Rule 19 of the RoP of CITES. In our view, this leads to greater transparency and accuracy in drafting meeting summaries. Sweden/Armenia: support Japan’s proposed amendments to sub-rules 1 and 2. Proposed alternative title: ‘Documentation of the meeting’.

⁴² **Rule 50 : Languages of official documents**

2. ~~Financial limitations may make it necessary to limit the number of documents provided to each Contracting Party and observer.~~ The Secretariat shall provide documents in digital form and encourage Contracting Parties and observers to download the documents from the Secretariat’s Web site on the internet. Paper copies should only be provided if digital tools, for example the Ramsar web page, isn’t working or there is some other extraordinary occasion preventing large numbers of CPs to read digital versions.
5. ...after having sought the ~~advice~~ approval of the Secretariat including the advice on how to proceed.

⁴³ Addition by Japan.

⁴⁴ **Rule 51: Executive summary and summary record ~~Sound recording of the sessions meetings~~**

1. A concise executive summary of the decisions of the meetings shall be prepared by the Secretariat for endorsement by the Parties before the closure of the meeting. However, the executive summary of the last day of each meeting shall be sent by email to participating Contracting Parties for endorsement after the meeting.
2. A consolidated summary record of each meeting shall be prepared by the Secretariat and made available on the Ramsar website within 40 days. This shall be presented in the order of the agenda and comprise three parts for each agenda item: a short statement indicating the main points of the discussion; the text indicating the decision that was made, as it appears in the executive summary; and the text of any statement provided by the representative of any Party that was read into the record during the meeting. The list of Parties and observers participating in the debate shall be included in the summary record as well. The Secretariat shall take into account the comments received within 20 days of the circulation and – upon approval of the Chair of the meeting – the Secretariat shall make the final summary record available on the website of the Convention.
3. Sound recordings of the meetings of the Conference of the Parties, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat, and shall make the recordings available to any Party upon request.

				<p>Proposed, alternative wording to sub-rule 3 in footnote.⁴⁵</p> <p>Sweden/Armenia: Question regarding proposed 51.1: is the 'concise executive summary of the decisions of the meetings' for all meetings or just the SC? Question regarding proposed 51.2: is the 'consolidated summary record of each meeting' for the COP or SC?</p>
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⁴⁵ **Rule 51 Documentation Sound recording of the meetings**

3. Sound recordings of the meetings of the Conference of the Parties and the SC, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat and made available to CPs on request.

Annex 2⁴⁶

Applicability of the Rules to subsidiary bodies, including the SC, working groups and Friends of the Chair groups (and relevant amendments)⁴⁷

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments	Divergent/additional comment
1	Rule 3: Place of meetings	As SC meetings are traditionally held in Gland, ⁴⁸ this rule is inconsistent with current Ramsar practice and to that extent does not apply. Similarly, meetings of the STRP and other subsidiary bodies are not in practice subject to this rule.	<p>Separate Rules of Procedure could be established for the SC⁴⁹, and possibly STRP, which could incorporate any procedural rules set out in Resolution XIII.4.⁵⁰</p> <p>These rules could, for example, incorporate any relevant procedural requirements set out in COP resolutions regarding the STRP and other formal subsidiary bodies in an Annex to be updated after each COP.</p> <p>The rules could apply <i>mutatis mutandis</i>⁵¹ to other subsidiary bodies, subject to the requirements set out in the above-mentioned Annex. Drafting would need to be very clear and unambiguous to avoid confusion regarding the application of the rules <i>mutatis mutandis</i> to these other bodies.</p>	<p>USA: Does not support creation of separate RoP and do not wish to see Resolutions creating procedural requirements (these should all be contained in RoP). However, if separate RoP are created, they should not be repetitive and should only contain those rules that only apply to subsidiary bodies. Again, preference is for the formulation set out in UNCCD RoP, Rule 27 (cited above).</p> <p>USA: CITES (despite having an article that is analogous to Article 6.4 in the Ramsar Convention) treats the (re)-adoption of the RoP as a pro-forma exercise and does not re-open them at each COP, thereby saving time. Ramsar should follow this good practice.</p> <p>South Africa: Amendment in line with current Ramsar practice is supported (noting that South Africa does not support creation of separate RoP for subsidiary bodies).</p> <p>Finland: Does not support creating separate RoP.⁵²</p>

⁴⁶ Table 2 from Doc SC57-13.

