

# Training manual for chairs of meetings

OF THE BASEL, ROTTERDAM AND  
STOCKHOLM CONVENTIONS



UNITED NATIONS  
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# 1. INTRODUCTION AND OBJECTIVES

This manual is to serve as a source of information and guidance for delegates presiding over or chairing negotiations, in plenary sessions, contact groups or other group settings, in the framework of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter “Basel Convention” or “BC”), the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter “Rotterdam Convention” or “RC”) and the 2001 Stockholm Convention on Persistent Organic Pollutants (hereinafter “Stockholm Convention” or “SC”).

This manual is part of a training programme developed by the Secretariat for potential Chairs and Presidents of the Conventions’ meetings. The first pilot training session was held in March 2014. Given the pilot nature of the training programme, comments from participants were encouraged at the first training session to allow for future improvements in these activities.

The overall objectives of the training programme are to:

- Strengthen participants’ knowledge of practical procedures of meetings of the Basel, Rotterdam and Stockholm (BRS) Conventions;
- Develop participants’ skills and knowledge to enable them to efficiently and effectively chair meetings;
- Determine what preparations are appropriate as a meeting chair;
- Strengthen communication techniques and skills of potential chairs;
- Share best practices and lessons learned on efficient chairing of meetings;
- Strengthen synergies through using best practices and lessons learned across the BRS Conventions and empowering potential chairs to preside over different types of meetings under the BRS Conventions.

The training programme has been developed by the Secretariat in cooperation with the United Nations University Institute of Advanced Studies on Sustainability (UNU-IAS). Financial support for the development of the training programme was provided by the Government of Switzerland.

## 2. INSTITUTIONS OF THE CONVENTIONS

The Basel, Rotterdam and Stockholm Conventions each have the standard institutional components pertaining to a multilateral environmental agreement: a governing body, the Conference of the Parties (hereinafter “COP”); subsidiary bodies; and a Secretariat. Their functions are described in the respective Convention provisions as well as in relevant decisions. Procedural operations are determined by the rules of procedure of the respective Convention<sup>1</sup>, whilst the financial administration of each COP, its subsidiary bodies and the Secretariat is governed by the financial rules of the respective Convention<sup>2</sup>, in addition to the Financial Regulations and Rules of the United Nations.

### 2.1 CONFERENCES OF THE PARTIES (COPS)

Each Convention is an international legal instrument, legally autonomous and binding under international law, the governing body of which is the COP, i.e. a universal body composed of all of the Parties to the Convention. Parties are States or regional and/or political integration organizations that have ratified, accepted, approved, or acceded to the relevant Convention. Within its areas of competence, the COP for each Convention has ultimate decision-making power and is independent from other United Nations governing bodies such as the General Assembly or the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) or the United Nations General Assembly.

The functions of the COP are set out in the text of each Convention (BC Article 15, RC Article 18 and SC Article 19). The COP reviews and evaluates the implementation of the Convention, including by taking action required for achieving the objectives of the Convention, considering and adopting amendments to the Convention and its annexes and establishing subsidiary bodies. The COP also approves the programme of work and budget of the Convention. Action by the COP is taken through the adoption of a decision.

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<sup>1</sup> <http://www.basel.int/Portals/4/download.aspx?d=UNEP-FAO-CHW-RC-POPS-PUB-COP-RulesOfProcedures.English.pdf>

<sup>2</sup> <http://www.basel.int/Portals/4/download.aspx?d=UNEP-FAO-CHW-RC-POPS-FIN-PUB-FinancialRules.English.pdf>

### **2.1.1 Rules of procedure for the COPs**

Meetings of the COPs are governed by the relevant rules of procedure.<sup>3</sup> The rules of procedure for each Convention cover matters such as the agenda, representation and credentials, officers of the meeting, conduct of business and voting. It should be noted, however, that where the relevant treaty directly addresses the rule in question - for example, the specific voting rule for the POPs Review Committee - this takes precedence over the general voting rule in the COP rules of procedure.

The rules governing the BC, RC and SC COPs are in many instances similar. There is therefore the possibility for one COP to take into account practices developed under a rule of procedure of another COP. Such similarity also makes it easier for the three COPs to hold simultaneous sessions.

### **2.1.2 Ordinary meetings of the COPs**

Ordinary meetings of the COPs are held at regular intervals as decided by the COP. To date, the standard practice has been to hold ordinary meetings of the COPs every two years. Meetings of the COPs take place at the seat of the Secretariat, unless other arrangements are decided<sup>4</sup>, for instance, if a Party offers to host it.

### **2.1.3 Extraordinary meetings of the COPs<sup>5</sup>**

Extraordinary meetings of the COPs (hereinafter “ExCOPs”) are held at such other times as deemed necessary by the COP or at the written request of any Party provided that it is supported by at least one-third of the Parties.

The BRS Conventions share the common objective of protecting human health and the environment from hazardous substances, namely chemicals and wastes. To enhance cooperation and coordination among the three Conventions, the respective COPs have taken a series of decisions on synergies. This “synergies process” aims at strengthening the implementation of the three Conventions at the national, regional and global levels in a more coordinated and cooperative manner. So far, simultaneous ExCOPs of the three Conventions have been used to develop and review the synergies process.

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<sup>3</sup> <http://www.basel.int/Portals/4/download.aspx?d=UNEP-FAO-CHW-RC-POPS-PUB-COP-RulesOfProcedures.English.pdf>

<sup>4</sup> BC rule 3, RC rule 3 and SC rule 3 of the rules of procedure.

<sup>5</sup> BC rule 4, RC rule 4 and SC rule 4 of the rules of procedure.

In 2013, the eleventh/sixth ordinary meetings and the second simultaneous extraordinary meetings of the respective COPs to the BRS Conventions (BC COP-11, RC COP-6, SC COP-6 and ExCOPs-2) were held in Geneva back-to-back in a coordinated manner to allow for more effective and coherent decision-making on policy, legal, technical and financial matters pertaining to the Conventions.

## 2.2 SUBSIDIARY BODIES

Subsidiary bodies are established by the COP and operate within the framework set by their respective Convention and COP decisions, usually in the form of terms of reference providing for matters such as the mandate, membership, organization and operation of meetings, recommendations and reports to the COP. Given their nature, the main outcomes of subsidiary bodies are recommendations for decisions or conclusions for consideration and adoption by the COP.

The rules of procedure for the COPs apply, *mutatis mutandis*<sup>6</sup>, to the proceedings of any subsidiary bodies, subject to the agreement of the Parties and any modifications noted in the rules of procedure or decided by the COP.

Subsidiary bodies established under the Conventions vary in terms of composition (universal/open-ended or limited) and mandate. The section below focuses on those subsidiary bodies that are permanent or standing.

### 2.2.1 BC's Open-ended Working Group

The Open-ended Working Group (hereinafter "OEWG"), composed of representatives of all interested Parties and open to observers, is established under the Basel Convention and typically meets once between each COP. It has the following mandate as provided for in decision VI/36 adopted by BC COP-6:

- To assist the BC COP in developing and keeping under continuous review the implementation of the Convention's work plan, specific operational policies and decisions taken by the BC COP for the implementation of the Convention, as specified in Article 15;
- To consider and advise the BC COP on issues relating to policy, technical, scientific, legal, institutional, administration, finance, budgetary and other aspects of the implementation of the Convention within the approved budget;

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<sup>6</sup> See annex 3 for commonly used terms and expressions related to international meetings.

- To prepare its work plan for consideration by the BC COP;
- To report to the BC COP on the activities it has carried out between meetings of the BC COP.

### **2.2.2 BC's Implementation and Compliance Committee**

The Committee Administering the Mechanism for Promoting Implementation and Compliance with the Basel Convention (hereinafter "ICC") is a 15-member body established under the Basel Convention to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim at securing the implementation of and compliance with the obligations under the Convention. The ICC meets at least once between each COP.

The terms of reference of ICC were adopted by BC COP-6 (decision VI/12) and amended by BC COP-10 (decision BC-10/11) and BC COP-11 (decision BC-11/8). Under its mandate, the Committee considers any submission made to it in accordance with its terms of reference with a view to determining the facts and root causes of the matter of concern and assists in its resolution. The mandate also indicates that the Committee, as directed by the BC COP, reviews general issues of compliance and implementation under the Convention.

### **2.2.3 RC's Chemical Review Committee**

The Chemical Review Committee (hereinafter "CRC") is a 31-member body established under Article 18 of the Rotterdam Convention to review chemicals and severely hazardous pesticide formulations according to the criteria set out in the Convention in Annexes II and IV respectively and make recommendations to the RC COP for listing such chemicals and formulations in Annex III. Pursuant to Article 18 of the Rotterdam Convention, RC COP-1 adopted the terms of reference of the CRC (decision RC-1/6) and the rules of procedure for preventing and dealing with conflicts of interest (decision RC-1/7). The CRC meets once a year.

### **2.2.4 SC's Persistent Organic Pollutants Review Committee**

The Persistent Organic Pollutants Review Committee (hereinafter "POPRC") is a 31-member body established under Article 19 of the Stockholm Convention for reviewing chemicals proposed for listing in Annexes A, B, and/or C. Article 8 of the Stockholm Convention details the review process for listing new chemicals and Annexes D, E and F specify the information required for the

review. Pursuant to Article 19 of the Stockholm Convention, SC COP-1 adopted the terms of reference of the POPRC (decision SC-1/7), which were amended by SC COP-4 (decision SC-4/20) and SC COP-5 (decision SC-5/11), and the rules of procedure for preventing and dealing with conflicts of interest (decision SC-1/8), which were amended by SC COP-4 (decision SC-4/20). The POPRC meets once a year.

To enhance synergies among the RC and SC subsidiary bodies, the terms of office of the members of the CRC and POPRC were harmonized; POPRC-9 and CRC-9 were held back-to-back in October 2013 at the Food and Agriculture Organization of the United Nations (FAO) Headquarters in Rome, Italy, which included a one-day joint meeting of the two Committees. POPRC-10 and CRC-10 will once again be convened back-to-back in October 2014 in Rome.

### **2.3 SECRETARIATS OF THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS**

The Secretariat is established by each Convention (BC Article 16, RC Article 19, SC Article 20). The principal functions of the Secretariat are to prepare for and service meetings of the COPs and other subsidiary bodies of the Convention, to receive and convey information, to assist or facilitate assistance to Parties upon request and to coordinate with other international bodies.

As UNEP administers the BRS Conventions, it performs the secretariat functions for these Conventions through the Executive Director, the respective Secretariats and their head(s). Concerning the Rotterdam Convention in particular, the secretariat functions are performed jointly by UNEP and FAO.

In 2010, at ExCOPs-1, the COPs decided to establish a joint-head function of the UNEP-administered parts of the Secretariats on an interim basis. This arrangement was confirmed at ExCOPs-2 in 2013. In response, the position of Executive Secretary of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat was created.

As discussed later in this manual in more detail, the Secretariat plays a key role in supporting chairs in their work.

### 3. ACTORS OF THE BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS' MEETINGS

This section describes the actors of the BRS Conventions' meetings and illustrates their respective roles and functions, rights, status, and responsibilities at the meetings.

#### 3.1 ACTORS OF THE COP MEETINGS

Actors of the COP meetings are the officers (a President, Vice-Presidents and the Rapporteur forming the Bureau), Parties and observers.

##### 3.1.1 Officers

The rules relating to officers of the COPs are provided in BC rules 21-25, RC rules 22-25 and SC rules 22-25 of the rules of procedure.

For BC and SC, a President and Vice-Presidents, one of whom acts as Rapporteur, are elected from among the representatives of the Parties present at the respective meeting. For RC, these officers are elected from among the Parties to the Convention. The officers serve as the Bureau of the respective COP.

The term of office of the officers starts at the closure of the meeting at which they were elected and finishes at the close of the next ordinary meeting. Each of the United Nations regional groups (Africa, Asia and Pacific, Latin America and the Caribbean, Central and Eastern European and Western European and Others) is represented by one (RC) or two (BC, SC) Bureau members. In addition, the chairs of subsidiary bodies (currently OEWG, ICC, CRC and POPRC) are *ex-officio* members of the Bureau.

