



**24<sup>th</sup> MEETING OF THE STANDING COMMITTEE**  
*4 July 2024, Virtual Meeting Format*

**CONCEPT NOTE ON THE MOP QUORUM AND RULES OF PROCEDURES**

**Introduction**

At the 23<sup>rd</sup> Meeting of the Standing Committee, held on 26/27 June 2023, the Chair of the Standing Committee raised the issue of having almost not reached quorum at MOP8 and that the Rules of Procedure might have to be changed in that regard. Proper representation of European vs. African countries also needed to be ensured. The Executive Secretary said that a revised version of the MOP Rules of Procedure could be drafted by the Secretariat for the StC's review and for submission to MOP9.

According to the AEWA Rules of Procedures, to reach quorum, representatives of at least half of the Contracting Parties need to be present at a MOP in order to debate and take decisions (**Rule 30**). For proper representation in the meeting room, the name(s) of the representative(s) present need(s) to be listed on the statement of credentials issued by the Government and submitted to the Secretariat (**Rule 18**). Prior to and as early as possible after the opening of a MOP the Secretariat collects the credentials from all Contracting Parties which are being examined by a Credentials Committee, composed of Parties from the African and Eurasian regions (**Rule 19**). As long as a decision on the credentials is pending with the Credentials Committee the representatives shall participate provisionally in the meeting (conclusion: and may take part in debates) (**Rule 20**).

Thus, quorum requires half of the Contracting Parties present in the meeting room and with valid credentials.

**AEWA MOP Rules of Procedure (version adopted by MOP7):**

**Rule 30**

The President may declare a session of the meeting open and permit the debate to proceed if at least one half of the Parties to the Agreement are present and may take a decision when representatives of at least one half of the Parties are present.

**Rule 16**

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives, and advisers as the Party may deem necessary. Logistics and other limitations may require that no more than four delegates of any Range State be present at a plenary session. The Secretariat shall notify Parties of any such limitations in advance of the meeting.

**Rule 17**

A representative may be designated as an alternate head of delegation. An alternate representative or an adviser may act as a representative upon designation by the head of Delegation.

**Rule 18**

1. The original of the statement of credentials of the head of delegation and other representatives, alternate representatives, and advisers, shall be submitted to the Secretariat of the Agreement or to his/ her designated representative, if possible, not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretary or the representative of the Secretary.

2. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or his/her equivalent, or on their behalf by an ambassador who is duly authorised or, in the case of a regional economic integration organisation, by the competent authority of that organisation<sup>2</sup>. If other authorities in a Contracting Party are entitled to issue credentials for international meetings, the Secretary should be notified by the Ministry of Foreign Affairs in advance of the meeting.

3. The credentials must bear a full signature of the appropriate authority or else be sealed and initialed by that authority. The seal and/or letter heading should clearly indicate that the credentials have been issued by the appropriate authority.

4. A representative may not exercise the right to vote unless his/ her name is clearly and unambiguously listed in the credentials.

5. If credentials are submitted in a language other than one of the working languages of the Agreement (French and English), they shall be accompanied by a suitable translation into one of these two languages to permit efficient validations of the credentials by the Credentials Committee.

**Rule 19**

A Credentials Committee composed of at least two Parties of the African region and two of the Eurasian region, elected at the first session of each ordinary meeting, shall examine the credentials and submit its report to the Meeting of the Parties for approval.

**Rule 20**

Pending a decision of the Meeting of the Parties upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

**How can we ensure to reach quorum & with proper representation of European vs. African countries?****1. Analysis of the situation: why was quorum almost not reached at MOP8?**

The organisation of MOP8 was especially difficult due to a sequence of unfavourable circumstances: The meeting first had to be postponed from 2021 to 2022 due to the pandemic. In early August 2022 the overall organisation (including the work related to participants, i.e. registrations, the funding of delegates, travel arrangements, visa support etc.) then had to be stopped at a very advanced stage and started again few weeks later after re-negotiation with the host, resulting in an overall reshape of the meeting with a new venue located in an another area of Budapest and a shorter meeting duration in order to meet the host's new conditions. Especially with respect to funded delegates the time left to organise the participation and entry visa was more than tight. Moreover, in 2022 the meeting was still held in times governed by COVID19-related restrictions and policies, which certainly caused the absence of several Contracting Parties including six EU member states<sup>1</sup>, which may have attended under different circumstances.

