

Rules of Procedure of the Commission

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Part I Representation

Rule 1²

Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

Rule 2

Each Member of the Commission shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.

Rule 3

Each Member of the Commission shall nominate a correspondent who shall have primary responsibility for liaison with the Executive Secretary between meetings.

Part II Taking of Decisions

Rule 4

The Chair shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:

- (a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
- (b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
- (c) In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organisation will participate in the taking of the decision and, if so, whether any of its Member States will also participate. The number of Contracting Parties so participating shall not exceed the number of Member States of the regional economic integration organisation which are Members of the Commission.

¹ As adopted at CCAMLR-I (paragraph 13); amended at CCAMLR-VIII (paragraph 173); amended at CCAMLR-X (paragraph 17.2); amended at CCAMLR-XIII (paragraphs 13.10 and 13.11); amended at CCAMLR-40 (paragraph 5.3).

² Article VII(3) of the Convention on the Conservation of Antarctic Marine Living Resources.

- (d) In the taking of decisions pursuant to this rule, a regional economic integration organisation shall have only one vote.

Rule 5

At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the Members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.

Rule 6

At a meeting of the Commission, unless it decides otherwise, the Commission shall not discuss or take a decision on any item which has not been included in the provisional agenda for the meeting in accordance with Part IV of these rules.

Rule 7

When necessary, the taking of decisions and votes on any proposal made during the period between meetings may be carried out by post or by other means of textual communication.

- (a) The Chair or a Member which request the application of the procedure laid down by this rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4(a) or Rule 4(b). Any disagreement on this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.
- (b) The Executive Secretary shall distribute copies of the proposal to all Members.
- (c) The Executive Secretary shall enquire of a regional economic integration organisation whether it will participate in the taking of the decision. If such organisation intends to participate in the taking of the decision, in view of Rule 4(c), it and the member or members of that organisation not so participating shall inform the Executive Secretary accordingly.
- (d) If the decision is to be taken in accordance with Rule 4(a):
 - (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they

consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chair shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.

- (ii) If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chair shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
 - (iii) If the responses include a rejection of the proposal, the Chair shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
 - (iv) If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chair shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
 - (v) The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- (e) If the decision is to be taken in accordance with Rule 4(b):
- (i) Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 45 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
 - (ii) At the end of the 45-day period, the Chair shall count the votes and direct the Executive Secretary to inform all Members of the result.
 - (iii) The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- (f) A proposal which has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

Part III Chair, Vice-Chair and Executive Secretary

Rule 8^{3, 4}

The Commission shall elect from among its Members a Chair and Vice-Chair, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chair shall, however, be elected for an initial term of three years. The Chair and Vice-Chair shall not be representatives of the same Contracting Party.

Rule 9

A person representing a Member of the Commission as its Representative who is elected as Chair shall cease to act as a Representative upon assuming office and, whilst holding this office, shall not act as Representative, Alternate Representative or Adviser at meetings of the Commission.

The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.

Rule 10

The Chair and Vice-Chair shall take office at the conclusion of the meeting at which they have been elected, except for the first Chair and Vice-Chair who shall take office immediately upon their election.

Rule 11

The Chair shall have the following powers and responsibilities:

- (a) convene the regular and extraordinary meetings of the Commission;

³ Article XIII(4) of the Convention on the Conservation of Antarctic Marine Living Resources.

⁴ Officers of the Commission

Under paragraph 4 of Article XIII of the Convention, the Commission elected from among its Members Australia to be its first Chair and Japan to be its first Vice-Chair. In reaching these decisions the Commission noted the outstanding contribution made by Australia in bringing the Convention into effect, that Australia had acted as host government to the first Antarctic Treaty Consultative Meeting in 1961 and the precedent provided by other international organisations in which the first Chair had been accorded to the host government. Regarding the election of the Chair of the Commission in future, the Commission noted the benefits to be derived from an arrangement which would ensure an automatic election of all Members of the Commission to that office. Therefore it was decided that, after the Australian term, the Chairs would in succession be the Members of the Commission in the order of their names arranged alphabetically in the English language. Furthermore, the Commission agreed that, insofar as was feasible within the arrangement for staggered terms of office foreseen in paragraph 4 of Article XIII, the election as Chair of a Member of the Commission not engaged in research or harvesting activities, should be balanced by the election as Vice-Chair of a Member of the Commission engaged in such activities.

