

## **Revised Rules of Procedure for the Antarctic Treaty Consultative Meeting (2016)**

1. Meetings held pursuant to Article IX of the Antarctic Treaty shall be known as Antarctic Treaty Consultative Meetings. Contracting Parties entitled to participate in those Meetings shall be referred to as "Consultative Parties"; other Contracting Parties which may have been invited to attend those Meetings shall be referred to as "non-Consultative Parties". The Executive Secretary of the Secretariat of the Antarctic Treaty shall be referred to as the "Executive Secretary".
2. The Representatives of the Commission for the Conservation of Antarctic Marine Living Resources, the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic Programs, invited to attend those Meetings in accordance with Rule 31, shall be referred to as "Observers".

### ***Representation***

3. Each Consultative Party shall be represented by a delegation composed of a Representative and such Alternate Representatives, Advisers and other persons as each State may deem necessary. Each non-Consultative Party which has been invited to attend a Consultative Meeting shall be represented by a delegation composed of a Representative and such other persons as it may deem necessary within such numerical limit as may from time to time be determined by the Host Government in consultation with the Consultative Parties. The Commission for the Conservation of Antarctic Marine Living Resources, the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic Programs shall be represented by their respective Chairman or President, or other persons appointed to this end. The names of members of delegations and of the observers shall be communicated to the Host Government prior to the opening of the Meeting.
4. The order of precedence of the delegations shall be in accordance with the alphabet in the language of the Host Government, all delegations of non-Consultative Parties following after those of Consultative Parties, and all delegations of observers following after non-Consultative Parties.

### ***Officers***

5. A Representative of the Host Government shall be the Temporary Chairman of the Meeting and shall preside until the Meeting elects a Chairman.
6. At its inaugural session, a Chairman from one of the Consultative Parties shall be elected. The other Representatives of Consultative Parties shall serve as Vice-Chairmen of the Meeting in order of precedence. The Chairman normally shall preside at all plenary sessions. If he is absent from any session or part thereof, the Vice-Chairmen, rotating on the basis of the order of precedence as established by Rule 4, shall preside during each such session.

### ***Secretariat***

7. The Executive Secretary shall act as Secretary to the Meeting. He or she shall be responsible, with the assistance of the Host Government, for providing secretariat services for the meeting, as provided in Article 2 of Measure 1 (2003), as provisionally applied by Decision 2 (2003) until Measure 1 becomes effective.

### ***Sessions***

8. The opening plenary session shall be held in public, other sessions shall be held in private, unless the Meeting shall determine otherwise.

### ***Committees and Working Groups***

9. The Meeting, to facilitate its work, may establish such committees as it may deem necessary for the performance of its functions, defining their terms of reference.
10. The committees shall operate under the Rules of Procedure of the Meeting, except where they are inapplicable.
11. Working Groups may be established by the Meeting, or its committees to deal with various agenda items. The Meeting will determine the provisional arrangements for Working Groups at the end of each Consultative Meeting, when it approves the preliminary agenda for the subsequent Meeting (under Rule 36). These arrangements will include
  - a. the establishment of Working Group(s) for the subsequent Meeting;
  - b. the appointment of Working Group Chair(s); and
  - c. the allocation of agenda items to each Working Group.

Where the Meeting decides that a Working Group should be continued for more than one year, the Chair(s) of those Working Group(s) may be appointed for a period of one or two consecutive Meetings in the first instance. Working Group Chairs may subsequently be appointed for further terms of one or two years, but will not serve for more than four consecutive years in the same Working Group.

Should the Meeting be unable to appoint a Working Group Chair(s) for the subsequent Meeting, a Chair(s) shall be appointed at the beginning of the subsequent Meeting.

### ***Conduct of Business***

12. A quorum shall be constituted by two-thirds of the Representatives of Consultative Parties participating in the Meeting.
13. The Chairman shall exercise the powers of his office in accordance with customary practice. He shall see to the observance of the Rules of Procedure and the maintenance of proper order. The Chairman, in the exercise of his functions, remains under the authority of the Meeting.