⁴⁷ Note that Table 2 prioritises those rules that have or may give rise to some ambiguity regarding their application to subsidiary bodies. Additional analysis can be undertaken if deemed necessary by the Contracting Parties at SC57, and presented together with final recommendations regarding the Rules of Procedure at SC58.

⁴⁸ With the exception of those held directly before and after each meeting of the COP.

⁴⁹ This is consistent with other Conventions, including CITES.

⁵⁰ Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention.

⁵¹ This is consistent with CITES' Rules of Procedure for its SC (see Rule 17.4).

⁵² Finland made a general comment indicating that it would prefer that the RoP be simplified, not added to. We have assumed that this means they it is opposed to separate RoP for subsidiary bodies.

2	Rule 4: Dates of meetings	<p>Rule 4.1: As SC meetings are held annually (and thrice annually in a COP year), this provision is not applicable.</p> <p>Rule 4.2: Similarly, the dates and duration of each SC meeting⁵³, as well as meetings of other subsidiary bodies⁵⁴, are not determined at the first substantive meeting of the SC after the COP.</p>	Refer to recommendation in row 1 of Table 2.	<p>USA: It is clear that Rule 4.1 applies to the COP only.</p> <p>USA: This is an incorrect reading of Rule 4.1, which clearly indicates that it is referring to meetings of the COP.⁵⁵</p> <p>USA: This is an incorrect reading of Rule 4.2, which clearly indicates that it is referring to meetings of the COP.⁵⁶</p> <p>USA: As a practical matter it has not always been possible to know the next COP host during the actual COP though this is of course preferred when possible. ‘Whenever possible,’ could be inserted at the beginning of Rule 4.2 as a means to acknowledge that reality. Also comfortable with an amendment to the second sentence of Rule 4.2 so it would read, ‘The exact dates and duration of each ordinary meeting shall be established by the Standing Committee at the earliest substantive meeting after each Conference of the Parties as is practicable, on the basis of consultations...country of the meeting.’</p>
3	Rule 5: Notification	Rule 5.1: The requirement to notify all Contracting Parties of the dates, venue and provisional agenda of an ordinary meeting at	Refer to recommendation in row 1 of Table 2.	USA: This is an incorrect reading of Rule 5.1, which only applies to the COP. ⁵⁸

⁵³ Resolution XIII.4, Annex 1, paragraph 11 states that ‘The Secretariat will continue to notify all Contracting Parties of the date and agenda of meetings of the Standing Committee at least three months in advance of each meeting, so that they may, as appropriate, make arrangements to be represented at the meeting as observers.’ Annex 4 of this Resolution further includes a schedule of indicative meeting times for the SC between 2018 and COP14.

⁵⁴ For example, Resolution XIII.8, paragraph 16 requests the Secretariat to ‘schedule the second STRP meeting in conjunction with the second Standing Committee meeting of the triennium, starting with the 58th meeting of the Standing Committee and continuing in future triennia...’.

⁵⁵ Note of Legal Advisor: apologies for any misunderstanding, but the intention of the text was to indeed indicate that Rule 4.1 does not apply to the SC (as indicated by the words ‘...this provision is not applicable’ in column 3).

⁵⁶ Note of Legal Advisor: apologies for any misunderstanding, but the intention of the text was to indeed indicate that Rule 4.2 does not apply to the SC (as indicated by the word ‘Similarly...’ in column 3).

⁵⁸ Note of Legal Advisor: apologies for any misunderstanding, but the intention of the text was to indeed indicate that Rule 5.1 does not apply to the SC.