- (b) preside at each meeting of the Commission;
- (c) open and close each meeting of the Commission;
- (d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
- (e) put questions and notify the Commission of the results of votes;
- (f) approve a Provisional Agenda for the meeting after consultation with representatives and the Executive Secretary;
- (g) sign, on behalf of the Commission, the reports of each meeting for transmission to its Members, Representatives and other interested persons as official documents of the proceedings; and
- (h) exercise other powers and responsibilities as provided in these rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

Rule 12

Whenever the Chair of the Commission is unable to act, the Vice-Chair shall assume the powers and responsibilities of the Chair. The Vice-Chair shall act as Chair until the Chair resumes his/her duties. Whilst acting as Chair, the Vice-Chair will not act as Representative.

Rule 13

In the event of the office of Chair falling vacant due to resignation or permanent inability to act, the Vice-Chair shall act as Chair until the Commission's next meeting on which occasion a new Chair shall be elected. Until the election of a new Chair, the Vice-Chair will not act as Representative, Alternate Representative or Adviser.

Rule 14⁵

- (a) The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. The Executive Secretary shall serve a term of office of four years and shall be eligible for re-appointment.

⁵ Article XVII of the Convention on the Conservation of Antarctic Marine Living Resources.

- (b) The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.
- (c) The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

Part IV Preparation for Meetings

Rule 15

The Executive Secretary shall prepare, in consultation with the Chair, a preliminary agenda for each meeting of the Commission and its subsidiary bodies and shall transmit this preliminary agenda to all Members of the Commission no later than 100 days prior to the beginning of the meeting.

Rule 16

Members of the Commission proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 65 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.

Rule 17

The Executive Secretary shall prepare, in consultation with the Chair, a provisional agenda for each meeting of the Commission. The provisional agenda shall include:

- (a) all items which the Commission has previously decided to include in the provisional agenda;
- (b) all items the inclusion of which is requested by any Member of the Commission;
- (c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

The Executive Secretary shall transmit to all Members of the Commission, at least 45 days in advance of the Commission's meeting, the provisional agenda and explanatory memoranda or reports related thereto.

Rule 18

The Executive Secretary shall:

- (a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
- (b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 30;
- (c) take all the necessary steps to carry out the instructions and directions given by the Chair.

Part V Conduct of Business at Meetings

Rule 19

The Chair shall exercise the powers of the office in accordance with customary practice and shall ensure the observance of the Rules of Procedure and the maintenance of proper order. The Chair, in the exercise of these functions, shall remain under the authority of the meeting.

Rule 20

No representative may address the meeting without having previously obtained the permission of the Chair. The Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

Rule 21

The Chair or Vice-Chair of the Scientific Committee may attend all meetings of the Commission. They shall be entitled to present the report of the Scientific Committee to the Commission and to address the Commission with regard to it. The Commission shall take full account of the reports of the Scientific Committee.

Rule 22

Proposals and amendments shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies have been distributed to all delegations in all of the Commission's languages a reasonable time in advance. The Chair may, however, permit the discussion and consideration of proposals even though such proposals have not been circulated.

Rule 23

As a general rule proposals which have been rejected may not be reconsidered until the next meeting of the Commission.

Rule 24

A representative may at any time make a point of order and the point of order shall be decided immediately by the Chair in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chair. The appeal shall be put to a vote immediately and the Chair's ruling shall stand if upheld by a majority of the representatives present and voting. A representative making a point of order shall not speak on the substance of the matter under discussion. A point of order made during voting may concern only the conduct of the vote.