14. Subject to Rule 28, no Representative may address the Meeting without having previously obtained the permission of the Chairman and the Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.
15. During the discussion of any matter, a Representative of a Consultative Party may rise to a point of order and the point of order shall be decided immediately by the Chairman in accordance with the Rules of Procedure. A Representative of a Consultative Party may appeal against the ruling of the Chairman. The appeal shall be put to a vote immediately, and the Chairman's ruling shall stand unless over-ruled by a majority of the Representatives of Consultative Parties present and voting. A Representative of a Consultative party rising to a point of order shall not speak on the substance of the matter under discussion.
16. The Meeting may limit the time to be allotted to each speaker, and the number of times he may speak on any subject. When the debate is thus limited and a Representative has spoken his allotted time, the Chairman shall call him to order without delay.
17. During the discussion of any matter, a Representative of a Consultative Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, Representatives of two Consultative Parties may speak in favour of, and two against, the motion, after which the motion shall be put to the vote immediately. The Chairman may limit the time to be allowed to speakers under this Rule.
18. A Representative of a Consultative Party may at any time move the closure of the debate in the item under discussion, whether or not any other Representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to Representatives of two Consultative Parties opposing the closure, after which the motion shall be put to the vote immediately. If the Meeting is in favour of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this Rule. (This Rule shall not apply to debate in committees.)
19. During the discussion of any matter, a Representative of a Consultative Party may move the suspension or adjournment of the Meeting. Such motions shall not be debated, but shall be put to the vote immediately. The Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment of the Meeting.
20. Subject to Rule 15, the following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
  - a) to suspend the Meeting;
  - b) to adjourn the Meeting;
  - c) to adjourn the debate on the item under discussion;
  - d) for the closure of the debate on the item under discussion.
21. Decisions of the Meeting on all matters of procedure shall be taken by a majority of the Representatives of Consultative Parties participating in the Meeting, each of whom shall have one vote.

### ***Languages***

22. English, French, Russian and Spanish shall be the official languages of the Meeting.
23. Any Representative may speak in a language other than the official languages. However, in such cases he shall provide for interpretation into one of the official languages.

### ***Measures, Decisions, and Resolutions and Final Report***

24. Without prejudice to Rule 21, Measures, Decisions and Resolutions, as referred to in Decision 1 (1995), shall be adopted by the Representatives of all Consultative Parties present and will thereafter be subject to the provisions of Decision 1 (1995).
25. The final report shall also contain a brief account of the proceedings of the Meeting. It will be approved by a majority of the Representatives of Consultative Parties present and shall be transmitted by the Executive Secretary to Governments of all Consultative and non-Consultative Parties which have been invited to take part in the Meeting for their consideration.
26. Notwithstanding Rule 25, the Executive Secretary, immediately following the closure of the Consultative Meeting, shall notify all Consultative Parties of all Measures, Decisions and Resolutions taken and send them authenticated copies of the definitive texts in an appropriate language of the Meeting. In respect to a Measure adopted under the procedures of Article 6 or 8 of Annex V of the Protocol, the respective notification shall also include the time period for approval of that Measure.

### ***Non-Consultative Parties***

27. Representatives of non-Consultative Parties, if invited to attend a Consultative Meeting, may be present at:
  - a) all plenary sessions of the Meeting; and
  - b) all formal Committees or Working Groups, comprising all Consultative Parties, unless a Representative of a Consultative Party requests otherwise in any particular case.
28. The relevant Chairman may invite a Representative of a non-Consultative Party to address the Meeting, Committee or Working group which he is attending, unless a Representative of a Consultative Party requests otherwise. The Chairman shall at any time give priority to Representatives of Consultative Parties who signify their desire to speak and may, in inviting Representatives of non-Consultative Parties to address the Meeting, limit the time to be allotted to each speaker and the number of times he may speak on any subject.
29. Non-Consultative Parties are not entitled to participate in the taking of decisions.
- 30.

