

INTER-AMERICAN INSTITUTE FOR GLOBAL CHANGE RESEARCH



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**Report of the Committee established to analyze ways to
solve the problem of quorum for the CoP meetings**

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Subject:Recommendations for Amendments to the CoP Rules; Comments on Related Issues

Date:Thu, 29 May 2008 17:16:18 -0400

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To:H Tiessen <htiessen@dir.iai.int>

CC:luciana Ribeiro <luciana@dir.iai.int>, Filmer, Paul E. <pfilmer@nsf.gov>

Dear Holm,

Attached is the report that I have prepared on possible amendment of the CoP Rules to address the quorum issue and other issues that arose during the exchanges of electronic correspondence on these issues. I have tried in this report to take into account the practical needs and the comments received from both IAI Members and the Directorate. I hope that this report proves to be useful to the CoP and to the Directorate.

However, I feel that I should reiterate that the Rules of both the CoP and the EC are so seriously flawed that in the long term they require complete rewriting from the beginning, not just making a series of amendments to deal with specific issues as they arise. If the latter happens, I predict that each CoP (and possibly each EC as well) will have to devote a significant amount of time and effort to discussing and approving amendments one after the other at virtually each and every such meeting.

With best regards, Lou

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Inter-American Institute for Global Change Research (IAI)
Standing Committee on Rules and Procedures

29 May 2008

Dr. Holm Tiessen
Director
Inter-American Institute for Global Change Research

Dear Holm,

At the most recent CoP Meeting in Manaus, it was agreed that options should be considered for reducing the size of the quorum needed for future CoP's. A series of email message exchanges followed involving Antonio MacDowell, Diego Malpede, Gladys Maggi, Luciana Ribeiro, you, and myself. As a result of this series of interactions, it was suggested that some additional changes to the rules would be useful and that, in addition, it might well benefit the IAI to consider specific actions to better enable the IAI to meet the needs of small Member countries with limited resources.

I have summarized these interactions in the following text that includes some recommendations for amendments to the existing Rules of Procedure for the CoP.

Proposed amendments to the CoP Rules of Procedure

It is recommended that the Conference of the Parties amend two of its Rules of Procedure along the following lines.

The first amendment recommended is to change the wording of Rule 24 (Chapter V) as follows:

This	Rule	presently	reads:
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"Plenary sessions and sessions of the Committees shall be convened and shall conduct their proceedings only in the presence of a quorum of a majority of their respective members. In the event that the quorum is upset, the session shall be suspended."

It is recommended that this Rule be amended to read:

"Plenary sessions and sessions of the Committees shall be convened and shall conduct their proceedings only in the presence of a quorum of ONE THIRD of their respective members. In the event that the quorum is TEMPORARILY upset, NO ACTION SHALL BE TAKEN UNTIL A QUORUM IS RESTORED." (the new wording is in capital letters)

This would mean that the minimum quorum for a CoP would be reduced at present from ten to seven and that only four votes would be required to take action, rather than the six needed to take action in the presence of the present minimum quorum of ten.

The above proposed amendments are based on the Rules of Procedure for the General Assembly of the United Nations that state in Rule 67 as cited by Diego Malpede that:

"The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the General Assembly are present. The presence of a majority of the members shall be required for any decision to be taken."

Unfortunately, for the IAI to also apply the second sentence of this UNGA Rule would mean that, in order for the CoP to act, ten of the nineteen present members would have to be present. This would thus result in no effective change from the present Rule 24.

It should be born in mind that to change the CoP quorum Rule along these lines would mean that, if a vote should be required, a majority would be only four members (in the presence of a minimum quorum). This could create difficulties if a small block of countries were to decide to act together on a particular issue that could actually be contrary to the wishes of a majority of IAI Member States, even if the majority of IAI Members have chosen to not be present.

The Directorate has also proposed an amendment, essentially a rewrite to Rule 3 (Chapter1) of the CoP Rules of Procedure dealing with the accreditation of Delegations to each CoP. This amendment has been proposed to make Rule 3 consistent with Rule 2 which calls on Parties to "...designate one permanent Representative, its Alternate Representative and advisers" to the CoP. This means that it is not necessary for each Member to "designate" a Representative to each and every CoP. So a new Rule 3 has been proposed as follows:

Rule 3

"The Conference of the Parties (CoP) shall be open to all Parties to the Agreement. The Director shall invite each Permanent Representative to simply confirm, prior to each CoP, his/her participation in the CoP as well as that of accompanying Advisors. The Director shall invite each Party that has not designated such a Permanent and Alternate Representatives to accredit through its competent diplomatic authority, prior to each CoP, a Representative to this CoP."