##### (1) President

The President presides over the COP. The President has the power to declare the meeting of the COP open and to close it, preside at the COP, ensure the observance of the rules of procedure, give the floor to speakers, put questions to decision and announce the adoption of decisions. The President rules on points of order and, subject to the rules of procedure, handles the proceedings and is responsible for maintaining the meeting order. The President may propose to the COP 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.

The President participates in meetings in that capacity and does not at the same time exercise the rights as a representative of a Party. The Party concerned may designate another representative who is entitled to represent the Party in the meetings and to exercise the right to vote.

## **(2) Vice-Presidents**

The rules of procedure provide that a Vice-President is to be designated by the President to act as President if he/she is temporarily absent from a session.<sup>7</sup>

## **(3) Rapporteur**

The Rapporteur is responsible for preparing the report of the meeting. In practical terms this means that the report writers, together with the Secretariat, prepare the report, which is then read and cleared by the Rapporteur after which he/she formally submits it to the COP for approval.

## **(4) Bureau**

The work of each of the COPs is guided by its Bureau. The Bureau functions not only during the meetings of the COP but also between meetings. The Conventions and the rules of procedure do not define all of the functions to be performed by the Bureau; they do, however, mention that one of the Bureau's roles is to examine the credentials of representatives and to submit its report thereon to the COP for adoption.

In practice, the Bureaux have nevertheless fulfilled important additional functions, addressing organizational and procedural issues arising during the sessions, providing advice and guidance to the presidents on the conduct of business, as a "conduit of communication" between the President and the regional groups, etc. The COPs have requested the Bureaux to take action on a number of issues, such as the arrangements for future meetings of the COP. During a COP meeting, chairs of contact groups are invited to Bureau meetings to keep the Bureau apprised of progress, to advise where difficult issues are being encountered and whether issues need to be raised within regional meetings which typically follow the Bureau meetings each morning.

The Bureaux may also regularly hold distinct and joint meetings, in order to provide guidance to the Secretariat on synergies issues and to support the preparation of the meetings of the COPs.

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<sup>7</sup> BC rule 23, RC rule 24 and SC rule 24 of the rules of procedure.

### 3.1.2 Parties

Parties are States or regional economic or political integration organizations that have ratified, accepted, approved, or acceded to the relevant Convention<sup>8</sup>.

#### (1) Delegations and credentials

Each Party participating in a meeting is represented by a delegation consisting of a head of delegation, and, depending on the size of its delegation, an alternate representative and advisers as it may require.

The credentials of representatives must be submitted to the Secretariat, if possible, not later than twenty-four hours after the opening of the meeting. Credentials are issued either by the Head of State or Government or by the Minister of Foreign Affairs. Credentials are used to determine whether a quorum<sup>9</sup> is reached (quorum to open the meeting and quorum to adopt decisions) and which Parties are entitled to participate in decision-making.

The Bureau is responsible for examining the credentials and for submitting its report thereon to the COP. In the case of simultaneous meetings of the COPs, each Bureau will remain responsible for the report on credentials pertaining to the representatives attending their COP meeting only. The COP has ultimate decision-making power over credentials.

Representatives are entitled to participate provisionally in the meeting, pending a decision by the COP to accept their credentials.

#### (2) Regional Groups

Parties operate in many different groups. The official groups recognized in the rules of procedure are the five UN Regional Groups (Africa, Asia and Pacific, Latin America and the Caribbean, Central and Eastern Europe and Western European and Others). These groups sometimes act as negotiating groups, although other negotiating groups may include: G77+China, Least Developed Countries, Small Island Developing States, JUSSCANNZ<sup>10</sup> and the European Union and its member States.

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<sup>8</sup> As at 17 April 2014, BC has 181 parties, RC has 154 parties and SC has 179 parties.

<sup>9</sup> For BC: The President may declare a session of the meeting of the COP open, permit the debate to proceed and allow decisions to be taken when representatives of at least two-thirds of the Parties are present. For RC and SC: The President shall not declare a session of the meeting of the COP open or permit the debate to proceed unless at least one-third of the Parties to the Convention are present. The presence of two-thirds of the Parties to the Convention shall be required for any decision to be taken.

<sup>10</sup> Australia, Canada, Iceland, Japan, New Zealand, Norway, Switzerland, and the United States are members of JUSSCANNZ. JUSSCANNZ does not work on the basis of an agreed sub-regional position.

Particularly in a COP setting, where multiple issues are being negotiated simultaneously in different rooms and where smaller delegations do not have a sufficient number of representatives to participate in all ongoing negotiations, the positions of regional groups are very important. The positions of regional groups are also important as they tend to give greater weight to a position, provide for a mechanism for supporting points of common interest and save time in plenary discussions.

Regional groups generally establish their initial agreed positions in regional preparatory meetings held before the COP. During the COP meeting, more detailed group positions and negotiating strategies are worked out in closed meetings of the relevant group, held outside of formal COP meeting hours. The Chair should press for the expression of positions and views by regional groups during COP sessions as this can contribute to reducing the time taken to address specific issues during plenary sessions.

### **3.1.3 Observers**

Observers are participants who represent entities other than Parties. There are two categories of observers. The first category includes the representatives of the United Nations, its specialized agencies, the International Atomic Energy Agency (IAEA), the Global Environment Facility (GEF) and any State not party to the Convention. The second category includes any other body or agency, governmental or not, which is “qualified in matters covered by the Convention” and which has informed the Secretariat of its wish to be represented at a meeting as an observer.

In terms of admission, observers falling within the first category have the right to be represented as observers, while those within the second category may be admitted to a meeting unless one-third of the Parties present at the meeting object.

Once admitted, observers, upon invitation of the President, may participate without the right to vote unless one-third of the Parties present at the meeting object. The President invites observers to make interventions after the Parties, but they cannot make text proposals nor participate in “decision-making mode” i.e. adopting the agenda, decisions, meeting report, etc.

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## **3.2 ACTORS OF THE SUBSIDIARY BODY MEETINGS**

The main actors of the subsidiary body meetings are officers (Chair(s)<sup>11</sup>, Vice-Chair(s) and a Rapporteur), Parties or members, as appropriate, and observers. The officers serve as the Bureau of their respective body. Parties or members, as appropriate, have decision-making power within the area of competence delegated to them by the Convention or in a COP decision. In terms of quorum for subsidiary bodies, under the BC, a majority of the Parties designated by the COP to take part in a committee or working group meeting 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. Under the RC and SC, a simple majority of the Parties designated by the COP to participate therein shall constitute a quorum.

### **3.2.1 BC's Open-ended Working Group**

The OEWG is composed of the representatives of all interested Parties and is open to observers.

The Bureau of the OEWG is composed of five officers elected by the BC COP: two Co-Chairs, one with technical and one with legal/implementation expertise, two Vice-Chairs, one with technical and one with legal/implementation expertise and one Rapporteur, having due regard to the principle of geographical representation.

### **3.2.2 BC's Implementation and Compliance Committee**

The ICC consists of 15 members, nominated by the Parties based on equitable geographical representation of the five UN regions and elected by the BC COP. They have expertise relating to the subject matter of the Convention in areas including scientific, technical, socio-economic and/or legal issues.

The ICC elects five officers (a Chair, three Vice-Chairs and a Rapporteur) who serve as the Bureau of the ICC.

Unless otherwise decided, the ICC meetings are open to observers during sessions pertaining to the review of general issues of implementation and compliance, and closed to observers during sessions pertaining to specific submissions.

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<sup>11</sup> In this manual, "Chair" refers to the Chair of the subsidiary bodies and "chair" refers to the chair of other groups.

### **3.2.3 RC's Chemical Review Committee**

The CRC consists of 31 members, nominated by the Parties based on equitable geographical representation of the five UN regions and appointed by the RC COP. They are experts in chemical management.

The Chair of the Committee is elected by the COP, and the Committee elects its four Vice-Chairs, one of whom also serves as Rapporteur. The five officers serve as the Bureau of the Committee.

The CRC meetings are open to observers.

### **3.2.4 SC's Persistent Organic Pollutants Review Committee**

The POPRC consists of 31 members, nominated by the Parties based on equitable geographical representation of the five UN regions and appointed by the SC COP. They are experts in chemical assessment or management.

The Chair of the Committee is elected by the COP, and the Committee elects its Vice-Chair, who also serves as Rapporteur. The two officers serve as the Bureau of the Committee.

The POPRC meetings are open to observers.

## **3.3 SECRETARIAT'S ROLE AT COP AND SUSIDIARY BODY MEETINGS**

The Secretariat arranges for and services meetings of the COPs and subsidiary bodies. Logistical support includes the arranging of funded participants' travel, meeting venue and rooms, IT and equipment, etc. Substantive support includes the preparation of pre-session documents and assistance to the President/Chair and other officers, contact groups or other groups in keeping speakers' lists, typing text, producing in-session documents, providing advice on the rules of procedure, or factual information, etc.

The Secretariat maintains the record of all of the official meetings of the Conventions. The Secretariat at the meetings: arranges for interpretation where required; prepares, translates and publishes in-session documents; produces and retains sound recordings; and arranges for the custody and preservation of the documents.

## **4. CONDUCT AND MANAGEMENT OF BASEL, ROTTERDAM AND STOCKHOLM CONVENTIONS' MEETINGS**

### **4.1 PRE-SESSION (PREPARATORY PHASE)**

#### **4.1.1 Preparing the provisional agenda<sup>12</sup> and tentative schedule**

In agreement with the President/Chair, the Secretariat prepares the provisional agenda for a meeting. For COP meetings, the Secretariat and President consult Parties about the agenda through the Bureau. In agreement with the President/Chair, the Secretariat also prepares the draft tentative schedule of the meeting. In doing so, consideration is given to address items that may require work in a contact or other group early on during the week, if known in advance, in order to give enough time for negotiations.

The provisional agenda for each meeting includes items from the articles of the Convention, items decided at a previous meeting, including unfinished items, the proposed budget and any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated. If the proposed item is received after this date and before the commencement of the meeting, the Secretariat, with the agreement of the President/Chair, issues a supplementary provisional agenda.

The agenda for an extraordinary meeting of the COP consists only of those items proposed for consideration by the COP at an ordinary meeting or in the request by a Party for the holding of the extraordinary meeting.

The agenda is supplemented by an annotated agenda which directs participants to the relevant documents for each particular item and invites them to consider the information contained in these documents and any possible action suggested therein.

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<sup>12</sup> BC rules 9-11, RC and SC rules 10-12 of the rules of procedure.

### 4.1.2 Preparing pre-session documents

The official documents of the meeting are denoted by a unique document symbol composed of several components that indicate first, the UN body, second, the Convention(s), third, the Convention body (i.e. COP, or subsidiary body) and meeting number, fourth, the document number and finally modifications to the original text, if any (e.g. UNEP/POPS/COP.6/1/Rev.1 stands for the first revision of the meeting document number 1 of the sixth ordinary meeting of the SC COP). Supplementary information is sometimes presented in an addendum, which carries a symbol “Add.1” or “Add.2” etc. to an existing meeting document. When a revised version of a document is distributed with a symbol such as “Rev.1”, it usually replaces the original version, which thus becomes obsolete.

Official pre-session documents include “working documents” and “information documents” relating to the agenda items before the meeting. Reference documents can also be made available as background documents and are usually referenced in pre-session working or information documents.

The working documents of the meeting are prepared by the Secretariat for each item of the agenda for which action is expected to be taken by the COP or subsidiary body. These documents usually contain three sections: introduction; implementation and proposed action. The introduction section specifies the reason for the matter being on the agenda - usually it involves follow-up to a previous decision. The implementation section provides a short summary/description of activities undertaken that were mandated by the decision or conclusions, as well as other relevant information. The proposed action section proposes action to be taken by the COP or subsidiary body, often in the form of a draft decision.

