



**UNITED  
NATIONS**



**Convention to Combat  
Desertification**

Distr.  
GENERAL

ICCD/COP(9)/12  
16 June 2009

ORIGINAL: ENGLISH

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**CONFERENCE OF THE PARTIES**

**Ninth session**

**Buenos Aires, 21 September–2 October 2009**

**Item 13 (a) of the provisional agenda**

**Outstanding items**

**Rule 47 of the rules of procedure**

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**Note by the secretariat**

*Summary*

In accordance with decision 19/COP.8, 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 its second COP session. This document has been prepared on the basis of document ICCD/COP(8)/6. At its ninth 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. At its eighth session, the Conference of the Parties (COP) adopted decision 19/COP.8, by which:

(a) It took note of the report by the secretariat contained in document ICCD/COP(8)/6;

(b) It requested the secretariat to include consideration of this outstanding rule of procedure in the agenda of the ninth session of the Conference of the Parties (COP 9) and to report on the status of similar rules of procedure in other multilateral environmental agreements.

2. The question concerning the voting majority required for the adoption of decisions by the COP (rule 47 of the rules of procedure) has been an item on the agenda of the COP since its second session. The text of rule 47 of the rules of procedure as amended by decision 21/COP.2 is annexed to document ICCD/COP(3)/13.

3. In November 2008 and January 2009 the secretariat forwarded a note verbale reminding Parties to submit their views regarding this matter. As at 15 May 2009, the secretariat has received three submissions on this matter, from Australia, Colombia and Trinidad and Tobago. These written proposals are reproduced in their entirety, as submitted to the secretariat, on the United Nations Convention to Combat Desertification (UNCCD) website at <[www.unccd.int](http://www.unccd.int)>.

4. In one Party's opinion, decisions of the COP on substantive issues should be taken by a vote in favour by a majority of two thirds of the Parties present and voting, except for decisions relating to the financial mechanisms of the Convention (article 21), and the programme and budget activities of the COP and its subsidiary bodies.

5. Another Party sees little merit in using the scarce resources of the COP to attempt to solve an issue that, in practical terms, has not substantially prevented good progress on most matters in previous COP meetings. Thus consensus decision-making is the only option for continuing with the work of the UNCCD process. Another Party considers decision 19/COP.8 to be of significant importance. Thus rule 47 needs to be included in the agenda of COP 9 to assist the UNCCD in achieving its goals and objectives in addressing the issues involved in combating desertification.

## **II. Background information**

6. As is the case in the United Nations Convention to Combat Desertification, this rule remains bracketed, with the exception of matters of procedure taken by a majority vote of the Parties present and voting, in the following multilateral environmental agreements (MEAs): the Convention on Biodiversity (CBD), the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) and the Convention on Persistent Organic Pollutants (Stockholm Convention).

7. Decisions on substantive matters are also made by consensus in the Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol). However, one of its provisions on

control measures provides for the adoption of decisions on proposals for adjustment of the Montreal Protocol in the same manner as within other MEAs, by a two-thirds majority vote of the Parties present and voting.

8. The provision regarding the majority required for decision-making on substantive and procedural matters remains bracketed in the United Nations Framework Convention on Climate Change (UNFCCC). Decision-making is therefore by consensus, except in those cases where the text of the treaty or the rules of procedure establish a specific majority, e.g. adoption of amendments, reconsideration of proposals and points of order.

9. 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 (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**

10. At its ninth session, the COP may wish to consider the relevant background information and the submissions by Parties 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.

11. The alternative solutions put forward in document ICCD/COP(8)/6 are still relevant for the purpose of giving final shape to 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.

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