- a) Non-Consultative Parties may submit documents to the Secretariat for distribution to the Meeting as information documents. Such documents shall be relevant to matters under Committee consideration at the Meeting.
- b) Unless a Representative of a Consultative Party requests otherwise such documents shall be available only in the language or languages in which they were submitted.

***Antarctic Treaty System Observers***

31. The observers referred to in Rule 2 shall attend the Meetings for the specific purpose of reporting on:
- a) in the case of the Commission for the Conservation of Antarctic Marine Living Resources, developments in its area of competence.
  - b) in the case of the Scientific Committee on Antarctic Research:
    - i) the general proceedings of SCAR;
    - ii) matters within the competence of SCAR under the Convention for the Conservation of Antarctic Seals;
    - iii) such publications and reports as may have been published or prepared in accordance with Recommendations IX-19 and VI-9 respectively.
  - c) in the case of the Council of Managers of National Antarctic Programs, the activities within its area of competence.
32. Observers may be present at:
- a) the plenary sessions of the Meeting at which the respective Report is considered;
  - b) formal committees or working groups, comprising all Contracting Parties at which the respective Report is considered, unless a Representative of a Consultative Party requests otherwise in any particular case.
33. Following the presentation of the pertinent Report, the relevant Chairman may invite the observer to address the Meeting at which it is being considered once again, unless a Representative of a Consultative Party requests otherwise. The Chairman may allot a time limit for such interventions.
34. Observers are not entitled to participate in the taking of decisions.
35. Observers may submit their Report and/or documents relevant to matters contained therein to the Secretariat, for distribution to the Meeting as working papers.

***Agenda for Consultative Meetings***

36. At the end of each Consultative Meeting, the Host Government of that Meeting shall prepare a preliminary agenda for the next Consultative Meeting. If approved by the Meeting, the preliminary agenda for the next Meeting shall be annexed to the Final Report of the Meeting.
37. Any Contracting Party may propose supplementary items for the preliminary agenda by informing the Host Government for the forthcoming Consultative Meeting no later than 180 days before the beginning of the Meeting; each proposal shall be accompanied by an explanatory memorandum. The Host Government shall draw the attention of all Contracting Parties to this Rule no later than 210 days before the Meeting.
38. The Host Government shall prepare a provisional agenda for the Consultative Meeting. The provisional agenda shall contain:
  - a) all items on the preliminary agenda decided in accordance with Rule 36; and
  - b) all items the inclusion of which has been requested by a Contracting Party pursuant to Rule 37.

Not later than 120 days before the Meeting, the Host Government shall transmit to all the Contracting Parties the provisional agenda, together with explanatory memoranda and any other papers related thereto.

#### ***Experts from International Organisations***

39. At the end of each Consultative Meeting, the Meeting shall decide which international organisations having a scientific or technical interest in Antarctica shall be invited to designate an expert to attend the forthcoming Meeting in order to assist it in its substantive work.
40. Any Contracting Party may thereafter propose that an invitation be extended to other international organisations having a scientific or technical interest in Antarctica to assist the Meeting in its substantive work; each such proposal shall be submitted to the Host Government for that Meeting not later than 180 days before the beginning of the Meeting and shall be accompanied by a memorandum setting out the basis for the proposal.
41. The Host Government shall transmit these proposals to all Contracting Parties in accordance with the procedure in Rule 38. Any Consultative Party which wishes to object to a proposal shall do so not less than 90 days before the Meeting.
42. Unless such an objection has been received, the Host Government shall extend invitations to international organisations identified in accordance with Rules 39 and 40 and shall request each international organisation to communicate the name of the designated expert to the Host Government prior to the opening of the Meeting. All such experts may attend the Meeting during consideration of all items, except for those items relating to the operation of the Antarctic Treaty System which are identified by the previous Meeting or upon adoption of the agenda.