These documents are posted on the websites of the Secretariat in the official languages (English only for ICC and CRC) at least two months before the opening of the meetings of the Basel Convention, and six weeks before the opening of the meetings of the Rotterdam and Stockholm Conventions. As per the financial rules of the three Conventions, the proposed programme of work and budget, together with financial expenditure and income reports, are to be communicated to all Parties 90 days before the opening of COP meetings.

Information documents are also prepared by the Secretariat, and generally include background information on particular topics gathered by the Secretariat, draft guidance documents, reports on processes, reports of expert panels, or documents officially submitted by Parties/members and observers.

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While not officially discussed in the COP or subsidiary body meetings, information documents often provide important background information and, in some cases, highlight the views of Parties on particular issues before the COP. Information documents have a document symbol such as UNEP/CHW.11/INF/2 (information document number 2 of the eleventh meeting of the BC COP) and are usually not translated unless required by the COP or the translation is undertaken by the Party/member or observer providing the document. An exception to this practice is the COP “scenario note” which is made available in the official languages of the meeting.

Since all BRS Conventions’ meetings are paperless, pre-session documents are only made available electronically on the websites of the Secretariat.

### **4.1.3 Preparatory meetings**

A number of preparatory meetings or teleconferences with the President/Chair, Bureau and the Secretariat are organized to, for instance, agree on the provisional agenda and tentative schedule, discuss expected outcomes of the meeting, identify potential issues and strategize on how to address them, identify possible contact groups and potential chairs and discuss arrangements for side meetings/events, logistics, etc. It should be noted that at this stage, consideration is given to defining the total number of contact groups or other groups meeting at any one time as these should be limited in number to ensure that there is adequate opportunity for the interests of all delegations to be factored into the discussions.

Also, the President of a COP may meet with the Secretariat to go through the President notes<sup>13</sup> as prepared by the Secretariat and to revise them as necessary in advance of the meeting. Depending on the wish of the Chair(s) of a subsidiary body, Chair(s) notes will also be prepared by the Secretariat and discussed with the Chair(s) in advance of the meeting.

In case simultaneous or joint COP meetings are planned, the Presidents of the COPs have joint meetings periodically. For example, the three Presidents met in 2012 and again in 2013 to agree on the arrangements for the preparation of the ordinary and extraordinary meetings of the 2013 COPs, in particular the tentative schedule of work for the meetings and the consideration of issues during the simultaneous sessions of the ordinary meetings of the COPs.

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<sup>13</sup> See annex 1 to this manual.

## 4.2 IN-SESSION (AT THE MEETING)

### 4.2.1 Meetings before the plenary sessions

#### (1) Pre-meetings/regional meetings before the opening

The meetings of the COPs and subsidiary bodies are often preceded by a day of pre-meetings including a Bureau meeting, regional meetings and other technical meetings as necessary.

#### (2) Daily morning meetings before the plenary sessions

During the meetings of COPs and the OEWG, Bureau meetings (8 a.m.) and regional meetings (9 a.m.) usually take place each morning before the start of morning plenary sessions. In the case of the CRC, POPRC and ICC, since they have no regional meetings, Bureau meetings are ordinarily held just before the morning plenary session. The Bureau reviews the progress made in the plenary sessions, discusses and provides guidance on resolving issues and agrees on the order of the day. The chairs of contact groups or other groups are typically called in to report back on their progress. Any issues which need to be raised with regional groups are flagged at this time, prior to the commencement of plenary or contact group work.

### 4.2.2 Plenary session

#### (1) Overview

Plenary is the formal forum for discussion and decision-making. It is formed by all of the Parties/members present at a meeting. The President of the COP or Chair of the subsidiary body chairs the Plenary.

The COP/subsidiary body in plenary sessions decides upon organizational matters, such as the election of officers, considers the substantive matters on the agenda of the meeting, and adopts the decisions/conclusions of the meeting as well as the meeting report.

The official languages of the meetings of the COPs, OEWG and POPRC are the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish. Statements made in one of the official languages are interpreted simultaneously into the other five official languages. A representative of a Party or a member may speak in a language other than an

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official language if the Party/member provides for interpretation into one such official language. Official working documents of the meetings are drawn up in one of the official languages and translated into the other official languages. ICC and CRC meetings are conducted in English only.

The Plenary usually meets from 10 a.m. to 1 p.m. and 3 to 6 p.m. Regional group meetings and other informal meetings generally meet outside of these hours, either early in the morning, during the lunch break, or in the evening, without the benefit of interpretation. Contact groups may meet at any time agreed to by the Bureau, although they cannot meet during a regional group meeting and ordinarily do not meet while Bureau meetings are taking place.

## **(2) Opening of the meeting**

The President/Chair does not declare a session of the COP/subsidiary body open unless a quorum has been reached.

The President/Chair should always make sure that representatives of UN regional groups and of the main negotiating groups or States are present before opening the meeting and allowing debate to proceed or before a decision is taken.

If during a meeting the issue of quorum is raised, the President/Chair should request the Secretariat to verify the existence of a quorum.

## **(3) Organizational matters: adoption of the agenda, tentative schedule, and election of officers**

The first thing to be agreed by the COP/subsidiary body is the agenda and tentative schedule of the meeting. When adopting the agenda the COP/subsidiary body may decide to add, delete, defer or amend items. Only items that are considered by the COP/subsidiary body to be urgent and important may be added to the agenda. Once agreed, the schedule may be revised by the Bureau as necessary depending on the progress of the meeting.

In practice, election of officers is done by consensus or acclamation. The issue is usually introduced at the beginning of the meeting and elections are not undertaken until later in the meeting following regional discussions.

## **(4) Opening each agenda item and inviting interventions**

The President/Chair announces each procedural move: e.g. "We will now resume debate on agenda item 4". Upon invitation by the President/Chair, the Secretariat introduces the pre-session documents (working documents and information documents) relevant to the agenda item.

No one may address a meeting without the permission of the President/Chair. The President/Chair calls upon speakers in the order in which they indicate their wish to speak, starting first with Parties and then, if so decided, by giving the floor to observers. The Secretariat maintains a list of speakers.

The President/Chair has the power to call a speaker to order if the statement is not relevant to the subject under discussion. The President/Chair typically maintains order by calling on speakers to confine their statements to the issue on the agenda. If the speaker persists, the President/Chair may suspend the plenary session to regain order and/or to discuss the issue directly with the speaker. At COP meetings, in cases where a statement is directed at another Party, the President would usually grant the delegation of that Party “a right of reply”.

The President/Chair summarizes the points of interventions made, and proposes the next step depending on the situation. The Secretariat assists in preparing the summary. The next step can be to:

- Adopt the draft decision contained in the pre-session document;
- Request the Secretariat to prepare a draft decision based on the interventions in the Plenary; or
- Establish a contact group or other group to further discuss the matter and prepare a draft decision.

##### **(5) Points of Order<sup>14</sup>**

A point of order is an intervention made by a Party directed to the President/Chair, requesting him/her to use certain powers. A request to raise a point of order is made by forming a “T” with the nameplate and one arm.

A point of order may relate to:

- The manner in which the debate is being conducted;
- The maintenance of order in the meeting;
- Compliance with the rules of procedure; or
- The manner in which the President/Chair is exercising the powers conferred to him/her by the rules of procedure.

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<sup>14</sup> BC rule 33, RC rule 38, SC rule 38 of the rules of procedure.

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A representative of a Party/member may at any time raise a point of order, on which the President/Chair must immediately rule. A representative of a Party/member may appeal against the ruling of the President/Chair. The appeal is to be put to the vote immediately and the ruling stands unless overruled by a majority of the Parties/members present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

### **4.2.3 Negotiations**

In practice, negotiations on key issues rarely take place in plenary sessions. These are conducted in smaller, less formal forums, such as contact groups and informal consultations.

#### **(1) Contact groups**

Contact groups are established by the COP/subsidiary body upon the proposal of the President/Chair. Most of the negotiations at COPs/subsidiary bodies take place in contact groups and it is in these arenas that most of the text of decisions is developed and agreed. Contact groups are generally established for issues upon which there are important substantive differences and when the President/Chair believes that there is a reasonable chance at making progress through negotiations.

The President/Chair proposes the mandate of the contact group and when it shall report back to the Plenary and seeks agreement of the meeting.

The contact group chair is selected by the COP/subsidiary body from a representative of a Party/member at the session upon the proposal of the President/Chair, ordinarily in consultation with the Bureau. In practice for BRS meetings, the President/Chair often proposes two co-chairs for a contact group, one from a developed country Party and one from a developing country Party.

Contact groups are normally open to all Parties and observers. The contact group chair is usually open to allow interventions from observers. While observers are not entitled to make proposals, under BRS practice, if an observer makes a negotiating proposal, it must be supported by a Party for his/her proposal to be taken into account in the negotiations. In the event negotiators prefer meeting without the presence of observers, then the format for convening such negotiations would ordinarily be through a drafting group or Friends of the Chair group, although a contact group chair may also decide to close the meeting to observers.

The contact group chair reports regularly to the Bureau on progress made during the negotiations and may request the assistance of the President/Chair to resolve any difficulties that may arise during the negotiations. The contact group chair also reports regularly to the COP/subsidiary body in Plenary.

The flexibility in the application of the rules of procedure in the conduct of business in contact groups can provide a more efficient forum for negotiations. The discussions are conducted in English only. The date, time and venue for contact group meetings are advertised in advance. The contact group chair must however strive to strike an acceptable balance between the need for efficiency and the imperative of procedural equity and transparency. This transparency and equity has been significantly enhanced with paperless meetings and an intranet site, so that documents become available for all participants at the same time.

## **(2) Managing the contact group discussions**

The contact group chair opens the meeting of the group, reiterates the mandate, and establishes the working arrangements e.g. timeframes. Before starting the contact group meeting, it is important to make sure that the key representatives (i.e. those who expressed differing views in Plenary) are present in the group. The Secretariat can support the contact group chair in providing background information, explaining the provisions of the Convention or previous COP decisions and Parties' obligations (legal advice), etc. It is often useful to first invite participants of the group to express their views on the subject, so as to identify issues and areas of common ground.

When the group is ready to negotiate the text of a draft decision or documents for adoption, the chair can ask the Secretariat to show the text on screen and do the first reading. The contact group chair often goes through the text paragraph by paragraph, and seeks agreement of the group with the aim of obtaining an agreed decision without square brackets. If necessary, the text with disagreement is left with square brackets until a solution is found. The Secretariat supports the chair in typing the text (often with tracked-changes) on the screen.

The contact group chair can always seek advice of the President/Chair should the negotiations become stalled. As a last resort, the square brackets around the text with disagreement may be kept for further consideration in Plenary.

The outcomes of the negotiations can be shared informally on the meeting's intranet site under the section "Contact groups". The intranet site can also be used for sharing other information and non-status papers informally.

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For further consideration in Plenary, the contact group's outcome, once cleared by the contact group, should be presented as a conference room paper (CRP). The Secretariat manages the document control process and supports the chair of the contact group in issuing the CRP. The chair of the group needs to clear the draft CRP before its finalization and submission to Plenary. Draft decisions developed by contact groups for consideration by Plenary are prepared as CRPs in languages for meetings operating in the six UN languages.

A practical checklist for contact group chairs is provided in annex 2 to this manual.

### **(3) Drafting groups, Friends of the President/Chair groups, and informal consultations**

Where it will facilitate the resolution of an issue, the President/Chair or chair of a contact group has a number of tools at his or her disposal. He/she may convene drafting groups, Friends of the President/Chair groups and informal consultations with the approval of the COP/subsidiary body. Such groups or consultations may be entrusted to a delegate/member on a particular substantive issue. The presiding officer of such groups has flexibility in the application of the rules of procedure for the conduct of discussions but should bear in mind the need to ensure procedural equity and transparency. As with contact groups, the discussions are conducted, and documents are prepared, in English only.

Drafting groups may be convened where key Parties that have reached or are near agreement meet to translate the terms of their agreement into decision text. These groups are ordinarily closed to observers.

