



United Nations
Educational, Scientific and
Cultural Organization



The Protection of the
Underwater Cultural Heritage

FIRST SESSION OF THE MEETING OF STATES PARTIES TO THE CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

26/27 March 2009, Paris, UNESCO Headquarters, Room
IV

CLT/CIH/MCO/2009/ME/98

RESOLUTIONS OF THE FIRST SESSION OF THE MEETING OF STATES PARTIES

Item 1 of the Agenda: Election of a Chairperson, Vice-Chairpersons and a Rapporteur of the First Session of the Meeting of States Parties

RESOLUTION 1 / MSP 1

The Meeting of States Parties,

1. Elects Mr. Marcelo Vazquez Bermudez, Ecuador, Chairperson of the Meeting of States Parties;
2. Elects Mr. Long Ponnasirivath, Cambodia, Rapporteur of the Meeting of States Parties;
3. Elects Croatia, Lebanon, Nigeria and Portugal, Vice-Chairpersons of the Meeting of States Parties.

Item 2 of the Agenda: Adoption of the Agenda of the First Session of the Meeting of States Parties

RESOLUTION 2/ MSP 1

The Meeting of States Parties,

1. Having examined document CLT/CIH/MCO/2009/ME/86,
2. Adopts the Agenda contained in the above document.

Item 3 of the Agenda: Adoption of the Rules of Procedure of the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage

RESOLUTION 3 / MSP 1

The Meeting of States Parties,

1. *Having examined the provisional Rules of Procedure set out in the Annex of document CLT/CIH/MCO/2009/ME/87,*
2. *Adopts its Rules of Procedure, as amended and annexed to this Resolution.*

Annex to RESOLUTION 3 / MSP 1:

**RULES OF PROCEDURE OF THE MEETING OF STATES PARTIES TO
THE CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE**

I. PARTICIPATION

Rule 1- Participation

The representatives of all States Parties to the Convention on the Protection of the Underwater Cultural Heritage (hereinafter referred to as “the Convention”) adopted by the General Conference on 2 November 2001, may take part, with the right to vote, in the work of the Meeting of States Parties (hereinafter referred to as “the Meeting”).

Rule 2 - Representatives and observers

- 2.1 The representatives of Member States of UNESCO not parties to the Convention and of permanent observer missions to UNESCO may participate in the work of the Meeting as observers, without the right to vote, and subject to Rule 11.3.
- 2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations, which have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international non-governmental organizations invited by the Director-General, may participate in the work of the Meeting, without the right to vote, and subject to Rule 11.3.

II. FUNCTIONS AND RESPONSIBILITIES OF THE MEETING OF STATES PARTIES

Rule 3 - Functions and responsibilities of the Meeting of States Parties

The functions and responsibilities of the Meeting of States Parties shall be, *inter alia*:

- (a) to elaborate, discuss and approve the Operational Guidelines for the Convention;

- (b) to elect members to the Scientific and Technical Advisory Body (hereinafter referred to as “the Advisory Body”), nominated by States Parties;
- (c) to adopt and amend the statutes of the Advisory Body;
- (d) to receive and examine reports by the States Parties to the Convention, as well as their requests for advice;
- (e) to examine reports submitted to it by the Advisory Body;
- (f) to examine, discuss and decide on recommendations submitted to it by the Advisory Body;
- (g) to seek means for raising funds and to take the necessary measures to this end,
- (h) to take all other measures it considers necessary to further the objectives of the Convention.

Rule 4 - Subsidiary bodies

- 4.1 The Meeting may establish such subsidiary bodies as it deems necessary for its purposes.
- 4.2 It shall define the composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies at the time of their establishment. These bodies are composed of States Parties.
- 4.3 Each subsidiary body shall elect its Chairperson and, if necessary, its Vice- Chairperson(s) and its Rapporteur.
- 4.4 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

III. ORGANIZATION OF THE MEETING

Rule 5 - Convening

The Meeting shall be convened in ordinary session by the Director-General at least once every two years. At the request of a majority of States Parties, the Director-General shall convene an Extraordinary Meeting of States Parties (Article 23.1)

Rule 6 - Provisional agenda

- 6.1. The Provisional Agenda of an ordinary session of a Meeting may include:
 - (a) any request required by the Convention and the present Rules;
 - (b) any question, the inclusion of which has been decided by the Meeting at a previous session;
 - (c) any question proposed by the States Parties to the Convention;

(d) any question proposed by the Director-General of UNESCO;

(e) any question referred to it by the subsidiary bodies.

