



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 II

CLT/CIH/MCO/2009/ME/87 Rev.

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

Decision required: paragraph 7

1. The General Conference of UNESCO adopted on 2 November 2001 the Convention on the Protection of the Underwater Cultural Heritage, which entered into force on 2 January 2009, three months after the date of the deposit of the twentieth instrument of ratification.
2. According to Article 23.1 of the Convention, the Director-General shall convene a Meeting of States Parties within one year of the entry into force of this Convention and thereafter at least once every two years. The Meeting of States Parties shall decide on its functions and responsibilities and adopt its own Rules of Procedure (paragraphs 2 and 3 of Article 23).
3. In accordance with Article 24.2 of the Convention, the duties of the UNESCO Secretariat include organizing the Meetings of States Parties. This encompasses the preparation of documentation as the Rules of Procedure.
4. The **Provisional Rules of Procedure set out in the Annex** are modelled on the Rules of Procedure of the General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and Conference of Parties of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).
5. The Provisional Rules of Procedure comprise seven sections: I. Participation, II. Functions and Responsibilities of the Meeting of States Parties, III. Organization of the Meeting, IV. Conduct of Business, V. Nomination of the Members of the Scientific and Technical Advisory Body, VI. Secretariat of the Meeting and VII. Adoption and Amendment of the Rules of Procedure.
6. Section V refers to Article 23.4 of the Convention. According to Article 23.4 the Meeting of States Parties may establish a Scientific and Technical Advisory Body composed of

experts nominated by the States Parties with due regard to the principle of equitable geographical distribution and the desirability of a gender balance. This body shall assist as appropriate the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules. As the establishment of such a body is not mandatory, States Parties may decide if they wish to set up such organ.

7. The Meeting of States Parties may wish to adopt the following resolution:

DRAFT RESOLUTION

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 contained therein.*

ANNEX:

PROVISIONAL RULES OF PROCEDURE FOR 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 10.3.
- 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 10.3.

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 discuss and approve Operational Guidelines for the Convention prepared upon its request by the Secretariat, in consultation with the Bureau of the Meeting and the Scientific and Technical Advisory Body (hereinafter referred to as “the Advisory Body”);
- (b) to nominate members to the Advisory Body;
- (c) to receive and examine reports and requests for advice by the States Parties to the Convention;
- (d) to take all other measures it considers necessary to further the objectives of the Convention.

III. ORGANIZATION OF THE MEETING

Rule 4 **Convening**

The Meeting shall be convened by the Director-General at least every two years.

Rule 5 **Provisional agenda**

The Provisional Agenda of a 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;

Rule 6 **Election of officers**

The Meeting shall elect a chairperson, one or more vice-chairpersons and a Rapporteur, 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.

Rule 7 **Duties of the Chairperson**

- 7.1 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.

- 7.2 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 8 Public nature of meetings

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

Rule 9 Quorum

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

- 9.2 The Meeting shall not decide on any matter unless a quorum is present.

Rule 10 Order and time-limit of speakers

- 10.1 The chairperson shall call upon speakers in the order in which they signify their wish to speak.

- 10.2 For the convenience of the discussion, the chairperson may limit the time to be allowed to each speaker.

- 10.3 The consent of the chairperson must be obtained whenever an observer wishes to address the Meeting.

Rule 11 Points of order

- 11.1 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.

- 11.2 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 12 **Procedural motions**

- 12.1 During a discussion, any delegation may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.
- 12.2 Such a motion shall be put to the vote immediately. Subject to Rule 11.1, 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 13 **Working languages**

- 13.1 The working languages of the Meeting shall be Arabic, Chinese, English, French, Russian and Spanish.
- 13.2 Speeches made at the Meeting in one of the working languages shall be interpreted into the other languages.
- 13.3 Speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the working languages.

Rule 14 **Resolutions and amendments**

- 14.1 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.
- 14.2 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 in the working languages of the Meeting.

Rule 15 **Voting**

- 15.1 The representative of each State Party referred to in Rule 1 shall have one vote in the Meeting.
- 15.2 Subject to the provisions of Rules 9.2 and 21, decisions shall be taken by a majority of the States Parties present and voting, except for the provisions of Rule 22 and Rule 23.
- 15.3 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.

- 15.4 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
- 15.5 Voting shall normally be by show of hands, except when the chairperson decides otherwise.
- 15.6 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 delegations before the voting takes place.
- 15.7 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.
- 15.8 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- 15.9 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- 15.10 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 OF MEMBERS OF THE SCIENTIFIC AND TECHNICAL ADVISORY BODY

Rule 16 Geographical distribution

- 16.1 The nominations 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. Candidates shall have an academic and professional background adequate to the task. A State Party may also propose nationals of another State as candidates.
- 16.2 The Advisory Body shall be composed of [six/twelve] Members.

Rule 17 **Term of Office of the Members of the Advisory Body**

The members of the Advisory Body shall be nominated for a term of office of four years. Nevertheless, the term of office of half of the members nominated at the first session of the Meeting shall be limited to two years. Those States will be chosen by lot at the time of the first nomination. Every two years, the Meeting shall nominate half of the membership of the Advisory Body with due regard to the principle of equitable geographical distribution and the desirability of a gender balance.

Rule 18 **Procedures for the Presentation of Candidatures to the Advisory Body**

18.1 The secretariat shall ask the States Parties, at least two month prior to the opening of the Meeting, whether they intend to propose a candidate for nomination to the Advisory Body. If so, the candidature accompanied by the curriculum vitae of the candidate as well as his/her professional and academic background in English or French language shall be sent to the Secretariat at least four weeks prior to the opening of the Meeting.

18.2 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 19 **Nomination of Members of the Advisory Body**

19.1 The nomination of members of the Advisory Body shall be conducted by show of hands, 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 nominated without the need to hold a ballot. When the result of a vote by show of hands is in doubt, the chairperson may take a second vote by roll-call.

VI. SECRETARIAT OF THE MEETING

Rule 20 **Secretariat**

20 .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.

20.2 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.

- 20.3 The secretariat shall receive, translate and distribute, into the six working 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.

VII. ADOPTION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 21

Adoption

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

Rule 22

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 23

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-third majority of the representatives of States Parties present and voting.