Friends of the President/Chair groups are generally used in the case of protracted negotiations on politically sensitive matters where consultations with a reduced number of key Parties (and occasionally observers) may resolve the issue. The President/Chair or chair of a contact group will usually propose this format to the COP, subsidiary body or contact group and, if agreed to, will have the flexibility in how he/she conducts his/her business. Friends of the President/Chair groups are therefore restricted to those invitees chosen by the President or Chair or chair of a contact group.

Informal consultations are convened by the presiding officer for an informal exchange of views where a small number of delegations are near agreement on a particular issue. Informal consultations are normally limited in participation and the President/Chair or chair of a contact group bears responsibility for determining the invitees which are usually the key Parties for that issue.

In establishing smaller informal groups, the President/Chair or chair of a contact group should take particular care to ensure that the requirements of transparency, legitimacy and inclusiveness are met. In particular, the President/Chair or chair of a contact group should clearly define the mandate of the group and ensure broad representation of the major negotiating groups and key Parties/members/delegates in order to guarantee acceptance of the final outcome.

If the group is limited in participation, it is good practice for the President/Chair or chair of a contact group to invite the negotiating groups to select delegates to represent them in smaller group meetings. It is also important for legitimacy of the process that the results of any smaller group meeting are reported back to the body that established it for decision-making so that Parties/members/delegates who were not in the smaller group have an opportunity to consider the outcomes.

#### **(4) Preparing draft decisions**

The text of a decision evolves through various versions and revisions during a negotiation process. A draft decision is normally prepared by the Secretariat and is set out in the pre-session working documents. Unless otherwise decided, it forms the basis on which Parties/members negotiate.

Once a text enters negotiation, individual Parties/members or negotiating groups offer their proposed revisions. Much of this takes place through oral interventions by delegations from the floor. More complex amendments or proposals by negotiating groups are often submitted in writing. In less formal negotiating settings, such as contact groups, often text is proposed, discussed and negotiated directly and instantly by projecting the relevant text onto a screen. Generally speaking, the more informal the negotiating settings are, the more fluid the negotiations and spontaneous the proposals can be.

Compromise on contentious issues is often resolved using language rather than persuasion. The position of a word or sentence within the decision as a whole can play an important role in finding agreement. Text appearing in an operative paragraph, which requires action, has a different weight than text in a preambular paragraph, which is meant to provide mainly background information.

Verbs determine different levels of commitment to an issue or action, and when delegates disagree with a proposal but sense they won't be able to eliminate it, they often counter by weakening the verbs. Such verbs include: adopt, approve, request, endorse, decide, welcome, call upon, invite, encourage, recognize, acknowledge, reaffirm, express concern, take note with appreciation and take note. The use of "as appropriate" may reduce the meaning or importance of

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a sentence or clause, but it is a useful phrase for a President/Chair in difficult circumstances.

Other words commonly used to find agreement are as follows:

- May: permissive and discretionary;
- Should: not required but advised;
- Shall, Will, Must: reflects stronger will or commitment, and can be combined with a weaker word, e.g. “shall endeavour”;
- And: all connected clauses or provisions must be satisfied;
- Or: only one of the connected clauses or provisions must be satisfied;
- As appropriate/If necessary: gives Parties discretion;
- To the extent feasible/practicable: to take action within limits set by the Party taking action;
- Consider: think about further without necessarily making a decision;
- Towards: allows approximating a goal without getting there.

Sometimes, in order to bridge differences, the President/Chair prepares and presents a compromise text, using his/her political authority to persuade delegates to accept the text without much revision and to move forward. This is known as the President/Chair’s text and often includes brackets. The President/Chair must, however, carefully weigh the political opportunity for such an intervention because a precipitate action might jeopardize progress in the negotiations.

## **(5) In-session documents and non-papers**

In-session documents (conference room papers, CRPs) often contain a draft decision text put forward to the COP/subsidiary body for possible adoption. These are usually translated<sup>15</sup> (unless they are produced on the last day of the meeting when there isn’t sufficient time left for translation to take place). Other CRPs are usually used as a mechanism for Parties/members to submit proposals – rather than draft decisions - directly relevant to the meeting’s discussions. Such CRPs are not normally translated. Observers are not allowed to submit CRPs. CRPs have no life after the meeting at which they were tabled and are not continued into the next COP.

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<sup>15</sup> Except at the meetings of CRC and ICC.

In the course of negotiations at meetings of COPs, Parties or groups of Parties may prepare and distribute non-papers to facilitate progress in the negotiations in the face of a blockage or to explain positions. These documents often do not bear a document symbol and are not part of the official record of the meeting.

Since all BRS Conventions' meetings are paperless, in-session documents are made available on a meeting intranet site set up for each meeting, or on memory sticks.

Observers may also distribute unofficial documents. These were once available on tables outside of the principal meeting rooms. There is now the option to upload these documents on a dedicated section of the meeting intranet site. These documents are reviewed by the Secretariat before uploading.

Perhaps the most widely read of these informal documents are the daily bulletins prepared by the *Earth Negotiations Bulletin* (ENB), a non-partisan reporting service which provides a succinct daily summary of the negotiations the previous day, as well as photos, audio and video footage on their website (<http://www.iisd.ca/>). The daily bulletins are produced in English, French and Spanish and are available on the meeting's intranet site and on the ENB website.

#### **4.2.4 Adoption of the decisions<sup>16</sup> and meeting report, and closure of the meeting**

##### **(1) Adoption of the decisions**

Following discussion in Plenary, including any report on the outcome of the negotiations in a contact group, informal consultations or consultations by the President/Chair, the Parties/members will be invited to consider and adopt the draft decisions contained in the pre-session document or CRP. At this time, the President/Chair will indicate clearly that the meeting is in a decision-making mode i.e. observers are not allowed to make any interventions.

The presence of two-thirds of the Parties/members is required for a decision to be taken. The President/Chair, with the assistance of the Secretariat, must be satisfied that there is a quorum for decision-making.

At COP meetings, when the budget contact group has not yet cleared that the funding is available for the activities included in a decision or that there are no funding implications of a decision, the decision cannot be fully adopted in

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<sup>16</sup> BC rules 39-48, RC rules 44-51 and SC rules 44-51 of the rules of procedure.

Plenary. At its plenary session, the COP might however agree to the text of the decision (referred to as “virtual” adoption), without gavel. Once cleared by the budget contact group, the decision will be formally adopted with gavel.

Draft decisions on substantive matters will be adopted if there is consensus among the Parties/members for their adoption. The rules of procedure on decision-making require that the Parties make every effort to reach agreement on all matters of substance by consensus. In the Basel Convention rules, should this fail, there is a two-thirds majority vote by which to reach a decision. For the Rotterdam and Stockholm Conventions, there is no agreement on a qualified majority vote if consensus cannot be reached, other than in the Rotterdam and Stockholm Conventions’ provisions on amendments<sup>17</sup>, entrusting the Secretariat functions<sup>18</sup> or the voting rules of their subsidiary bodies<sup>19</sup>. In such cases, the voting rules set out in the Convention texts prevail over the voting rules contained in the rules of procedure.

There is no formal definition of consensus in the rules of procedure pertaining to the COPs of the BRS Conventions.

The United Nations Convention on the Law of the Sea (UNCLOS) and the Dispute Settlement Understanding (DSU) of the World Trade Organization (WTO) (Annex 2 of the WTO Agreement) are the only international legal instruments that provide a definition of the term “consensus”. Article 161.7(e) of UNCLOS states that “consensus” means “the absence of any formal objection.” Article 2.4 of the DSU stipulates that the Dispute Settlement Body (DSB) shall take decisions by consensus. A note to this provision states that “the DSB shall be deemed to have decided by consensus on a matter submitted for its consideration, if no Member, present at the meeting of the DSB when the decision is taken, formally objects to the proposed decision.” These formulations, though capturing the essential legal element, do not fully reflect the nuances inherent in the term.

In a memorandum to the Executive Secretary of the Convention on Biodiversity, dated 17 June 2002, the Legal Counsel of the United Nations advised that consensus:

“does not mean that every State participating in the meeting or conference is in favour of every element of the resolution or decision. States so participating have the opportunity, both prior to and after

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<sup>17</sup> RC article 21 paragraph 3, SC article 21 paragraph 3.

<sup>18</sup> RC article 19 paragraph 4 and SC article 20 paragraph 3.

<sup>19</sup> RC article 18 paragraph 6 and SC article 19 paragraph 6.

the adoption, to make reservations, declarations, statements of interpretation and/or statements of position. In so doing, a State may:

- disassociate itself from the substance or text of parts of the document;
- indicate that its joining in the consensus does not constitute acceptance of the substance or text of parts of the document; and/or
- present any other restrictions on its Government's position on substance or text of parts of the document.

Provided that the State concerned does not formally object to or challenge the existence of consensus or call for a vote on the resolution or decision, it is understood that consensus or general agreement is preserved.<sup>20</sup>

Rather than make a formal objection, Parties/members can be encouraged to make statements of position and interpretive statements or to enter reservations after the adoption and request that these be reflected in the report.

If there is no consensus, the issue will be forwarded for consideration during the next session of the COP/subsidiary body (RC and SC) or put to decision-making under BC (COP: two-thirds majority vote, rule 45; ICC: two-thirds majority vote, paragraph 25 of the terms of reference).

Decisions on matters of procedure can be taken by a majority vote of the Parties/members present and voting at the meeting. If the question arises as to whether a matter is procedural or substantive in nature, the President/Chair rules on the question. An appeal against this ruling is to be put to the vote immediately and the President/Chair's ruling stands unless overruled by a majority of the Parties/members present and voting at the meeting.

Each Party/member has one vote. "Parties/members present and voting" means Parties/members present and casting an affirmative or negative vote. Voting, except for elections, is normally by show of hands but any Party/member may request either a roll-call vote or a secret ballot.

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<sup>20</sup> UNFCCC Secretariat, Guide for Presiding officers, revised November 2011. [http://unfccc.int/resource/docs/publications/guide\\_presiding\\_officers.pdf](http://unfccc.int/resource/docs/publications/guide_presiding_officers.pdf).

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## **(2) Adoption of the meeting report**

The draft report, that is prepared by the Secretariat and cleared by the Rapporteur, is presented to the meeting as an “L” document (Limited distribution), often L.1 containing the discussion of the plenary sessions that took place on the first day, L.1/Add.1 containing the rest of the plenary discussions except for the last day. The discussions of other informal meetings are not recorded other than through a narrative description in the daily reports from the contract group chairs.

Following past practice, the COP/subsidiary body is expected to agree that the preparation of the section of the report pertaining to the plenary sessions held on the last day of the meeting will be entrusted to the Rapporteur with the support of the Secretariat and incorporated into the final meeting report under the authority of the President/Chair.

When adopting the report, the President/Chair or Rapporteur goes through the draft report often by blocks of paragraphs. As this is decision-making mode, the President/Chair invites Parties/members only to comment on substantive matters. Editorial comments or errors in translation may be brought to the attention of the Secretariat in writing.

The adoption of the report is not an opportunity to renegotiate issues but to merely reflect what happened. Interventions should focus on what was said and the intervener should have the opportunity to correct the record if their intervention is not accurate. For longer proposals to modify the report text, the President/Chair should ask the proposer to provide their edits in writing to the Secretariat.

The report does not include interventions by observers unless they are taken up in some way by Parties/members during the Plenary or when observers report on their contribution to implementing the Convention(s). Only in such cases would observers be given the floor to correct something that they said.

## **(3) Closure of the meeting**

The President/Chair declares the closure of the meeting. Before doing so, the President/Chair usually allows for regional statements. Then the President/Chair thanks delegates, the Secretariat and the interpreters. He/she may also make some observations on the conduct and outcome of the meeting.

### **4.2.5 High-level segment and side meetings**

In addition to the main meeting, there are usually many side meetings and sometimes a High-level or Ministerial Segment where Ministers meet together to consider some of the key political issues on the agenda. The Ministerial Segment is usually organized and hosted by the government hosting the main meeting.