6.2. The provisional agenda for an extraordinary session shall only include those questions for which the session has been convened.

Rule 7 - Election of the Members of the Bureau

7.1 The Meeting shall elect a Chairperson, one or more Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation, who shall together constitute its Bureau. Their term of office will run from the opening of the Meeting in which they are elected until the next session of the Meeting, when a new Bureau will be elected.

7.2 The Bureau shall coordinate the work of the Meeting and order of business of the session. The Chairperson will be assisted in carrying out his/her duties by the other members of the Bureau.

7.3 The Bureau shall perform any other duty entrusted to it by the Meeting.

Rule 8 - Duties of the Chairperson

8.1 In addition to exercising the powers that are conferred upon him/her elsewhere by the present Rules, the Chairperson shall open and close each plenary of the Meeting. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf.

8.2 Should the Chairperson be absent during a meeting, or any part thereof, he/she shall be replaced by a Vice-Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

IV. CONDUCT OF BUSINESS

Rule 9 - Public nature of meetings

Meetings shall be held in public unless decided otherwise by the Meeting.

Rule 10 - Quorum

10.1 A quorum shall consist of a majority of the States Parties referred to in Rule 1 and represented at the Meeting.

10.2 At meetings of subsidiary bodies, a quorum shall consist of a majority of the States Parties which are members of the bodies concerned.

10.3 Neither the Meeting nor its subsidiary bodies shall decide on any matter unless a quorum is present.

Rule 11 - Order and time-limit of speakers

11.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

11.2 For the convenience of the discussion, the Chairperson may limit the time to be allowed to each speaker.

11.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting.

Rule 12 - Points of order

12.1 During a discussion, any representative of a State Party referred to in Rule 1 may raise a point of order, which shall be immediately decided upon by the Chairperson.

12.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson's ruling shall stand, unless overruled by a majority of the States Parties present and voting.

Rule 13 - Procedural motions

During a discussion, any State Party may propose a procedural motion: suspension or adjournment of the meeting, adjournment or closure of the debate.

Rule 14 - Suspension or adjournment of the meeting

During the discussion of any matter, a State Party may move the suspension or adjournment of the meeting. Any such motion shall be put to the vote immediately and without discussion.

Rule 15 - Adjournment of the debate

During the discussion of any matter, a State Party may move the adjournment of the debate on the item under discussion. On moving the adjournment the State Party shall indicate whether it moves the adjournment sine die or to a particular time which it shall specify. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

Rule 16 - Closure of the debate

A State Party may at any time move the closure of the debate, whether or not any other speaker has signified his wish to take part in the discussion. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairperson shall then put the motion for closure to the vote and, if the Meeting is in favour of the motion, the Chairperson shall declare the closure of the debate.

Rule 17 - Order of procedural motions

Subject to the provisions of Rule 12, such motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) suspension of the meeting;
- (b) adjournment of the meeting;
- (c) adjournment of the debate on the question under discussion;
- (d) closure of the debate on the question under discussion.

Rule 18 - Official languages

18.1 The official languages of the Meeting shall be Arabic, Chinese, English, French, Russian and Spanish.

18.2 Speeches made at the Meeting in one of the official languages shall be interpreted into the other languages.

18.3 Speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the official languages.

Rule 19 - Draft resolutions and amendments

19.1 Draft resolutions and amendments may be proposed by the States Parties referred to in Rule 1 and shall be transmitted in writing to the Secretariat of the Meeting, which shall circulate copies to all participants.

19.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated reasonably in advance to all participants at least in the working languages of the Secretariat.

19.3 At the end of each session, the Meeting shall adopt the list of resolutions that shall be published and distributed to the States Parties within one month of the closure of the session and in the official languages.

