



Convention to Combat Desertification

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Item 10 (a) of the provisional agenda

Outstanding items

Rule 47 of the rules of procedure

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Note by the secretariat

Summary

Pursuant to decision 27/COP.9, this document provides information to the Conference of the Parties (COP) on rule 47 of the rules of procedure (majority required).

The secretariat has prepared reports on this matter since the second session of the COP. This document is an update to document ICCD/COP(9)/12. At its tenth session the COP may wish to consider the relevant background information and submissions by Parties, and may decide to remove the text in brackets, giving final shape to this rule on the majority required for the adoption of decisions by the COP.

I. Introduction

1. The question concerning rule 47 of the rules of procedure of the Conference of the Parties (COP), which concerns the voting majority required for the adoption of decisions by the COP, has been an item on the agenda of the COP since its second session. Background information regarding any developments since the ninth session of the COP on this outstanding item is provided in the present document. The text of rule 47 of the rules of procedure as amended by decision 21/COP.2 can be found in the annex to document ICCD/COP(3)/13.
2. At its ninth session, the COP adopted decision 27/COP.9, by which, inter alia, it:
 - (a) Took note of the report by the secretariat contained in document ICCD/COP(9)/12; and
 - (b) Requested the secretariat to include consideration of this outstanding rule of procedure in the agenda of the tenth session of the COP and to report on the status of similar rules of procedure in other multilateral environmental agreements.
3. In November 2010 the secretariat forwarded a note verbale reminding Parties and multilateral organizations to submit their views regarding this matter. As at 17 June 2011, the secretariat had received four submissions on this matter from Argentina, Panama, the secretariat of the Convention on Biological Diversity and the secretariat of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). These written proposals are reproduced in their entirety, as submitted to the secretariat, on the United Nations Convention to Combat Desertification website at <www.unccd.int/cop/officialdocs/Submissions.pdf>.
4. In their submissions, Argentina and Panama indicate that they would like to maintain the principle of consensus in the decision-making process of the COP, which, in their view, has the advantage of fostering the implementation of decisions of substance.
5. The submission from the secretariat of the Aarhus Convention states that, at its first session, the Meeting of the Parties to the Aarhus Convention adopted by consensus decision I/1 on its rules of procedure. Rule 35 of its rules of procedure indicates that the Meeting of the Parties shall make every effort to reach decisions by consensus. For cases where consensus is not reached, this rule makes a distinction between substantive and procedural matters. If there is a lack of consensus for substantive matters, decisions may be taken based on a three-fourths majority vote of Parties present and voting, whereas for procedural matters, a simple majority vote would suffice. "Parties present" means Parties represented at the meeting, and "voting" means casting a vote, since abstaining from voting shall be considered as not voting. In substantive matters, the Aarhus Convention or its other rules of procedure may provide different guidance, which would then prevail over rule 35 of its rules of procedure. For example, rule 47 of its rules of procedure states that decision I/1 can be amended by consensus only, as is the case with decisions on financial arrangements and on establishing arrangements for reviewing compliance.

II. Background information

6. The rule on majority vote has not yet been agreed and has therefore not changed since the secretariat prepared document ICCD/COP(9)/12. The situation regarding this outstanding item remains the same in the following multilateral environmental agreements: the Convention on Biodiversity, the United Nations Framework Convention on

Climate Change, the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention), the Convention on Persistent Organic Pollutants (Stockholm Convention) and the Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol). It should be recalled that the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention) have reached consensus on majority decision-making regarding matters of substance: when all efforts have been exhausted and no agreement is reached, decisions are taken by a two-thirds majority vote of the Parties present and voting.

III. Conclusions, recommendations and proposed action

7. As proposed in previous COP documents regarding this matter, the COP may wish to consider the relevant background information and submissions by Parties and international agencies on rule 47 of the rules of procedure in order to reach agreement and remove the text in brackets, giving final shape to this rule on the majority required for decisions taken by the COP.

8. The alternative solutions put forward in document ICCD/COP(8)/6 and ICCD/COP(9)/12 are still relevant for the purpose of reaching a final agreement on rule 47 on the majority required for the adoption of decisions by the COP. Thus, the COP may wish to consider the following options:

- (a) Adopting the principle of consensus on all matters of substance;**
 - (b) Reaching agreement by a simple or qualified majority when it is impossible to reach a decision by consensus;**
 - (c) Determining which decisions should be reached by consensus and which by majority vote.**
 - (d) Deferring consideration of rule 47 to a future COP session when Parties consider that there is a possibility to reach consensus on this outstanding matter.**
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