43. The relevant Chairman, with the agreement of all the Consultative Parties, may invite an expert to address the meeting he is attending. The Chairman shall at any time give priority to Representatives of Consultative Parties or non-Consultative Parties or Observers referred to in Rule 31 who signify their desire to speak, and may in inviting an expert to address the Meeting limit the time to be allotted to him and the number of times he may speak on any subject.
44. Experts are not entitled to participate in the taking of decisions.
45.
  - a) Experts may, in respect of the relevant agenda item, submit documents to the Secretariat for distribution to the Meeting as information documents.
  - b) Unless a Representative of a Consultative Party requests otherwise, such documents shall be available only in the language or languages in which they were submitted.

### ***Intersessional Consultations***

46. Intersessionally, the Executive Secretary shall, within his/her competence as established under Measure 1 (2003) and associated instruments that govern the operation of the Secretariat, consult the Consultative Parties, when legally required to do so under relevant instruments of the ATCM and when the exigencies of the circumstances require action to be taken before the opening of the next ATCM, using the following procedure:
  - a) Each Consultative Party shall keep the Executive Secretary advised on an ongoing basis of its Representative and any Alternate Representatives, who shall have authority to speak for their Consultative Party for the purposes of intersessional consultations.
  - b) The Executive Secretary shall maintain a list of the Representatives and Alternate Representatives and ensure that it remains current.
  - c) When intersessional consultations are required, the Executive Secretary shall transmit the relevant information and any proposed action to all Consultative Parties through their Representatives and any Alternate Representatives designated under paragraph (a) above, indicating an appropriate date by which responses are requested.
  - d) The Executive Secretary shall ensure that all Consultative Parties acknowledge the receipt of such transmission.
  - e) Each Consultative Party shall consider the matter and communicate its reply, if any, to the Executive Secretary through its Representative or an Alternate Representative by the specified date.
  - f) The Executive Secretary after informing the Consultative Parties of the result of the consultations, may proceed to take the proposed action if no Consultative Party has objected.

- g) The Executive Secretary shall keep a record of the intersessional consultations, including results of those intersessional consultations and the actions taken by him/her and shall reflect these results and actions in his/her report to the ATCM for its review.
47. Intersessionally, when a request for information about the activities of the ATCM is received from an international organisation having a scientific or technical interest in Antarctica, the Executive Secretary shall coordinate a response, using the following procedure:
- a) The Executive Secretary shall transmit the request and a first draft response to all Consultative Parties through their Representatives and any Alternate Representatives designated under Rule 46 (a), proposing to answer the request, and including an appropriate date by which Consultative Parties should either (1) indicate that it would not be appropriate to answer, or (2) provide comments to the first draft response. The date shall give a reasonable amount of time to provide comments, taking into account any deadlines set by the initial requests for information. If a Consultative Party indicates that a response would not be appropriate, the Executive Secretary shall send only a formal response, acknowledging the request without going into the substance of the matter.
  - b) If there is no objection to proceeding and if comments are provided before the date specified in the transmission referred to in paragraph (a) above, the Executive Secretary shall revise the response in light of the comments and transmit the revised response to all Consultative Parties, including an appropriate date by which reactions are requested.
  - c) If any further comments are provided before the date specified in the transmission referred to in paragraph (b) above, the Executive Secretary shall repeat the procedure referred to in paragraph (b) above until no further comments are provided.
  - d) If no comments are provided before the date specified in a transmission referred to in paragraph (a), (b) or (c) above, the Executive Secretary shall circulate a final version and shall request both an active digital “read”-confirmation and an active digital “accept”-confirmation from each Consultative Party, suggesting a date by which the “accept”-confirmation should be received. The Executive Secretary shall keep the Consultative Parties informed about the progress of received confirmations. After receipt of “accept”-confirmations from all Consultative Parties the Executive Secretary shall sign and send the response to the international organisation concerned, on behalf of all Consultative Parties, and shall provide a copy of the signed response to all Consultative Parties.
  - e) Any Consultative Party may, at any stage of this process, ask for more time for consideration.
  - f) Any Consultative Party may, at any stage of this process, indicate that it would not be appropriate to respond to the request. In this case the Executive Secretary shall send only a formal response, acknowledging the request without going into the substance of the matter.

### ***Meeting Documents***

48. Working Papers shall refer to papers submitted by Consultative Parties that require discussion and action at a Meeting and papers submitted by Observers referred to in Rule 2.