I recommend that the CoP also approve this proposed replacement to Rule 3, recognizing that there would also have to be a very small corresponding change to Rule 2 to allow for the designation of more than one Alternate Representative by each Party, but this seems to be a very common sense change as well.

The wording of the present Rule also raises the question of whether the designation of a "Permanent Representative" means that the individual named is designated for a particular period of time, for life, or for some other indeterminate period of time. It is therefore suggested that the IAI consider the possibility that Member countries be invited to designate "Representatives" and "Alternate Representatives" for specific terms so that such designations would not be forever.

Rule 10

It has also been proposed by the Directorate that the present IAI process calls for the host country to send out the formal invitation s for the EC and CoP Rules only about thirty days in advance of the EC and CoP Meetings. This is relatively short notice to make diplomatic and logistic arrangements for international travel under the prevailing international travel and security procedures. The present Rule 10 reads as follows:

"The Director shall transmit notices of each Ordinary Meeting of the Conference of the Parties to the Parties and other participants at least sixty days prior to the starting date thereof."

It is proposed that Rule 10 be amended to read as follows:

"The Director and the appropriate representative of the host country shall extend joint invitations for each Conference of the Parties to the Parties and all other expected participants within one month of the previous EC, but no later than four months prior to the starting date thereof. This invitation shall include a list of the key issues to be discussed, with the understanding that this list shall serve as the basis for the provisional agenda for the Conference as described in Rule 14."

This proposal is based on a request from the Directorate that invitations be issued sufficiently in advance of each CoP in order to allow Member countries to plan adequately for their participation. However, since it is very unlikely that any serious documentation for the CoP will have been prepared by this date, it is proposed that a second sentence be added to the new Rule requiring that at least a list of key issues be included with the invitation. Such a simple list could be based on the Action Lists approved at the previous CoP and EC Meetings.

It is recommended that a similar Rule replace the present Rule 12 in the Rules of Procedure of the Executive Council.

Measures to encourage and promote participation by Member Countries

It was suggested by Gladys Maggi that, while the need to assure the presence of a quorum is important, it is also essential to recognize that the personnel and staff resources available to Member Countries to support their participation in CoP and EC Meetings vary a great deal and that some smaller countries simply may not have the resources needed to make the arrangements necessary to participate in all such meetings. I would add to that by stating that it is essential to assure that such countries are encouraged to participate, not just in CoP and EC Meetings, but even more importantly as actively as possible in the IAI's scientific and capacity-building programs as well. To this end it is recommended that the CoP encourage the following:

Reducing the length of CoP Meetings by assigning to the EC at its Meeting directly prior to a CoP to have as a major goal to prepare for the following CoP, e.g., by discussing issues that require CoP action and then for the EC to summarize its discussions to the CoP, including recommendations for CoP action. Such a reduction in the length of these meetings could lessen the costs of participating in these meetings, as well as reducing (if not eliminating) the need for EC Members to have to listen to the same presentations twice in an EC Meeting and again in the CoP that follows.

Asking the host country for a CoP or EC Meeting to convene the meeting(s) within an hour's drive of a major international airport and for the host country to offer special rates for meeting participants to use the host country's flag air carrier(s) for attending. This again could lower the costs of participating in such meetings.

Sponsoring activities especially directed at assisting scientists from countries with less resources to improve their capabilities to compete for IAI science funding, e.g., by sponsoring proposal-writing workshops for such scientists.

It is likely that other actions could be taken to assist smaller Member countries to participate in the IAI's scientific programs and I would suggest that the IAI's scientific and outreach program staff be asked to consider such possible actions and present recommendations along these lines for consideration and action by the next CoP.

Respectfully submitted,



Louis B. Brown
Chair
Standing Committee on Rules and Procedures

Note: It should be noted that the other Standing Committee members have been consulted on the quorum issue, but not on the other issues addressed, due to the pressure of the limited time available.