Side meetings include the regional meetings held prior to, or during, the course of the actual meeting itself and the numerous side events organized by Parties/members, observers and/or the Secretariat during the course of the meeting.

Particularly at the COPs, there are often evening receptions arranged by the host country of the meeting, the Secretariat, Parties and observers. While they may appear outwardly to be informal social events enlivened by light refreshments, they are in fact a key venue for gathering information on countries' positions and for informal negotiations.

Side meetings provide a significant amount of key information and an important opportunity for networking and for exchanging experiences and views.

## **4.3 POST-SESSION**

After the meeting, the Rapporteur is responsible for clearing the draft meeting report prepared by the Secretariat containing the record of plenary discussions, including those that took place on the last day of the meeting, all decisions and any other outcomes of the meeting agreed to be annexed to the meeting report.

The Secretariat sends out a follow-up communication to Parties and others often containing an invitation for follow-up actions such as submission of certain information and nomination of experts, etc.

## 5. CHAIRING TECHNIQUES AND STRATEGIES

The ways in which the President/Chair represents and acts on behalf of the COP/subsidiary body point to the central responsibility and constraint to which the President/Chair is subject: he/she is called upon to behave not in an individual or national role but as an embodiment of the whole COP/subsidiary body. In other words, the President/Chair acts for the COP/subsidiary body and only with its consent.

This does not suggest that there is anything passive or merely reactive about the President/Chair's role. It is up to him/her to understand what needs to be done and to take appropriate initiatives, as required, to ensure it happens.

### 5.1 BASIC PRINCIPLES OF CHAIRING

Every meeting needs a chair in order to manage the negotiations, focusing on the relevant mandates and generally to provide adequate leadership.

Chairing is the art of managing meetings. To be successful, this requires the chair to follow some basic principles and to adopt specific attitudes, which include:

- Being impartial;
- Patience;
- A good understanding of the issues and topics;
- Keenly listening to the discussions;
- Ensuring that all delegates have an appropriate opportunity to express their point of view;
- Showing respect for the views and actions of others;
- Encouraging all delegates to take equal responsibility for the meeting proceeding smoothly;
- Keeping track of what has been said for future reference;
- Summarizing when necessary to keep everyone informed of what has been agreed to and where there are still open questions/disagreements;
- Ending an agenda point with everyone having an understanding of how the issue will move forward; and,

- Being able to prevent discussions from wandering, to prevent those without anything new to add repeating the same point and being able to move on when a point is discussed as far as possible.

Through their own behaviour and body language, chairs have a powerful influence on the behaviour of the meeting. It is important that they chair according to their personality. They should be careful not to generate antagonism. A healthy professional discussion where diversity of ideas and approaches are constructively used to create the best solution is the ideal.

Chairing a meeting requires many different and inter-related techniques. A straightforward approach is for the chair to understand his/her role procedurally, i.e. the responsibility to run the meeting effectively, and substantively, to achieve the best possible outcome for the meeting.

For ease of reference, a basic glossary of commonly used terms and expressions related to international meetings is provided in annex 3 to this manual.

## **5.2 PROCEDURAL ROLE OF PRESIDENTS AND SUBSIDIARY BODY CHAIRS**

The procedural role of the President/Chair is to ensure that the business of the meeting is conducted in an orderly and efficient manner and in accordance with the rules of procedure.

If the President/Chair ensures that the meeting runs well procedurally then this will ensure that the negotiations take place in a constructive atmosphere. If not then the atmosphere will quickly sour and even simple goals will be much harder to achieve.

The formal functions and powers of the presiding officers, including the President/Chair, are listed under a distinct heading in the rules of procedure.

In practice, the role, responsibilities and powers of the President/Chair in formal and procedural matters are even broader. For example, the President/Chair can represent the COP/subsidiary body, thank the host country, congratulate individuals, express condolences and so forth on behalf of the COP/subsidiary body. He/she may also hold a press conference or otherwise communicate with audiences outside the meeting on behalf of the COP/subsidiary body.

Indeed, the President/Chair has a structural role in the meeting: not only is the seating arranged so that all delegates face the President/Chair, but also all statements intended to be heard by the whole meeting must be addressed to the President/Chair.

### 5.2.1 Conducting a meeting

An essential role of the President/Chair is to ensure that the COP/subsidiary body conducts its meeting and its business in an efficient manner.

The President/Chair keeps order by selectively permitting some activities and/or deciding when they take place. Examples of important techniques of permitting are:

- COP/subsidiary body is not meeting until the President/Chair says so;
- No delegate may make interventions at plenary sessions without permission from the President/Chair, and the President/Chair can withdraw that permission;
- COP/subsidiary body at its meeting cannot take actions (e.g. start discussion on an agenda item) unless the President/Chair permits it;
- COP/subsidiary body has not taken a decision until the President/Chair confirms it; and
- COP/subsidiary body is meeting until the President/Chair declares it closed.

Techniques for facilitating the work of the COP/subsidiary body at its meeting include:

- Allowing adequate time for debate and informal consultations;
- Resolving any issues over procedure, thereby enabling the COP/subsidiary body to continue its work in the appropriate manner;
- Suspending the session for informal consultations;
- Inviting a delegate to make a statement. The Secretariat maintains a speakers' list and normally the President/Chair should follow the list. When necessary, the President/Chair should distinguish between Parties and observers, between those Parties that have not spoken and those that have, and between those Parties that are addressing a proposal and those that are making a more general intervention;
- Suggesting that informal consultations take place;
- Appointing a 'Friends of the President/Chair group' or facilitator to conduct consultations or to try to find consensus on a particular issue; and,

- Asking the Secretariat to provide a particular service or undertake a particular action (e. g. provide additional information to Parties).

The President/Chair can play a very active role in the discussions by:

- Proposing the convening of a contact group, an informal discussion group, drafting group or Friends of the Chair and designation of the chairs of these groups, as appropriate;
- Acting as intermediary or facilitator in resolving disagreements among delegates;
- Proposing a procedural step, such as laying an issue aside or referring it to another body;
- Identifying areas of common ground and proposing textual solutions to the room that accommodate all views; and,
- Presenting formulations or whole draft texts to the meeting in his/her own name.

## 5.2.2 Planning allocation of work and time management

One of the tasks of the President/Chair is to establish the setting in which agenda items will be considered other than in Plenary. This could be done by proposing the establishment of various negotiating groups with a defined mandate (which may cover several interlinked agenda items), their composition and chair. The work should be allocated in a way to ensure the full work programme of the meeting is completed on time.

It is therefore important to arrange the tentative schedule of the meeting to address controversial items early on during the week, if known in advance, in order to give enough time for the negotiations. The President/Chair undertakes this task in collaboration with the Bureau and the Secretariat.

The interpretation of statements and translation of documents are an important consideration when allocating time for each agenda item, as the absence of interpretation or translation of documents may have a considerable impact on the atmosphere of the meeting, sometimes even leading to its suspension. Due to its cost, interpretation is usually only provided for in Plenary and during the formal hours of the meeting, namely 10 a.m. to 1 p.m. and 3 to 6 p.m. It is not possible to extend or change the interpretation hours, unless the Secretariat is notified well in advance.

### 5.2.3 Opening the meeting, announcing each phase of meeting activity

The President/Chair should arrive well in advance of the scheduled start of each session of the meeting.

As soon as possible after the scheduled starting time, if the President/Chair considers there are enough delegates in the room with sufficient regional representation, he/she 'calls the meeting to order', greets the delegates and declares the meeting open.



*Rap your gavel and say:*

*“I declare the [name of the meeting] open.”*

Usually the President/Chair should take this opportunity to announce the purpose of each agenda item during the session or meeting, recall the procedural situation, give a brief overview of the work at hand and outline what progress has been made since the last session on the issue.



*“The meeting will now address agenda item [...] on... I invite the Secretariat to introduce this item.”*

As the meeting progresses, the President/Chair announces each procedural move. He/she explains any procedural matter that might be unclear and foreshadow subsequent moves.

Likewise, the President/Chair closes each phase of debate and explains what has been concluded and what is to follow. The Secretariat prepares President/Chair's notes with suggested words for the President/Chair to use as he/she makes his/her way through a succession of procedural steps. Further details on these notes are found in annex 1 to the present manual.

### 5.2.4 Keeping the debate orderly and managing the use of time

Maintaining order involves controlling the level of noise in the room, giving speakers the floor as they request it or in accordance with the speakers' list. If necessary, propose and enforce time limits on interventions or the closure of the speakers list. It may, at times, require the President/Chair to take a

leadership role in getting the COP/subsidiary body to progress its work and for the meeting to run in an orderly and efficient manner.



***“I now open the floor for any comments relating to this agenda item.”***



***“I thank all delegations that have taken the floor for their comments and would like to summarize what I have heard and offer my conclusion/proposed path forward...”***

In this work, the President/Chair uses not only his/her voice but also the gavel as a means of communicating with the delegates. Some basic conventions regarding the use of gavel are:

- One tap (at the beginning of a session): ‘The President/Chair is calling the meeting to order and is about to open the session.’
- One tap (after announcing a decision): ‘The decision has been made and is final.’
- Several quick taps: ‘Silence in the room, please.’

Gavels are not used in contact groups.

If the President/Chair faces behaviour which may be considered as disruptive, this can be dealt with in different ways, for example:

- Do not ignore the situation. Take time out to discuss any issues with the concerned delegates, then move on.
- Do not take difficult behaviour personally or give an emotional response.
- Do not argue with delegates.
- If a delegate continues to be disruptive, politely ask them to leave.

A constant concern of every President/Chair is to manage the time available. To this end, he/she establishes a timeline, e.g. this task will be finished by such and such a date, how much time will be devoted to that agenda item, etc. The Secretariat will assist the President/Chair in this task.

As the meeting progresses, the President/Chair should constantly check that the timeline is being adhered to, and if it is not, take remedial action. Concurrently, the President/Chair should manage a time budget, constantly pressing delegates to complete each phase of the meeting as quickly as possible, being constantly vigilant against anything that might threaten to use up time unproductively, so as to build up a reserve of time in hand. Then the President/Chair may carefully make this time available for constructive purposes.



*“The meeting is adjourned until...”*

The President/Chair takes actions to ensure that a COP/subsidiary body completes its meeting agenda within the allocated time and that all Parties/members have had an opportunity for their views to be expressed. He/she may rely on and refer to the rules of procedure, which are authoritative and constitute the basis for his/her power to suggest e.g. time limits for statements and limits on the number of times a delegation may speak.



*“Are there any objections to this proposal? [Pause and look around the room.] I see no objections; it is so decided.”*

### **5.2.5 Between plenary sessions or contact groups**

After closing each plenary session, the President/Chair starts to plan the next plenary session's work. It is important to make sure that he/she is informed of what has happened in the consultations and other negotiation groups at which he/she was not present and of likely developments. For this purpose, it is important to consult with the Secretariat and the Bureau, at its morning meetings before the day's plenary session.

As appropriate, between sessions, the President/Chair prepares interventions he/she will make at the upcoming session. At times he/she may see advantage in meeting with some Parties/members and/or arrange to forewarn Parties/members of impending developments.

### 5.2.6 Decision-making

This is a particularly sensitive phase of meeting activity, to which the President/Chair should pay particular attention. In the case of written draft decisions, which are usual practice, the President/Chair explains the procedural situation to make sure that all Parties/members fully understand it. He/she makes every effort to ensure that the decision-making process is fully transparent and that the wishes of Parties/members are accurately reflected.

The use of contact groups and other informal mechanisms for settling differing views and reaching agreement have been outlined above in Section 4.2.3.

## 5.3 SUBSTANTIVE ROLE

The President/Chair's responsibility is not only to manage the meeting so that it operates smoothly and to fulfill a formal role, but also to take responsibility for seeing that the meeting produces a result that is:

- Coherent and internally consistent;
- Legally and technically sound; and,
- Acceptable to the greatest number of Parties.