On top of the above-mentioned, the funding requests from at least five Contracting Parties were rejected<sup>2</sup> due to the AEWA funding policy not to support Contracting Parties in arrears of more than three years (Resolution 7.12/ 8.12). Four of the five were consequently not represented at the meeting

<sup>1</sup> Croatia, Ireland, Lithuania, Luxembourg, Portugal and Romania were not present at MOP8.

<sup>2</sup> Burundi, Equatorial Guinea, North Macedonia, Jordan and Sudan.

at all and more Parties did not apply for funding being aware of the funding policy. As a result, quorum was nearly not reached.

## 2. How to avoid a repeat of this situation during future MOPs?

- a) To ensure quorum at future MOPs as well as proper representation from all regions covered by the Agreement it could be considered to soften the funding policy and to amend the relevant paragraph in the next Resolution on Financial and Administrative Matters:

Resolution 9.XX on Financial and Administrative Matters

[...]

The Meeting of the Parties:

[...]

XX. *Decides* to set the threshold of eligibility for funding of delegates to attend AEWA meetings at 0.200 on the UN Scale of Assessment and, as a general rule, to exclude countries from the European Union and European countries with strong economies and OECD countries, as listed in Appendix V attached hereto; **the funding requests of countries with payments in arrears of more than three years will be considered by the Secretariat in close consultation with the Standing Committee on a case-by-case basis and may be responded positively, funding permitting, if the delay in payment arises from exceptional and unavoidable circumstances. The exceptional and unavoidable circumstances shall be communicated in context of the funding request.**

[...]

**Deleted:** .

**Deleted:** and/or countries that have payments in arrears of more than three years

Instead, Parties may decide on another measure with respect to Parties in arrears, e.g. the suspension from the right of voting, as already the case of the UN General Assembly<sup>3</sup> and CMS<sup>4</sup>. This way Parties could still be present with valid credentials, even if not counting in case of voting. As an advantage, the representatives of countries in arrears would still follow the AEWA policy, engage in networking and gain knowledge and motivation with respect to delivering towards the Agreement.

This said, the Rules of Procedure of the AEWA MOP could be amended as follows:

### **Rule 39**

**1. Each Party shall have one vote. Regional economic integration organisations, which are Parties to this Agreement shall, in matters within their competence, exercise their voting rights with a number of votes equal to the number of their Member States which are Parties to the Agreement. A regional economic integration organisation shall not exercise its right to vote if its Member States exercise theirs, and vice versa.**

**2. Representatives of Parties that are three or more years in arrears in the payment of its assessed contributions on the date of the opening session of the Meeting of Parties shall not be eligible to vote. However, the Meeting of Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances and shall receive advice in this regard from the Standing Committee. The exceptional and unavoidable**

<sup>3</sup> United Nations Charter Chapter IV Article 19.

<sup>4</sup> Compare Rule 20 CMS, para 2 COP RoP:

2. Representatives of Parties that are three or more years in arrears in the payment of its assessed contributions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote. However, the Conference of the Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances and shall receive advice in this regard from the Standing Committee. The exceptional and unavoidable circumstances shall be communicated in advance by the Party concerned to the Standing Committee for consideration at its meeting prior to the meeting of the Conference of the Parties.

circumstances shall be communicated in advance by the Party concerned to the Standing Committee for consideration at its meeting prior to the Meeting of Parties.

b) Other ideas to ensure maximum participation and reaching the quorum at a MOP:

- Introduce a quorum of less than 50 % – not **possible**, at least not with respect to decisions<sup>5</sup>
- Introduce hybrid meetings with part of participants online – **logistical-wise difficult and disadvantageous** for online participants
- Organise whole MOPs online – **not advisable** with respect to networking, informal discussions etc.
- Organise future MOPs in Bonn only; choosing the same dates & venue all three years would provide a predictability and routine for the Secretariat & participants to plan, and it would reduce the overall cost – disadvantage: less publicity & visibility, no ownership of individual Parties taking on the role of host country.

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<sup>5</sup> Compare: In case of the UN General Assembly, the debate is actually permitted with one third of the members present; a decision, however, requires the presence of a majority of the members:

*Quorum*

[Rule 67:](#)

*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.*

*The CMS COP Rules of Procedures require:  
CMS COP RoP*

*Rule 5:*

*[...] A quorum for plenary sessions and sessions of the Committee of the Whole of the meeting shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of the Committee of the Whole shall take place in the absence of a quorum.*