Rule 20 - Voting

20.1 The representative of each State Party referred to in Rule 1 shall have one vote in the Meeting.

20.2 Subject to the provisions of Rules 10.3 and 27, decisions shall be taken by a majority of the States Parties present and voting, except for the provisions of Rules 28 and 29.

20.3 For the purpose of the present Rules, the expression "States Parties present and voting" shall mean States Parties casting an affirmative or negative vote. States Parties abstaining from voting shall be regarded as not having voted.

20.4 After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

20.5 Voting shall normally be by show of hands unless a secret ballot is requested by one State Party and seconded by two others.

20.6 When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by roll-call. A vote by roll-call shall also be taken if it is requested by not less than two States Parties before the voting takes place.

20.7 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Meeting shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote.

20.8 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

20.9 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

20.10 If two or more proposals, other than amendments, relate to the same questions, they shall be voted on in the order in which they were submitted. The Meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

V. NOMINATION AND ELECTION OF MEMBERS OF THE SCIENTIFIC AND TECHNICAL ADVISORY BODY

Rule 21- Establishment of a Scientific and Technical Advisory Body

If the Meeting decides, in conformity with Article 23.4 of the Convention, to establish a Scientific and Technical Advisory Body, a State Party may nominate an expert for elections to represent it in the Advisory Body.

Rule 22 - Geographical distribution and professional background of the experts

22.1 The election of members of the Advisory Body shall be conducted with due regard to the principle of equitable geographical distribution and the desirability of a gender balance as well as a balance of domains of expertise. Experts shall have a scientific, professional and ethical background at the national and/or international level adequate to the task, in conformity with the objective and purpose of the Convention.

22.2 The Advisory Body shall be composed of twelve members. The Meeting of States Parties may increase this number to up to twenty four depending on the number of States Parties.

Rule 23 - Term of Office of the Members of the Advisory Body

The members of the Advisory Body shall be elected for a term of office of four years. Nevertheless, the term of office of half of the members elected at the first election shall be limited to two years. Those members will be chosen by lot at the time of the first election. Every two years, the Meeting shall elect half of the membership of the Advisory Body with due regard

to the principle of equitable geographical distribution, rotation and the desirability of a gender balance.

Rule 24 - Procedures for the Presentation of Candidatures to the Advisory Body

24.1 The Secretariat shall ask the States Parties, as a general rule, six months prior to the opening of the Meeting, whether they intend to nominate a candidate for the election of the members of the Advisory Body. If so, the candidature accompanied by the curriculum vitae of the candidate as well as his/her scientific, professional and ethical background at the national and/or international level in English or French language shall be sent to the Secretariat at least four weeks prior to the opening of the Meeting.

24.2 At least three weeks prior to the opening of the Meeting, the Secretariat shall send to all States Parties the provisional list of candidates and the background information, as received, indicating the State which proposes them. The list of candidatures will be revised as necessary.

Rule 25 – Election of Members of the Advisory Body

25.1. The election of members of the Advisory Body shall be conducted by secret ballot, except that, where the number of candidates within geographical distribution is the same as or less than the number of seat to be filled, the candidates shall be declared elected without the need to hold a ballot.

25.2 Before the election begins, the Chairperson shall appoint two tellers from among the States Parties present; he/she shall hand to them the list of candidates. He/she shall announce the number of seats to be filled.

25.3 The Secretariat shall prepare for each State Party an envelope without any distinguishing mark and separate ballot papers, one for each of the electoral groups. The ballot paper for each electoral group shall bear the names of all candidates for election in that electoral group.

25.4 Each State Party shall cast its vote by circling the candidates for which it votes.

25.5 The tellers shall collect from each State Party their ballot papers and shall proceed to count the votes, under the supervision of the Chairperson.

25.6 The absence of any ballot paper in the envelope shall be considered an abstention.

25.7 Ballot papers on which more candidates have been circled than there are seats to be filled and those which bear no indication of the voter's intention shall be considered invalid.

25.8 The counting of the votes for each electoral group shall take place separately. The tellers shall open the envelopes, one by one, and shall sort the ballot papers into electoral groups. The votes cast for the candidates shall be entered on lists prepared for that purpose.