		least 12 months before the meeting is due to commence does not apply to the SC ⁵⁷ . It would be impractical to apply it to other subsidiary bodies, too.		
4	Rule 6 and 7: Observers	<p>Note that, in Resolution XIII.4, Annex 1, paragraphs 10-15 inclusive set out the observers who may attend a meeting of the SC. It is therefore not clear if other observers may be admitted to attend a meeting of the SC pursuant to Rules 6 and 7, or whether the process set out in Rule 7 applies to these meetings.</p> <p>Further note that Resolution XIII.8, Annex 3, sets out the observers who may attend a meeting of the STRP. The wording makes it clear that observers are not limited to the list provided (but that to be admitted as an observer the entity must otherwise satisfy the broad definition provided above the list). However, it is not clear whether observers may be admitted to attend and participate in a meeting of the STRP pursuant to Rule 6 or whether the process set out in Rule 7 applies to these meetings.</p> <p>It is not clear whether Rules 6 and 7 apply to meetings of other subsidiary bodies or to informal working groups formed pursuant to Rule 25.5.e) [noting that informal working</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>It would be necessary to clarify this issue in such rules.</p>	<p>USA: These Rules apply <i>mutatis mutandis</i> to the SC.</p> <p>USA: Is not aware that UN organizations typically attend meetings of the STRP. Regardless, it seems Rule 6 would not apply, as Contracting Parties are not present at the STRP meeting to vote on/object to the participation of observers. As far as it is aware, the only entities that attend STRP meetings have been invited to be there by the STRP.</p> <p>USA: In terms of other subsidiary bodies (working groups etc.), observers can ask to attend if they wish to do so and the Parties in the group will decide if they may. Also see comments re. ‘informal groups’ in Table 1 (which the USA believes to be subsidiary bodies by virtue of Rule 2(k)).</p>

⁵⁷ Ibid, Note 12.

		groups formed pursuant to Rule 25.5.e) are not subsidiary bodies ⁵⁹].		
5	Rule 8: Preparation of provisional agenda	<p>The Secretariat is to prepare the provisional agenda for consideration by the SC at its annual meeting in the year following the COP. This means that the provisional agenda is to be prepared two years in advance of the COP. This logically does not apply to the SC or to other subsidiary bodies. Rather, the agenda for the SC is made available three months in advance of the next SC meeting.⁶⁰</p> <p>The agendas for meetings of other subsidiary bodies are determined on the basis of instructions from the COP and/or SC and in consultation with the Chair of the relevant body. However, this process is not provided for in the rules.</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>The rules could explicitly provide for the process that is currently used to determine items for provisional agendas for subsidiary bodies, and with appropriate timing.</p>	<p>USA: The process of developing agendas for subsidiary bodies of the SC should be left to each of them to decide, and should not be prescribed in the rules.</p>
6	Rule 9: Items on the provisional agenda	<p>This would apply to meetings of the SC.</p> <p>It would not logically apply to meetings of other subsidiary bodies (given the nature of the items). The items to be included in the provisional agendas for meetings of other subsidiary bodies are determined on the basis of instructions from the COP and/or SC and in consultation with the Chair of the relevant body. However, this process is not provided for in the rules.</p>	<p>Refer to recommendation in row 1 of Table 2.</p>	<p>USA: ‘Ordinary meeting’ refers to the COP, based on Rule 4 (which uses that phrasing in relation to the COP). Is confident that the reader can understand that <i>mutatis mutandis</i> does not apply here since it is talking about SC actions (approving agenda items) in support of the COP.</p>

⁵⁹ 25.5(e) states that “In addition to subsidiary bodies, the COP may establish small informal working groups...”. The use of the phrase “in addition to” indicates that these informal groups are not subsidiary bodies.

⁶⁰ Ibid, note 12.

