

THE ROLE OF THE SECRETARIAT OF THE BASEL CONVENTION IN THE
IMPLEMENTATION OF AGENDA 21

The Conference,

Recalling Agenda 21 adopted by UNCED in June 1992, aware of the fact that a number of the activities mentioned in Chapters 20 and 21 of Agenda 21 are either ongoing or initiated under the Basel Convention,

Having considered document UNEP/CHW.1/7/Add.1,

1. Invites the Parties to the Convention to cooperate with each other directly or through the Secretariat of the Basel Convention in the implementation of activities related to the Basel Convention contained in Chapters 20 and 21 of Agenda 21;

2. Calls on the Basel Convention Secretariat, in cooperation with other relevant units in UNEP, as well as with other relevant organs and

organizations of the United Nations system, to carry out, as a priority and within available resources, the activities listed in paragraph 3 of document UNEP/CHW.1/7/Add.1.

ANNEX III

RULES OF PROCEDURE

Rules of procedure for meetings of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened in accordance with article 15 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989;
2. "Parties" means, unless the text otherwise indicates, Parties to the Convention;
3. "Conference of the Parties to the Convention" means the Conference of the Parties established in accordance with article 15 of the Convention;
4. "Meeting of the Conference of the Parties" means the meeting of the Parties convened in accordance with article 15 of the Convention;
5. "Political and/or economic integration organization" means an organization defined in article 2, paragraph 20, of the Convention;
6. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;
7. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties to the Convention in accordance with paragraph 3 of article 16 of the Convention;
8. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.

PLACE OF MEETINGS

Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.

DATES OF MEETINGS

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held every other year, unless the Parties decide otherwise.
2. At each ordinary meeting, the Conference shall decide on the date and duration of the next ordinary meeting.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by a meeting of the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of the meetings at least two months before the meeting.

OBSERVERS

Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State and any political and/or economic integration organization not party to the Convention of any meeting so that they may be represented by observers.
2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any meeting.

Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the transboundary movement of hazardous wastes as well as their management and disposal, which has informed the Secretariat of its wish to be represented, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.
2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.

AGENDA

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 15 of the Convention;
2. Items the inclusion of which has been decided at a previous meeting;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party before the agenda is circulated.
5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda, which the meeting shall examine together with the provisional agenda.

Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

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

Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after the meeting has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 16

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

Rule 17

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

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional political and/or economic integration organization, by the competent authority of that organization.

Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

Rule 20

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

OFFICERS

Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the bureau of the meeting. In electing its bureau, the meeting of the Conference of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur of the meeting of the Conference of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997(XXVII) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. Exceptionally, one or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

2. The President, in the exercise of his functions, remains under the authority of the Conference of the Parties.

Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President.

Rule 24

If an officer of the bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate.

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

COMMITTEES AND WORKING GROUPS

Rule 26

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.

2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.

3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.

4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.

5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended, one quarter of the Parties shall constitute a quorum.

6. Unless otherwise decided by the meeting, these rules shall apply *mutatis mutandis* to the proceedings of committees and working groups, except that:

(a) The chairman of a committee or working group may exercise the right to vote; and

(b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

SECRETARIAT

Rule 27

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.

2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as Secretariat of the Convention; and

- (f) Generally perform all other work that the meeting may require.

CONDUCT OF BUSINESS

Rule 29

Sessions of the meeting and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

Rule 30

The President may declare a session of the meeting open, permit the debate to proceed and have any decisions taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The meeting may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

Rule 33

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

Rule 34

Any motion calling for a decision on the competence of the meeting 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 35

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (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 be put immediately to the vote.

Rule 37

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 withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in paragraph 3 of article 15 of the Convention and the present rules of procedure.

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

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

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

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

Rule 41

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

Rule 42

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

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which are 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 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 46

Voting, except for election, shall normally be by show of hands. A roll-call vote 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, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places,

obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

LANGUAGES

Rule 52

The official languages of the meetings shall be Arabic, Chinese, English, French, Russian and Spanish.

Rule 53

1. Statements made in an official language of the meeting shall be interpreted into the other official languages.

2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

Rule 54

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

SOUND RECORDS OF THE MEETING

Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AMENDMENTS TO RULES OF PROCEDURE

Rule 56

1. These rules of procedure may be amended by consensus by the Conference of the Parties.

2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 57

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