These are threshold criteria that should be met by the COP/subsidiary body at every meeting and that every President/Chair should aim for – although rarely easy and at times very difficult. They represent a good outcome for an international meeting and a President/Chair presiding over a meeting that meets them is entitled to a sense of achievement.

The more the following ambitions can be met, the greater the success of the meeting and of its President/Chair:

- Satisfaction of Parties/members participating in the meeting when the decisions are taken;
- Satisfaction of observers and other stakeholders with the outcomes of the meeting;
- Ease and effectiveness of implementation when the time comes;

- The extent to which decisions go beyond the 'lowest common denominator' to secure every point on which agreement was possible; and,
- Value of precedents that are set and the opportunities that are created for the future.

In fulfilling his/her substantive role, as with his/her procedural role, the President/Chair acts as a representative of the COP/subsidiary body at the meeting and his/her actions must be acceptable to the COP/subsidiary body. That support is likely to be forthcoming, as long as the President/Chair is acting in accordance with the mandate of the COP/subsidiary body, appears and behaves impartially and reflects a good understanding of the wishes and views of Parties/members.

The President/Chair's necessity to be impartial does not imply that he/she can be uninterested in the substantive outcome of the meeting or can abdicate the responsibilities of leadership. Even so, the President/Chair must always be mindful of the need to be impartial and accurately reflect the debate and views of the Parties. Some basic ideas about the various tasks or techniques available to the President/Chair are described below.

### **5.3.1 Preparing for the meeting and developing a strategy as a chair**

The President/Chair must have in mind a concept of the possible and desirable outcome of the meeting and a plan as to how it is to be achieved. Both of these will be subject to constant monitoring and possible revision as the meeting unfolds. Their evolution will be strongly influenced by the President/Chair's monitoring of the debate and negotiations and what he/she hears in extensive and continuing consultations with Parties/members. But the desirable outcome is more than the sum of the wishes of all Parties/members: it is also an outcome that is coherent, legally and technically correct and ideally one that will prove sustainable in terms of its practical implementation.

### 5.3.2 Implementation

As long as the meeting is proceeding in accordance with this (flexible and evolving) plan, the President/Chair's responsibility is to facilitate its course. If, however, the meeting shows signs of stalling or losing its way, the President/Chair's responsibility for the outcome requires him/her to take a more active role that may include encouraging Parties/members to act in a manner helpful to the meeting resuming its progress.

As a final resort, this role may require the President/Chair to act more directly, for example taking a break to consult with vocal delegations on both sides of an issue, drawing the COP/subsidiary body's attention to options or making suggestions, based on his/her knowledge and understanding of the wishes of Parties/members, and the applicable technical, legal and other considerations.

### 5.3.3 Developing consensus

The President/Chair's procedural responsibilities require him/her to note the points of agreement as they emerge and draw them to the attention of the COP/subsidiary body so that he/she gradually builds up an edifice of agreed substance and words which, when completed, will constitute the agreed meeting outcome. In so doing, the President/Chair should also take into account the substance of what is being agreed so as to ensure that the outcome is also substantively sound (i.e. coherent, legally and technically correct and so on), as previously explained.



*“I see a general agreement in the room on this matter to [summarize what was agreed]. Does anyone have an objection to this?”*



*“This completes the meeting’s consideration of agenda item [...].”*

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### 5.3.4 The President/Chair's resources

In this work, the President/Chair needs to manage and draw upon a range of resources:

#### (1) Rules of Procedure

These determine the powers of the President/Chair.

#### (2) Atmosphere

The atmosphere (or mood or 'chemistry') of the meeting is another factor to be managed and used by the President/Chair. So long as this remains positive and constructive, it is helpful to the meeting in achieving its objective expeditiously. The President/Chair will want to exert his/her managerial skills to keep it as close as possible to this ideal, and to resist any tendency for it to slide into lethargy, animosity or despair which are inimical to agreement.

#### (3) Time

The President/Chair needs to manage the available time, not only with a view to its effect on procedure, but also because of the possible impact on the substantive outcome. Thus he/she may see a need to provide more time for consultation, when this seems likely to broaden the extent of agreement on substance. Subject to budgetary and other practicalities, the President/Chair may be able to make arrangements to enable debate or negotiations (with or without interpretation) to continue in the evening, which is when most of the contact groups will take place. Conversely, he/she may decide to restrict the time available for purposes which seem inimical to the desired substantive outcome, or to help 'force' agreement.

#### (4) Control of opportunities to speak

Without exposing him/herself to accusations of partiality, the President/Chair may at times be able to create opportunities for constructive interventions to be heard, or conversely to limit the opportunities for destructive or otherwise unhelpful interventions. This is mainly achieved by keeping the debate focused on a search for areas of agreement and closing it off when it threatens to degrade into repetition or unproductive dispute. It can also involve the President/Chair deciding in which order to call several Parties/members who ask for the floor at the same time.

## **(5) Information**

By following the debate attentively and consulting widely, as well as through his/her central role in procedure, the President/Chair can ensure that he/she is kept well informed of the wishes and intentions of Parties/members. This will present some occasions when the President/Chair sees opportunities to assist in the development of the desired result by ensuring that information is shared and other occasions where he/she is able to thwart any threats to the substantive outcome before they materialize.

## **(6) Common goals of all Parties/members**

All clear-sighted delegates understand that the achievement of their own national objectives depends on the COP/subsidiary body reaching agreement and usually a high proportion of Parties/members are also committed to the COP/subsidiary body achieving its collective objectives at the meeting. This leads to a widespread disposition among Parties/members to be as helpful as possible towards the President/Chair in his or her tasks. Delegates/members are often inclined to defer to the President/Chair's wishes, in the well-founded belief that the President/Chair is uniquely well placed to assess what is possible and how best to proceed towards an outcome that will be satisfactory to all.

## **(7) Prestige**

The President/Chair is the acknowledged leader and representative of the meeting and moreover, if he/she performs well, a person who has demonstrated a commitment and ability to bring the meeting to a successful conclusion. Any one of these aspects would be a source of prestige; cumulatively they are even more compelling. As long as the President/Chair retains the confidence of Parties/members, the prestige of his/her position has considerable potential influence.

## **(8) Assistance**

Constructively minded Parties/members will tend to be supportive of the President/Chair and willing to assist with information, advice, forbearance and cooperation.

The Secretariat, likewise, wishes the President/Chair to succeed and is able to assist him/her in many ways. The President/Chair's notes prepared by the Secretariat provide suggested words to guide the succession of procedural steps. The Secretariat can draw the President/Chair's attention to a procedural requirement or document to be cited. The President/Chair should not,

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however, simply read out whatever the Secretariat places before him/her. It is the President/Chair's responsibility to ensure that the text is correct.

Appearances also matter. If the President/Chair were to concentrate too exclusively on reading out a scenario provided by the Secretariat and not engage with his/her audience, the impression could be conveyed that he/she is serving the Secretariat more than the meeting. This possibility arises particularly at the start of a meeting where lengthy formalities and introductory explanations have to be enunciated – but also when delegates' first impressions are being formed.

### **(9) Context**

Because of his/her responsibility for organizing the work of the COP/subsidiary body at the meeting, the President/Chair is well placed at the start of a meeting to allocate issues or agenda items to the forum (e.g. at plenary or contact group level) where he/she believes there exists the best prospects of a constructive treatment.

As the meeting progresses, if problems develop, the President/Chair can take the initiative to refer an issue to informal consultations (if necessary convening these him/herself) or perhaps to transfer an item, for example, from a contact group to Plenary.

### **(10) Exit strategies**

There are three main "exit strategies" that the COP/subsidiary body President/Chair can use to propose a way forward on an issue:

1. To adopt the draft decision contained in the pre-session document;



*"I am hearing considerable support for the proposed action set out in document .... I propose that we adopt the draft decision set out in document ... [if there are any proposed amendments, these can be confirmed verbally by the President or the Secretariat]. Seeing no objection to these conclusions, I propose that we adopt the draft decision set out in document... (if necessary, add "as amended verbally")."*

2. To request the Secretariat to prepare a draft decision based on the interventions in the Plenary (sometimes in consultation with delegations making the specific suggestions in their interventions);



***“I propose that we request the Secretariat to prepare a draft decision along the lines of the proposed action set out in document [...] and taking into consideration our discussion. We will consider the draft decision later in the week. Are there any objections to this proposal? [Pause and look around the room.] I see no objections; it is so decided.”***

3. To establish a contact group or other group to further discuss the matter and prepare a draft decision;



***“I see that there is not yet consensus on the adoption of the draft decision set out in document.. Therefore I propose that we establish a contact group to discuss a possible way forward on..” (Chair must also provide a specific mandate for the group, including a time constraint.)***

Another option is to suspend discussion on the agenda item to allow for informal consultations. The agenda item would then be taken up again later in the meeting.

After all agenda items have been addressed, the President/Chair may ask if the delegations wish to raise other issues under the “Other matters” agenda item.



***“Are there any other matters?”***

When the issues planned for the session/meeting have been exhausted, the President/Chair can close the session/meeting.



***“I declare this meeting closed (formal).”***



*“As we have covered all the points on the agenda,  
I propose that we close this session until ... / the meeting.*

### **5.3.5 Requisites for success**

To succeed, the President/Chair is required most importantly to:

- Prepare carefully for the meeting and for sessions of it;
- Be kept informed, notably by frequent and widespread consultations with Parties/members and the Secretariat;
- Maintain support for emerging agreed outcomes;
- Maintain support for the President/Chair, notably by showing respect for the concerns of all Parties/members;
- Encourage a positive atmosphere;
- Use allies effectively (the natural allies of the President/Chair being those Parties/members that are seeking a constructive agreement); and,
- Pay particular attention to his/her relations with the Secretariat.

The Secretariat is not only the provider of essential support services but is an invaluable source of information and advice. It is the one actor in the meeting whose objectives closely parallel those of the President/Chair. It is often helpful for the President/Chair and the Secretariat to think of themselves as being on the same team.

### **5.3.6 Approaches**

The President/Chair has a wide range of resources available for use in meeting the challenges of his/her role, which have been indicated earlier in this section.

The President/Chair facilitates discussion and negotiation by providing time for that purpose through many means in addition to calling for the establishment of contact or other groups, and encouraging or participating in more informal consultations.

The President/Chair can influence the outcome by making suggestions as to how the meeting or its delegates should approach their work.

The President/Chair can also step into the role of intermediary or 'broker of agreement' between Parties/members that are at odds, to help them find a satisfactory solution to their differences. This intermediary role can take many forms, sometimes concurrently. It can consist of carrying messages between the protagonists, offering explanations for their respective positions, urging understanding and a willingness to compromise, making suggestions to all sides as to how they can act to advance their objectives and also as to what is realistically achievable.

Likewise the President/Chair can take an escalating range of roles in ensuring that constructive texts appear on time. These can range from a compilation of agreed texts and square bracketed alternatives proposed by Parties/members to provide a starting point for negotiation or through a President/Chair's 'non-paper' to stimulate thinking.

Matters for careful judgment include decisions on whether to produce such documents and if so, their timing, the extent of prior consultation or forewarning before doing so and the degree of assertiveness with which the President/Chair advances his/her proposals.

In all of these activities, the President/Chair continues to act on behalf of the COP/subsidiary body as a whole and with its consent. This means that by a combination of frequent consultation, knowledge and understanding of the concerns of Parties/members and empathy, the President/Chair must have a very good sense of what the meeting collectively wants and will approve, or at least accept.

Ultimately, in extreme circumstances, Presidents/Chairs who have had a strong sense of the positions and desires of the different Parties/members and who enjoyed a very high level of confidence and deference from Parties/members have been known to draw fully on this capital and 'impose' a compromise solution of their own devising. Obviously, Presidents/Chairs can behave in this manner only if they have gained the full confidence of all relevant Parties/members that any solution they produce is the best these Parties/members could hope to achieve in the negotiations and would contain no unacceptable element. It should be emphasized that we are talking here about highly exceptional situations, unlikely to be encountered by most Parties/members and that such extreme tactics are, of course, inherently high-risk.