49. Secretariat Papers shall refer to papers prepared by the Secretariat pursuant to a mandate established at a Meeting, or which would, in the view of the Executive Secretary, help inform the Meeting or assist in its operation.

50. Information Papers shall refer to:

- Papers submitted by Consultative Parties or Observers that provide information in support of a Working Paper or that are relevant to discussions at a Meeting;
- Papers submitted by Non-Consultative Parties that are relevant to discussions at a Meeting; and
- Papers submitted by Experts that are relevant to discussions at a Meeting.

51. Background Papers shall refer to papers submitted by any participant that will not be introduced in a Meeting, but that are submitted for the purpose of formally providing information.

52. Procedures for the submission, translation and distribution of documents are annexed to these Rules of Procedure.

### ***Amendments***

53. These Rules of Procedure may be amended by a two-thirds majority of the Representatives of Consultative Parties participating in the Meeting. This Rule shall not apply to Rules 24, 27, 29, 34, 39-42, 44, and 46, amendments of which shall require the approval of the Representatives of all Consultative Parties present at the Meeting.

## **Annex**

### **Procedures for the Submission, Translation and Distribution of Documents for the ATCM and the CEP**

1. These procedures apply to the submission, translation and distribution of official papers for the Antarctic Treaty Consultative Meeting (ATCM) and for the Committee on Environmental Protection (CEP) as defined in their respective Rules of Procedure. These papers consist of Working Papers, Secretariat Papers, Information Papers and Background Papers.
2. Papers that are submitted to both the ATCM and the CEP should indicate, where feasible, what portions or elements of the paper should, in the opinion of the submitter, be discussed in each forum.
3. Documents to be translated are Working Papers, Secretariat Papers, reports submitted to the ATCM by ATCM Observers and invited Experts according to the provisions of Recommendation XIII-2, reports submitted to the ATCM in relation to Article III-2 of the Antarctic Treaty, and Information Papers that a Consultative Party requests be translated. Background Papers will not be translated.
4. Papers that are to be translated, with the exception of the reports of Intersessional Contact Groups (ICG) convened by the ATCM or CEP, Chair Reports from Antarctic Treaty Meetings of Experts, and the Secretariat's Report and Programme, should not exceed 1500 words. When calculating the length of a paper, proposed Measures, Decisions and Resolutions and their attachments are not included.
5. Papers that are to be translated should be received by the Secretariat no later than 45 days before the Consultative Meeting. If any such paper is submitted later than 45 days before the Consultative Meeting, it may only be considered if no Consultative Party objects.
6. The Secretariat should receive Information Papers for which no translation has been requested and Background Papers that participants wish to be listed in the Final Report no later than 30 days before the Meeting.
7. The Secretariat will indicate on each document submitted by a Contracting Party, an Observer, or an Expert the date it was submitted.
8. When a revised version of a Paper made after its initial submission is resubmitted to the Secretariat for translation, the revised text should indicate clearly the amendments that have been incorporated.
9. The Papers should be transmitted to the Secretariat by electronic means and will be uploaded to the ATCM Home Page established by the Secretariat. Working Papers received before the 45 day limit should be uploaded as soon as possible and in any case not later than 30 days before the Meeting. Papers will be uploaded initially to the password protected portion of the website, and moved to the non-password protected part once the Meeting has concluded.
10. Parties may agree to present any paper for which a translation has not been requested to the Secretariat during the Meeting for translation.

11. No paper submitted to the ATCM should be used as the basis for discussion at the ATCM or at the CEP unless it has been translated into the four official languages.
12. Within three months of the end of the Consultative Meeting, the Secretariat will post on the ATCM Home Page a preliminary version of the Final Report of the Meeting in the four official languages. This version of the report shall be clearly marked “PRELIMINARY” and shall indicate that it is subject to final formatting, editing, and publishing processes.
13. Within six months of the end of the Consultative Meeting, the Secretariat will circulate to Parties and also post on the ATCM Home Page the Final Report of that Meeting in the four official languages.