Rule 25

The Chair may limit the time allotted to each speaker and the number of times a speaker may speak on any subject.

In the event that a speaker has spoken for the allotted time, the Chair shall draw this to the speaker's attention and propose that the speech be discontinued.

Rule 26

A representative may at any time move the suspension or the adjournment of the session. Such motions shall not be debated, but shall be put to the vote immediately. The Chair may limit the time to be allowed to each speaker putting such a motion.

Rule 27

A representative may at any time move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against the motion, after which the motion shall be put to the vote immediately. The Chair may limit the time to be allowed to speakers.

Rule 28

A representative may at any time move the closure of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak against the motion, after which the motion shall be put to the vote immediately. If the meeting is in favour

of the closure, the Chair shall declare the closure of the debate and a decision shall be taken immediately on the item under discussion. The Chair may limit the time to be allowed to speakers under this rule.

Rule 29

Subject to Rule 24 the following motions shall have precedence in the following order over all other proposals or motions before the session:

- (a) to suspend the session;
- (b) to adjourn the session;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Part VI Observers

Rule 30

Subject to Article XII of the Convention on the Conservation of Antarctic Marine Living Resources the Commission may:

- (a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
- (b)⁶ extend an invitation to any State party to the Convention which is not a Member of the Commission to attend, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
- (c) invite as appropriate, any other state to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects;
- (d) invite, as appropriate, organisations named in Article XXIII(2) and (3) of the Convention to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission;
- (e) invite, as appropriate, other intergovernmental and non-governmental organisations, to which Article XXIII(3) of the Convention may apply, to attend in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects.

⁶ Amended at CCAMLR-XIII (paragraph 13.11).

Rule 31⁷

Each Observer invited in accordance with Rule 30 above shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.

Rule 32

- (a) The Executive Secretary may, when preparing with the Chair the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission the Executive Secretary's view that the work of the Commission would be facilitated by the attendance at its next meeting of an Observer referred to in Rule 30, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 15.
- (b) The Chair shall request the Commission to take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 17.

Rule 33

- (a) Observers may be present at public and private sessions of the Commission.
- (b)⁸ If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 30(a) and Rule 30(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 30(c).

Rule 34

- (a) The Chair may invite Observers to address the Commission unless a Member of the Commission objects;
- (b) Observers are not entitled to participate in the taking of decisions.

⁷ Adopted at CCAMLR-XXIV (paragraph 20.6). Subsequent rules were renumbered accordingly.

⁸ Amended at CCAMLR-XIII (paragraph 13.10) and CCAMLR-XVII (paragraph 16.2).

Rule 35

- (a) Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission.
- (b) Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted.
- (c) Such documents shall only be considered as Commission documents if so decided by the Commission.

Part VII Subsidiary bodies

Rule 36

The Commission may determine the composition and terms of reference of any subsidiary body established by it. Insofar as they are applicable, these Rules of Procedure shall apply to any subsidiary body of the Commission unless the Commission decides otherwise.

Part VIII Languages

Rule 37

The official and working languages of the Commission shall be English, French, Russian and Spanish.

Part IX Reports and notifications

Rule 38

Reports of meetings of the Commission shall be prepared by the Executive Secretary as required by the Commission before the end of each meeting. A draft report of such meetings shall be considered by the Commission before it is adopted at the end of the meeting. The Executive Secretary shall transmit reports of meetings of the Commission to all Members of the Commission, and to Observers which have attended the meeting, as soon as possible after the meeting.

Rule 39

The Executive Secretary shall:

- (a) notify each Member of the Commission immediately after each meeting of all decisions, measures or recommendations made or adopted by the Commission;

- (b) notify each Member of the Commission of any notification by a Member of the Commission pursuant to Article IX(6) of the Convention that it is unable to accept any conservation measure, in whole or in part, adopted by the Commission or of the withdrawal of any such notification.