7	Rule 10: Distribution of documents	This rule would apply to meetings of the SC. It could in principle apply to meetings of other subsidiary bodies. However, documents have not been provided in all official languages for the STRP as there was no budget for this. In addition, the three-month deadline for distribution of documents has not been applied for the STRP.	Refer to recommendation in row 1 of Table 2. However, if documents for the STRP must be provided in the official languages, this requirement would have budgetary implications.	USA: STRP documents not translated but note that it, like other subsidiary bodies (working groups etc.), has many intersessional documents that iterate to a degree that it is not practical to translate them, unlike COP or SC documents, which are static.
8	Rule 11: Supplementary provisional agenda	This rule would apply to meetings of the SC. There is no logical reason why it would not apply to meetings of other subsidiary bodies (subject to the “chairperson of the SC” being substituted with “the chairperson of subsidiary body X”).	Refer to recommendation in row 1 of Table 2.	USA: Delete Rule 11. Any Party may request an amendment to the meeting agenda during the agenda item in which adoption of the agenda is considered.
9	Rule 12: Examining the provisional agenda	This rule would apply to meetings of the SC. There is no logical reason why it would not apply to meetings of other subsidiary bodies.	Refer to recommendation in row 1 of Table 2.	USA: Does not think that this should be considered to apply to the subsidiary bodies other than the SC. Firstly, few if any of them utilize such a formal process (assuming they even have an agenda). Moreover, it cannot apply to bodies other than the COP and SC because none of them can vote. Requests to leave this Rule as is.
10	Rules 16 – 20: Representation and credentials	The rules regarding credentials do not appear to apply to the SC ⁶¹ or other subsidiary bodies, in particular because the Credentials Committee is formed “on the basis of a proposal from the Conference Bureau.” The Conference Bureau is particular to a meeting of the COP.	Refer to recommendation in row 1 of Table 2. It would be necessary to specify in these rules whether the requirements concerning credentials apply to the SC and other subsidiary bodies.	USA: Smaller meetings of subsidiary bodies do not require credentials. USA: (re. CITES): While the CITES SC rules require credentials, there is a lot of flexibility regarding what is accepted as credentials, and a letter from the Head of the Management Authority qualifies.

⁶¹ Note that Resolution XIII.4, Annex 1, paragraph 9 provides as follows: ‘Contracting Parties that are voting members of the Standing Committee will convey to the Secretariat, through their diplomatic channels, the name(s) of the officer(s) in the designated national Ramsar Administrative Authority who act as their delegates on the Standing Committee, as well as the names of their substitutes, should they be needed.’

		Further, these rules do not clearly apply to the STRP as it is not made up of country representatives per se (and the rules regarding credentials clearly apply to delegates representing a Contracting Party). However, credentials could be required for observers representing States and documents equivalent to credentials for observers representing organizations.	Note that, in CITES, credentials are required for representatives of States at SC meetings, both members of the Committee and observers. In addition, organizations wishing to be represented must formally notify the Secretariat of the names of their observers in advance. Consideration could be given to a similar provision for the Ramsar SC.	Further, does not want to add a provision to the Ramsar RoP requiring organizations wishing to be represented to notify the Secretariat of the names of their observers in advance.
11	Rule 21: Conference Bureau	The concept of a Conference Bureau does not apply to the SC (noting that the Conference Bureau includes the SC, as per Rule 21.1). Rule 21.1, which sets out the election of the officers of the Conference Bureau, does not apply to the SC.	Refer to recommendation in row 1 of Table 2.	
12	Rule 22: Role of President	It is unclear whether this applies to the chairperson of the SC (or equivalent elected officer of a subsidiary body).	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role and powers of elected officers of all subsidiary bodies.	USA: Thinks this clearly applies to the Chairs of the SC and other subsidiary bodies. USA: It is unnecessary to set out roles and powers of elected officers of all subsidiary bodies. It already obviously applies to the SC and - other than the question of putting things to a vote - is already done by chairs of other types of subsidiary bodies.
13	Rule 23: Role of Alternate President	It is unclear whether this applies to the Vice Chair of the SC (or equivalent elected officer of a subsidiary body).	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role and powers of elected officers of all subsidiary bodies.	USA: Yes, this has historically been done by the Vice Chair - for example at SC54 when the SC Chair fell ill the Vice Chair filled in. This is well understood practice and has informally also been done in the working groups - e.g., when the two co-chairs of the strategic plan working group had to depart early they asked another Party to take over chairing.