## 5.4 FINAL TIPS

Chairing an international meeting is challenging, calling for skills that differ in important ways from those needed to successfully chair a meeting at the national level.

It is a function that can be personally rewarding and can bring considerable prestige if performed effectively. Conversely, it can also cause considerable embarrassment to the individual concerned and to their nation if he/she is found to not be up to the demands of the position.

For this reason, careful consideration must be given before accepting or nominating someone for chairing. Particular care must be taken in the case of prominent individuals who are closely identified with a government or nation but whose experience does not equip them to cope with all the complexities of chairing a contentious international meeting. If such a person is exposed to the risks of chairing, it may be possible to reduce these by ensuring that the more contentious phases of debate or negotiation take place in another forum and/or by providing additional briefing and perhaps advice during the meeting.

Successful chairing is not only personally satisfying and a source of personal and national prestige, it is also a way to achieve the best outcome that Parties are willing to accept.

Observing a chairperson in action closely is a good way to learn. You can also learn more about chairing by undergoing training or reading books, both memoirs of diplomats and books on chairing. Business schools and negotiation trainers have produced many books on how to chair a meeting. Although some adaptation is necessary for international meetings as described in this manual, they contain many useful pointers.

One of the most effective ways of learning this is by doing. So the aspiring chairperson should seek opportunities to chair (and will find that there is always a demand for those willing to take on the task). You should start modestly and work your way upward. A meeting not called upon to take decisions is easier to chair than one that does have decisions to take. Thereafter, the greater the divergence of views between the delegates and the greater the complexity of the issues to be settled, the more difficult it becomes. Nevertheless, the person who accepts responsibility for moderating a meeting, however informal and small-scale, is the President/Chair and will begin to acquire useful experience. As your skill and confidence level increases, you will be better equipped to take on increasingly demanding chairing roles.

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## **ANNEX 1.**

### **STANDARD PRESIDENT/CHAIR'S NOTES PREPARED BY THE SECRETARIAT**

## **BC COP-11 President's notes**

**Drafter:** Initials  
**Budget activity n°:** N/A

### **Agenda item: 2** ***Adoption of the agenda***

#### **Documents**

**UNEP/CHW.11/1:** Provisional agenda

**UNEP/CHW.11/1/Add.1:** Annotations to the provisional agenda

#### **President to introduce the item**

- I call on the Conference of the Parties to the Basel Convention for consideration of agenda item 2, adoption of the agenda.
- The Plenary should have before it document UNEP/CHW.11/1 (provisional agenda) and UNEP/CHW.11/1/Add.1 (annotations to the provisional agenda).
- According to rule 12 of the rules of procedure of the Conference of the Parties, the meeting may amend its agenda. However, only items which are considered by the meeting as urgent and important may be added to the agenda. It is possible to discuss issues under the agenda item number 7 on other matters as time allows.
- Currently there are the following issues for discussion under agenda item 7 other matters: the Basel Waste Solution Circle, a possible memorandum of understanding between UNEP and the Conference of the Parties to the Basel Convention, official communications and admission of observers. Further other matters could be added to this agenda item.
- Does any delegation wish to comment on the Agenda before we proceed with its adoption? *[Wait to see if there are any suggestions.]*

***[Pause and confer with the Secretariat which option to choose, as needed.]***

**[Option 1: If there is no proposal]**

Seeing no proposals for amending the agenda, I now invite the Plenary to adopt the agenda. Are there any objections? *[pause and look around the room]* I see no objections; the agenda is adopted. *[Gavel]*

- **[Option 2: Adding issues for discussion under other matters]**
  - Rather than amend the agenda, I suggest that we consider the issues raised *[repeat the proposals]* under other matters. Are there any objections to this? *[Pause and look around the room.]* I see none.
  - I now invite the Plenary to adopt the agenda. Are there any objections? *[pause and look around the room]* I see no objections; the agenda is adopted. *[Gavel]*
- **[Option 3: If there are proposals]**

*[Repeat the proposals]* With these proposed amendments, are there any objections to adopting our agenda with these amendments incorporated? *[pause and look around the room]* I see no objections; the agenda, as amended, is adopted. *[Gavel]*

***[Interventions by Plenary]***

**MANAGING THE DISCUSSION**

- Rather than amending the agenda, the Plenary could agree to cover an issue proposed for discussion under item 7 of the agenda, “Other matters”.

## **ANNEX 2.**

### **CHECKLIST FOR CHAIRS OF CONTACT GROUPS<sup>21</sup>**

#### ***Preparation for the meeting***

- ✓ Visit the meeting room prior to the meeting with the Secretariat to check the set up. Ensure that you have the text electronically and that the projector functions well. Clarify with the secretariat staff when text will be typed on the screen;
- ✓ If you co-chair a meeting, speak to your co-chair about who will chair which part of the meeting;
- ✓ Have the relevant convention text and rules of procedure at hand and other relevant text precedents, reports, COPs decisions, etc.;
- ✓ If you need an invited expert, ensure that they are present (e.g. Executive Secretary, legal officer, financial officer);
- ✓ Review the text to be negotiated and note questions for the Secretariat;
- ✓ Speak to the Secretariat ahead (e.g. Sunday) and get briefed on the budget details, sensitive issues, etc.;
- ✓ Listen to the plenary discussion to become familiar as to where the key issues will arise;
- ✓ Decide on a strategy and a concept of the possible and desirable outcomes of the meeting and a plan as to how it is to be achieved; identify low hanging fruits, consider available facts (report of assessment and data from different regions), understand positions and strategies for compromise, and understand key issues and be ready to state the facts;
- ✓ Have a clear understanding of issues and concerns.

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<sup>21</sup> Based on "Chairing Contact Groups on policy and legal matters under the Basel and other Conventions.", Daniel, Anne, PowerPoint presentation. Pilot Training Session on Chairing Meetings of the Basel, Rotterdam and Stockholm Conventions, March 2014. <http://synergies.pops.int/>.

### ***At the beginning of the session***

- ✓ Welcome the group and introduce yourself and your co-chair;
- ✓ Reiterate the mandate;
- ✓ If a mandate given to you as chair or co-chair is unclear, ask the President to clarify any questions you have in Plenary;
- ✓ If a Party suggests to have the work proceed on the basis of a new document, direct it to the document provided in the mandate;
- ✓ Outline the immediate and long-term process for the group, including hours of work;
- ✓ Outline how you plan to tackle the text;
- ✓ Ask if anyone wants the floor after the organizational matters are introduced;
- ✓ Project the text on the screen, if you have decided this is appropriate;
- ✓ If there are editorial errors you have noted from your earlier review, you can correct these from the podium to save time (e.g. dates, document numbers);
- ✓ Ask delegations to make focused text proposals;
- ✓ Give non-English speakers adequate time to draft proposals in response.

### ***Managing debates on the text***

- ✓ Be impartial: do not debate a Party's position although it is fair to probe to better understand it;
- ✓ Have the Secretariat provide you with a list of speakers so you can focus on the debate;
- ✓ If time permits, consider the benefits of allowing time for general comments so that you gain a sense of areas of both agreement and disagreement;
- ✓ If this is not beneficial, go paragraph by paragraph through the decision text immediately - use your judgment of the situation;

- ✓ If the subject of the debate is technical or complex, you may first wish to ask the Secretariat to present the relevant documents (e.g. budget) and take questions from the group;
- ✓ Suggest that the operative text be considered first, rather than starting with the preamble. If you run out of time, the preamble could be dropped. If there is time to discuss the preamble later, it can then be drafted to conform to the operative text;
- ✓ Consider whether there is a more logical organization of the negotiation (e.g. the budget decision should be negotiated before the budget itself, including agreement on whether there will be budget and staffing increases; on compliance issues, one may consider first tackling triggers and measures);
- ✓ Where the text is not mentioned in general statements, you can state that there are no comments on the text and seek an agreement of the group on the text;
- ✓ On other text where there are comments, go through each paragraph methodically, taking all proposals from Parties and asking the Secretariat to insert these on the screen at your direction only;
- ✓ Try to get closure on each paragraph as you go, but if it is clear that there is a blockage, move on to the next paragraph with an intention of revisiting it later;
- ✓ Once the text is cleared of brackets, it should not be revisited unless revisiting helps resolve issues elsewhere in the text;
- ✓ Focus on whether the differences are simply matters of language rather than substantive disagreement;
- ✓ When a delegate has proposed a change to a text, and when the next delegate takes the floor, you may wish to ask them to provide not just their proposal but also to comment on whether they can accept the proposal just made, as this will ensure that interventions are cumulative;
- ✓ Where an intervention is to make a factual change, just confirm to the room that it is factual, and try to move on without debate;

- ✓ Where an intervention is to include the text from the Convention, but it is inaccurate, you can read the text from the relevant article of the Convention to try to get the proponent to agree to the proper wording—otherwise there might be extensive debate;
- ✓ The Convention text must be respected at all times and supersedes the rules of procedure and COP decisions.

### ***Sub-groups of a contact group***

- ✓ If the text is generally supported by Parties, but needs drafting work, you can ask a group to prepare text for the group's consideration at its next session during the break (note: Parties will rarely wish to draft text while the contact group continues its work);
- ✓ If there is a substantial policy difference, ask the key Parties, and any other interested Parties and observers, as appropriate, to meet as a small group, but be precise as to their mandate, their composition and when they report back. Another option is for you to informally discuss with those key Parties before the session resumes;
- ✓ If there is serious deadlock you can establish a Friends of the Chair group, but you should discuss this with the Bureau or President in advance;
- ✓ You may ask President/Executive Director/Executive Secretary to use his/her positive influence to help you;
- ✓ Sub-groups must report back to contact group, i.e. the body that created them.

### ***Difficult situations***

- ✓ In contact groups, Parties are the ones who negotiate; observers are not allowed to negotiate, which includes making proposals. If an observer makes a proposal, it can only go forward if a Party endorses the idea. This does not mean that negotiations by observers become routine;
- ✓ Points of order happen infrequently and relate to questions about the immediate running of the meeting and have to be taken up first. You may find yourself in the situation where you need to use a “point of order”, for example if observers attempt to participate in the negotiations;
- ✓ If you can't answer a question, turn off the microphone when consulting. You can offer to consult and bring the answer back to the room at the next session while putting the issue aside. You can ask the room for information on a factual matter: for example, does anyone know whether the last COP budget had a paragraph on arrears?
- ✓ On rules of procedure, the secretariat staff can advise, and if the staff doesn't readily have an answer, the legal officer of the Secretariat can be consulted;
- ✓ On substantive matters, the secretariat staff may have the information;
- ✓ Budget contact groups: financial officers, programme officers and the Executive Secretary may come in to answer questions.

### ***Completing the work***

- ✓ If you haven't agreed to the text yet, you should advise the group as to the next time you will meet or report to Plenary. At this time, the group should follow any additional instructions provided to it by the President;
- ✓ If you have to report to Plenary, you should advise the contact group of the nature of the report you will make;
- ✓ If the group asks for an interim text to brief their delegations or capitals, request the Secretariat to make it available on the intranet site.

## **Reporting**

### **Daily reports to the Bureau:**

- ✓ Be concise: let the Bureau know the key outstanding issues;
- ✓ Advise the President how much more time you would need to finish the negotiations;
- ✓ Where appropriate, seek advice from the Bureau on resolving outstanding issues or request intervention at regional meetings.

### **Daily reports to Plenary:**

- ✓ Agree with your co-chair as to who will report;
- ✓ Thank the Secretariat and the group;
- ✓ Be concise: let the Plenary know the key outstanding issues;
- ✓ Ask the President to announce the next session.

### **Final Report of the contact group to Plenary:**

- ✓ The report on the results of the contact group work is your responsibility;
- ✓ A report and negotiated text must be agreed by the contact group before going to Plenary;
- ✓ If the final report to Plenary still has square brackets, warn the President in advance that this is the case and that there might be plenary debate;
- ✓ Your final report should be more detailed, depending on the issue;
- ✓ Make sure you are heard.