25.9 The Chairperson shall declare elected those candidates who obtain the greatest number of votes up to the number of seats to be filled. If two or more candidates obtain the same number of votes, and, as a result, there are still more candidates than seats to be filled,

there shall be a second secret ballot restricted to those candidates who obtained the same number of votes. If in the second ballot two or more candidates obtain the same number of votes, the Chairperson shall draw lots to determine which candidate has won.

25.10 When the counting of the votes is completed, the Chairperson shall announce the results of the ballot separately for each of the electoral groups.

VI. SECRETARIAT OF THE MEETING

Rule 26 - Secretariat

26.1 The Director-General of UNESCO or his/her representative shall participate in the work of the Meeting, without the right to vote. He/she may, at any time, make either oral or written statements to the Meeting on any question under discussion.

26.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Meeting, and other officials who shall together constitute the Secretariat of the Meeting.

26.3 The Secretariat shall receive, translate and distribute, into the six official languages and at least thirty days before the opening of the session of the Meeting, all official documents. It shall arrange for the interpretation of the discussions and also perform all other duties necessary for the proper conduct of the work of the Meeting.

26.4 The Secretariat shall prepare a summary record of the Meeting's session, for approval at the opening of the next session.

VII. ADOPTION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 27 - Adoption

The Meeting shall adopt its Rules of Procedure by a decision taken in plenary meeting by a majority of the representatives of States Parties present and voting.

Rule 28 - Amendment

The Meeting may amend these Rules of Procedure by a decision taken by a two-thirds majority of the representatives of States Parties present and voting.

Rule 29- Suspension

A rule of procedure, except when it reproduces provisions of the Convention, may be suspended by a decision of the Meeting taken by a two-thirds majority of the representatives of States Parties present and voting.

Item 4 of the Agenda: Discussion of the status of ratifications, of statutory and of other issues related to the entry into force of the Convention (declarations, notifications, competent authorities), of information material available and of operational issues to be addressed by the Meeting of States Parties

The Meeting of States Parties did not adopt any resolution on item 4 of the agenda of the first session, as no document was proposed by the Secretariat and as its content remained narrative.

Item 5 of the Agenda: Discussion on the possible adoption of the Statutes of the Scientific and Technical Advisory Body

RESOLUTION 5 / MSP 1

The Meeting of States Parties,

1. *Having examined document CLT/CIH/MCO/2009/ME/88;*
2. *Establishes the Scientific and Technical Advisory Body to the Meeting of States Parties to the Convention on the Protection of the Underwater Cultural Heritage according to Article 23.4 of the Convention;*
3. *Adopts the Statutes of this Scientific and Technical Advisory Body as amended and annexed to this Resolution.*

Annex to RESOLUTION 5 / MSP 1

STATUTES OF THE SCIENTIFIC AND TECHNICAL ADVISORY BODY TO THE MEETING OF STATES PARTIES TO THE CONVENTION ON THE PROTECTION OF THE UNDERWATER CULTURAL HERITAGE

Article 1 - Functions

- a) The Advisory Body
 - (i) shall appropriately assist the Meeting of States Parties to the Convention in questions of a scientific or technical nature regarding the implementation of the 'Rules concerning activities directed at underwater cultural heritage', as referred to in Article 33 of the Convention (hereinafter "the Rules");

- (ii) may be consulted for the elaboration, in consultation with the Bureau of the Meeting of States Parties, of draft Operational Guidelines directly related to the Rules;
 - (iii) shall give guidance in questions directly related to Rules in the framework of the practical application of the State cooperation mechanism contained in the Convention (Articles 8 to 13).
- b) The Advisory Body shall propose to the Meeting of States Parties standards of and means to promote best practice in underwater cultural heritage sites protection and materials conservation by:
 - (i) making technical and scientific recommendations in relation to the Rules to the Meeting of States Parties for discussion and adoption;
 - (ii) identifying and monitoring practical common and emerging issues in underwater cultural heritage sites protection and materials conservation;
 - (iii) identifying means of improving/developing best practices with regard to material and site conservation;
 - (iv) proposing the organization of workshops and seminars on specific technical issues.
- c) Upon decision by the Meeting of States Parties, or by delegation by its Bureau, the Advisory Body may provide scientific and technical advice to States Parties on the implementation of the Rules through:
 - (i) missions to the requesting States Parties;
 - (ii) presentations during the Meeting of States Parties to the Convention;
- d) The Advisory Body shall report on its activities at each Meeting of States Parties
- e) The Advisory Body shall consult and collaborate with non-governmental organizations (NGOs) having activities related to the scope of the Convention, namely ICUCH, as well as other competent NGOs accredited by the Meeting of States Parties.