				USA: It is not necessary to set out the roles and powers of elected officers of all subsidiary bodies; these rules have historically been applied to the other groups without any question.
14	Rule 24: Replacement of an officer	It is unclear whether this applies to a member of the Executive Team of the SC (or an elected officer of a subsidiary body).	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the circumstances in which an officer may be replaced, and how this shall occur.	USA: It is not necessary to set out the roles and powers of elected officers of all subsidiary bodies; these rules have historically been applied to the other groups without any question.
15	Rule 27: Functions of the Secretariat	Rule 27(f) requires the Secretariat to draft the report of the meeting for consideration by the Conference Bureau. It is unclear whether the Secretariat is required to perform the equivalent task for the executive of other subsidiary bodies.	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role of the Secretariat in relation to all subsidiary bodies.	USA: It is overcomplicating things to set out the role of the Secretariat in relation to all subsidiary bodies as individual working groups vary and there is no need to be prescriptive. That is, each group should determine the level of support they would like to receive from the Secretariat. USA: See comments in Table 1 re Rule 27(f) (correct process to follow re. drafting of reports).
16	Rule 28: Meetings	Rule 28.3 states that delegations are seated in accordance with the alphabetical order of the English language names of the Contracting Parties. The use of the term “Contracting Parties” suggests that this does not apply to the STRP (as the STRP comprises experts from Contracting Parties, as opposed to Contracting Parties <i>per se</i>). However, this is not entirely clear.	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out which subsidiary bodies are subject to the requirement regarding seating.	USA: There is no official seating order in meetings of subsidiary bodies - other than in SC meetings. Formal seating is not relevant for these more informal meetings. USA: Rule 28.3 does not apply to STRP.
17	Rule 34: Proposals and amendments to proposals	Some of these sub-rules apply to meetings of the SC (Rules 34.1, 34.2), while others do not (Rules 34.4, 34.5, 34.6).	Refer to recommendation in row 1 of Table 2.	USA: It is not necessary to set out role and powers of the SC in relation to proposals and amendments to proposals. This is already clear.

		Rule 34 would not apply to meetings of other subsidiary bodies.	These rules would need to clearly set out the role and powers of the SC in relation to proposals and amendments to proposals.	
18	Rules 39 – 45: Voting	<p>Some of these sub-rules apply to the SC and subsidiary bodies, whereas others do not.</p> <p>For example, Rules 39.1, 39.2, 39.3, 39.4, 39.5 apply to the SC and subsidiary bodies comprising Contracting Parties to the extent that they are required to cast votes in relation to a particular matter. Note that Rule 25.5(c) implies that matters being contemplated by a subsidiary body may result in a vote.⁶²</p> <p>However, the use of the words ‘Contracting Parties’ throughout suggests that they do not apply to the STRP, which is made up of expert delegates. Conversely, if the rules are applied <i>mutatis mutandis</i> to meetings of the STRP, it may be possible to replace the term ‘Contracting Parties’ by ‘delegates’. However, the fact that there is ambiguity in relation to this issue is problematic.</p> <p>Rule 40 does not appear to apply to the SC or other subsidiary bodies, as this rule arguably concerns voting on proposals for the purpose of their adoption by the COP. However, the wording could be amended to provide greater clarity.</p> <p>It does not appear that Rules 41 to 43 inclusive apply to the SC or other subsidiary bodies</p>	Refer to recommendation in row 1 of Table 2.	<p>USA (re. suggestion to change ‘Contracting Parties’ to ‘delegates’ and associated observations): STRP members are not technically delegates, as delegates are empowered by their governments. However, since only the COP and the SC can vote this is overcomplicating things. Since text in a number of places references the President when talking about the COP and the Chairperson when talking about subsidiary bodies, it is clear which elements apply or do not to various subsidiary bodies.</p> <p>USA (re. Rule 40): Open to suggestion to amend to provide clarity as long as it is a <i>de minimus</i> exercise as already seems obvious.</p>

⁶² This sub-rule states that “The Chair of a subsidiary body may exercise the right to vote.”

		<p>insofar as these rules arguably concern voting on proposals for the purpose of their adoption by the COP. This is reinforced by the fact that there are separate rules concerning the consideration of proposals by the SC. Specifically, Rules 34.1 and 34.2 explicitly concern amendments to proposals being considered at the meeting of the SC where documents for the following COP are considered. However, the wording of Rules 41 to 43 could be amended to provide greater clarity.</p> <p>Rule 44, which concerns voting procedure, and Rule 45, which concerns voting conduct, would arguably apply to meetings of the SC and subsidiary bodies.</p>		
19	Rules 46 – 47: Elections	These rules would apply to the SC and any other subsidiary body with elected officials.		
20	Rule 49: Interpretation	Rule 25.5.d) specifically applies to the SC and other subsidiary bodies with respect to interpretation.		