## **Final tips**

- ✓ Avoid overly late sessions, if you can;
- ✓ Ensure that transportation remains available if the session will finish late;
- ✓ Try to allocate time for delegates to get food and drinks;
- ✓ Maintain a tone in your group appropriate to the UN, cordial and constructive; avoid engaging in conflict, keep a positive atmosphere and stay calm;
- ✓ Delegates generally do want to be led and will follow you (as far as positions allow), if you are fair, clear and organized.

## **ANNEX 3.**

### **BASIC GLOSSARY OF TERMS AND EXPRESSIONS RELATED TO INTERNATIONAL MEETINGS<sup>22</sup>**

The terms and expressions listed below are commonly understood as follows:

#### **Absent (from a vote)**

Said of a delegation that does not cast a vote. The delegation may be in the meeting room but is not entitled to vote.

#### **Abstain (verb), abstention (noun)**

To vote (or a vote that is) neither in favour nor against the question. It registers absence of support, but with less opposition than with a negative vote. Under most rules of procedure, delegations that abstain are not counted as 'present and voting' in that vote. It may indicate neutrality or absence of support for a specific question.

#### **Acclamation**

A procedure whereby a conference or meeting adopts a proposal without a vote. It happens when all delegations present indicate support for a proposal that received no objections, e.g. by applause. It may indicate consensus.

#### **Accreditation**

The process of official approval or recognition of:

1. Credentials submitted by representatives of a State or of a regional political and/or economic integration organization (delegates), to an international organization or to a meeting of an international conference such as of a Conference of the Parties to a BRS Convention;
2. Qualifications submitted by representatives of observers, to an international meeting of a BRS Convention governing body (COPs) or subsidiary body.

#### **Ad referendum (Latin)**

Subject to subsequent agreement by government(s).

#### **Agenda / Meeting agenda**

The programme of work of a meeting of a UN body or a Conference of the Parties to a BRS Convention. Each one of them must adopt its agenda as one of its first acts. Usually this is based on a provisional agenda prepared

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<sup>22</sup> Based on "A Glossary of Terms for UN Delegates", UNITAR, 2005.  
[http://www.unitar.org/mdp/sites/unitar.org/mdp/files/Glossary\\_E.pdf](http://www.unitar.org/mdp/sites/unitar.org/mdp/files/Glossary_E.pdf).

in advance and circulated as a pre-session document by the Secretariat of a BRS Convention in consultation with the Parties and the presiding officer. The agenda is provisional until adopted in accordance with the rules of procedure by the relevant authority.

### **Amendment**

1. An alteration or addition to an existing legal instrument, e.g. a convention or, treaty, a protocol or other legal instruments.
2. A modification to a proposal (draft resolution, decision or other text) under debate or negotiation, formally proposed by someone other than the sponsor(s) of the proposal.

### **Binding (adjective) / legally binding**

A provision of a treaty or a convention which gives rise to an obligation or commitment. In international law, a treaty or convention, which is in force, entails legally binding obligations for those that have expressed consent to be bound by its provisions, as opposed to, for example, a declaratory resolution, a voluntary code of conduct or a political commitment, etc.

### **Bracketing**

The process of inserting square brackets around non-agreed text in documents under negotiation (see Brackets).

### **Brackets (square)**

Used in documents under negotiation to indicate that the bracketed words or text is not yet agreed by the Parties.

### **Break off**

To withdraw, either permanently or temporarily, from negotiations.

### **Breakthrough**

The removal of a major obstacle to an agreement, suggesting that the negotiations can now progress towards a satisfactory outcome.

### **Cast a vote (verb)**

The action of voting (i.e. to vote).

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### **Chairperson's text, draft or compilation text**

A draft text introduced by the chair in an attempt to help the meeting towards agreement. It may include some words or text in square brackets, indicating that the issues to which they relate are for later resolution. A chair's draft is often an attempt at a final text that might secure consensus. A chair's compilation, on the other hand, only puts together a number of competing proposals submitted by the delegates.

### **Contact group**

A condensed forum for discussion and/or negotiation, with the objective of assisting the process of forging consensus. Contact groups are often convened by chairs/co-chairs. They count as informal consultations and may result in a proposal to the Plenary. A contact group has no formal decision-making status.

### **Co-sponsor**

A delegation which joins others in proposing a resolution or other formal proposal for adoption by a conference or meeting.

### **Credentials**

A document signed by the Head of State or Government (or in some cases another high authority) to establish the status of:

1. A representative to the United Nations, its Offices and other international organizations; or
2. A delegate or delegation to a meeting of an international conference such as of a BRS COP. Without credentials in good order, a person is not a delegate and cannot legally represent, vote or otherwise act on behalf of his/her State (or other sending entity).

### **Conference Room Paper (CRP)**

A text distributed by the Secretariat that often contains a draft decision text put forward to the COP/subsidiary body for possible adoption. Other CRPs are usually used as a mechanism for Parties/members to submit proposals directly relevant to the meeting's discussions.

### **Delegate**

A representative of a State or of a regional political and/or economic integration organization, which is Party to a BRS Convention, who has been authorized to speak and act on its behalf and who has been duly accredited to a conference or meeting (see Credentials).

### **Delegation**

A group of delegates.

### **Disqualified from voting**

Not entitled to vote, e.g. because credentials are not in order or because of non-payment of assessed contributions.

### **Drafting group / informal drafting group**

An informal group created by the chair or the relevant body such as a COP that meets to expedite the process of drafting an agreed text. A text produced by a drafting group has no status until adopted by the Plenary.

### **Ex officio (Latin)**

By virtue of his/her position or function.

### **Floor**

1. The part of the conference/meeting room where the delegates have their assigned seats, e.g. 'speaking from the floor' as opposed to 'from the podium'.
2. By extension, the delegates, e.g. 'the speaker tried to persuade the floor'.
3. By extension of 2, 'to take the floor' is to start speaking to the meeting or to make an intervention.
4. By extension of 3, permission (from the chair) to speak to the meeting. 'To seek the floor' is to ask the chair for his/her permission to address the meeting, as in 'the delegate sought the floor and the chair gave it to him'. 'Microphone' is an informal synonym for meaning 4.

### **Friends of the President/Chair**

A small-sized group convened by the President/Chair to discuss a specific matter with a view to advance the negotiations. Friends of the President/Chair groups are generally used in the case of protracted negotiations on politically sensitive matters where consultations with a reduced number of key Parties (and occasionally observers) may resolve the issue.

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**Full powers**

A document authorizing a representative to sign a legal instrument on behalf of a State or a regional economic and/or political integration organization. Heads of State, Heads of Government and Ministers of Foreign Affairs, or in the case of a regional economic and/or political integration organization, by the competent authority, do not need to present full powers, since they are considered as representatives of a State for all acts related to negotiating and adopting international legal instruments.

**Gavel (noun or verb)**

A wooden hammer used by a President or a Chair. By extension, a symbolic metaphor for his/her office (e.g. 'to hand the gavel over to a vice-president' meaning the task of presiding over the meeting). Other meanings (especially of the verb) relate to the uses a chair makes of the gavel to communicate with the floor. For example: 'to gavel down objections' means to silence delegations which are vociferously raising objections, by recalling them to order, by repeatedly striking the gavel; or 'to gavel through a decision', means to strike the gavel once, signifying that a decision has been taken.

**Group statement**

A statement made on behalf of a group of delegations (usually like-minded) which have decided to make a joint statement. These are normally given precedence in the speakers' list over statements made in the name of a single delegation.

**Host (country) Government**

1. The Government of the country in which an international organization is located or in which an international conference/meeting takes place.
2. The Government of a country in which a meeting of a body - usually of a governing body - takes place.

**Host country agreement**

The agreement between a host country Government and an international organization providing immunities and privileges and other administrative arrangements to host an international organization or meeting.

**Impasse**

A point beyond which progress is not possible.

### **In extensor (Latin)**

In full; how a statement is to be recorded in the summary records or conference/meeting report.

### **Informal consultations**

1. Exchanges of views among delegations which may extend to attempts at mutual persuasion or to informal negotiation and which take place outside the formal conference/meeting debate.
2. A meeting convened for the purpose of an informal exchange of views. At such a meeting the rules of procedure of the conference do not apply; there is normally no record and no interpretation.

### **Interpretation**

A simultaneous oral translation of a statement made at a meeting. This term is also used in its everyday and legal meanings.

### **Intervene/ intervention**

When a delegate, having been given permission to speak by the chair, makes a statement, he or she 'intervenes' in the debate. His or her statement is an 'intervention'.

### **Low hanging fruit**

'Picking the low hanging fruit' is an informal expression meaning securing agreement on matters which can readily be agreed before attempting negotiation on more difficult matters.

### **Lowest common denominator**

This is an informal expression describing the smallest issue/set of issues on which a conference, meeting, etc. can agree.

### **Microphone**

Authorization given by the Chair to speak. The reference is to the microphone at each delegation's desk which is only switched on when the chair has given that delegate permission to address the conference/meeting, for example 'several delegates were asking for the microphone'.

### **Mutatis mutandis (Latin)**

The necessary changes. This is a phrase of frequent practical occurrence, meaning that matters or things are generally the same, but to be altered, when necessary.

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**Order, call to**

A direct instruction by the presiding officer that the conference/meeting or a particular delegate should be silent (so as to allow the conference/meeting proceedings to take place in an orderly manner). To 'recall delegates to order' means to silence them when they are out of order.

**Order, out of**

Not (behaving) in accordance with the rules of procedure.

**Podium**

A (usually raised) desk, facing the floor, at which the President/Chair, conference/meeting secretary and sometimes other conference/meeting officers, such as the Rapporteur, sit.

**Point of order**

A question as to whether the present proceedings are in order or whether a particular action by a delegate or a presiding officer follows the rules of procedure. Points of order request the presiding officer to exercise authority.

**Provisional agenda**

A draft agenda, not yet adopted by the conference or a meeting.

**Quid pro quo (Latin)**

To concede something in exchange for something else.

**Quorum**

The minimal number of Parties that must be present for a meeting to begin or for decisions to be taken. Quorum requirements are always stated in the rules of procedure.

**Rapporteur**

A delegate elected to oversee the preparation of the report of a conference or a meeting.

**Reading**

The process of going through a text with a view to establishing which parts of it can be provisionally agreed and which, as yet, cannot. In a second reading the provisionally agreed portions of the text are not re-opened and negotiations focus on the sections as not yet agreed. The areas of disagreement are expected to be reduced as a result of subsequent readings.

**Representative**

A State, a regional political and/or economic integration organization, an international organization, an NGO or other entities may be represented at a meeting by representatives. A representative of a State or of a regional political and/or economic integration organization, which is a Party to a BRS Convention, is usually called a delegate – please see above definition. Representatives usually refer to each other during formal conference/meeting debate as ‘the distinguished representative of/from (...)’.

**Reservation**

Declarations made by a Party to a convention or treaty – a State or a regional political and/or economic integration organization- upon signature, ratification, acceptance, approval or accession to a legal instrument, indicating that it wishes to exclude or alter the legal effect of certain provisions in their application to that State.

**Revision or revised text**

An amended version of a previously tabled document by the author(s) or sponsor(s) of that document.

**Rules of procedure**

A set of rules adopted by a conference to govern its meetings, in particular its workings and decision-making among others. Unless indicated otherwise, the rules generally only apply to the plenary and committee meetings; informal contact groups and other similar meetings are generally not governed by the rules of procedure

**Stalled**

A point at which negotiations are making no progress. This term is generally used for a temporary disagreement, not a break down or stalemate.

**Tally**

The count of positive and negative votes and abstentions.

**Verbatim (Latin)**

In the exact same words as used originally for full record in the conference/meeting report.

**Working languages**

The languages in which interventions may be made or texts may be circulated and considered at official meetings and conferences of the United Nations. The UN has six official languages (Arabic, Chinese, English, French, Russian and Spanish).

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