Article 2 - Membership

- a) The Advisory Body shall be composed of twelve Members. The Meeting of Parties may increase this number to up to twenty four depending on the number of States Parties. They shall have a scientific, professional and ethical background at the national and/or international level, in particular, in the field of underwater archaeology, international law, materials science (metallurgy, archaeo-biology, geology), and conservation of underwater cultural heritage sites and/or archaeological underwater artefacts.

- b) The members of the Advisory Body shall work impartially and in compliance with the principles of the Convention.

Article 3 - Nomination and Election

- a) Members of the Advisory Body are elected by the Meeting of States Parties to the Convention in conformity with Rules 22 to 25 of its Rules of Procedure.
- b) The Advisory Body shall elect its Chairperson and its Vice-Chairperson(s).

Article 4 - Meetings

- a) The Director-General shall convene a session of the Advisory Body once a year. In special circumstances, he/she may convene another session if funds are available. The Director-General shall establish the agenda for the sessions of the Advisory Body after consultation with the Chairpersons of the Meeting of States Parties and the Advisory Body.
- b) In addition to members, experts or representatives of organizations, whose duties and qualifications make them suitable for assisting the Advisory Body, may be invited by it to address a meeting of the Advisory Body.

Article 5 - Secretariat

- a) The Director-General shall appoint a member of the UNESCO Secretariat to represent him/her on the Advisory Body, without a right to vote.
- b) The Secretariat of the Advisory Body is ensured by the UNESCO Secretariat.

Article 6 - Recommendations

- a) Recommendations of the Advisory Body are adopted by consensus, or, if no consensus emerges, by majority vote of the members present at a meeting.
- b) The sessions of the Advisory Body shall be held with a majority of its members being present.

Article 7 - Funding

- a) States Parties should endeavour to provide appropriate funding of the Advisory Body. UNESCO shall make all reasonable efforts to identify funding from regular and extra budgetary sources.
- b) Only the members of the Advisory Body from developing countries and countries in transition may benefit from financial assistance in order to participate to the meetings of the Advisory Body. Whenever possible, the members of the Advisory Body should work electronically.

Article 8 - Amendments

The Statutes of the Advisory Body may be amended by the Meeting of States Parties to the Convention.

Item 6 of the Agenda: Discussion on the possible nomination of the members of the Scientific and Technical Advisory Body to the Meeting of States Parties and discussion of the date and venue of its first meeting

The Meeting of States Parties did not adopt any resolution 6 / MSP 1 on Item 6 of the agenda, as it decided to elect the members of the Scientific and Technical Advisory Body at its next session. States Parties to the Convention have been invited to submit the candidature of experts to the Secretariat the latest on 1 November 2009.

Item 7 of the Agenda: Discussion of the Establishment of Operational Guidelines

RESOLUTION 7 / MSP 1

The Meeting of States Parties,

1. *Having examined document CLT/CIH/MCO/2009/ME/90,*
2. *Requests the Secretariat to prepare, on the basis of a consultation with the States Parties, a preliminary draft of Operational Guidelines for the Convention on the Protection of the Underwater Cultural Heritage, giving priority attention to, among others, points 3.b and 3.d of document CLT/CIH/MCO/2009/ME/90; and to submit at*

the second ordinary session of the Meeting of States Parties the results of its work for consideration and approval;

3. *Invites States Parties to suggest elements to the Secretariat to be developed in the Operational Guidelines.*

Item 8 of the Agenda: Date and Venue of the Second Meeting of States of Parties

RESOLUTION 8 / MSP 1

The Meeting of States Parties,

1. *Having examined document CLT/CIH/MCO/2009/ME/91,*
2. *Decides to request the Director-General to convene the second ordinary session of the Meeting of States Parties in December 2009 in Paris.*