

Guidance for Chairs

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1. Introduction

1. The purpose of this document is to provide guidance on the role and responsibilities of Chairmen of meetings within the framework of OSPAR.
2. The Rules of Procedure of the OSPAR Commission provide the formal basis for this guidance (see the attached compilation of relevant paragraphs taken from the Rules of Procedure). If during a meeting situations arise for which the OSPAR Rules of Procedure do not provide guidance, the Chairman (in consultation with the Secretariat) should try to resolve the matter by mutual agreement. Where possible, guidance for such cases is given below. In addition to this, guidance on other issues related to the management of a meeting is given.
3. However, it should be realised that it is difficult, if not impossible, to provide concrete guidance on how a Chairman should operate in specific cases (e.g. that a Chairman should summarise the results of a discussion is clear, guidance on how to do that is impossible to give).
4. The main topics addressed in this guidance document are:
 - a. the participation of NGOs;
 - b. requests at a meeting addressed to other OSPAR subsidiary bodies;
 - c. the Summary Record of a meeting;
 - d. other tasks and responsibilities of Chairmen.
5. The Secretariat will assist the Chairman on any matter relevant to a meeting.

2. Participation of NGOs

6. In accordance with the OSPAR Rules of Procedure, Non Governmental Observers (NGOs) can participate in meetings of the Commission and most of its subsidiary bodies and may enter in discussions **not** relating to:
 - a. management issues internal to the Commission;
 - b. restricted documents (which will not be available to NGOs).
7. The number of seats allocated to NGOs is governed by the Rules of Procedure (cf. §§ 6-8 in Appendix 1). With a view to enabling NGOs to make timely travel and accommodation arrangements, the Secretariat (in consultation with the host) will advise the Chairman on this allocation in good time before the meeting.

8. During the meeting, it is up to the discretion of the Chairman to allow NGOs to participate in discussions, taking into account that:

- a. the meeting should not be invited to discuss proposals made by NGOs unless such a proposal is supported by at least one Contracting Party (cf. § 12 in Appendix 1);
- b. statements made by NGOs in a meeting of a Committee or Working Group should be relevant to the technical / scientific aspects of the topic under discussion;
- c. repetition of arguments should be avoided.

3. Requests to other subsidiary bodies of OSPAR

9. Experience shows that too easily, questions raised in one group are referred to another group or to HOD for clarification. There have been several cases where such questions were bounced backwards and forwards because they were ambiguous or had not been referred to the appropriate group.

10. In general, subsidiary bodies should follow the hierarchical reporting structure specified in Terms of Reference for Committees when seeking clarification or advice (i.e. Intersessional Correspondence Groups and Working Groups reporting to the responsible Committee, the Committees reporting to the Commission). In deciding whether to defer from this general approach, the Chairman should take account of:

- a. the urgency of the matter and what the implications (e.g. a delay in finalising a product) would be should the request for clarification or advice follow the normal reporting structure;
- b. advice from the Secretariat regarding the appropriateness of referring particular matters to bodies outside the normal reporting structure;
- c. whether the 'next higher level' body in the normal reporting structure would need clarification/information from another body outside this structure (cf. indent a above) in order to decide upon the next steps to be taken;
- d. whether circulation of the request could be circulated timely enough to enable sufficient preparation and discussion in the receiving group.

11. If the meeting decides to forward a question to another body, the Chairman should, in all such cases, prepare a document outlining the question in an unambiguous way, including the background of the issue in question and the action requested.

12. In general, requests for advice of a policy nature should not be referred to HOD. Requests for such advice should only be referred to HOD if they are essential to initiate or continue the work in the ongoing intersessional period and following the normal reporting structure would lead to an avoidable and unacceptable delay. With respect to requests to HOD, the Chairman's document should, in addition to the points mentioned in the previous paragraph, include:

- a. a summary of the main policy matters and conclusions;
- b. proposals on how to handle such requests and, if appropriate, alternative solutions and their consequences.

4. Summary Record of the Meeting

4.1 General

13. Unless decided otherwise, the Secretariat will prepare a Summary Record of the meeting for adoption under the last agenda item. In general, this Summary Record will focus on the agreements made at the meeting. Where necessary (in particular in Summary Records for meetings of Working Groups and *ad hoc* working groups), an introduction to the issue and a summary of the main points made in discussion will be included to explain the background and rationale of the agreements made.

13.*bis* Summary Records of meetings of some Committees, as well as those for working groups and intersessional correspondence groups are adopted by written procedure after the close of the meeting. The guidance to Chairmen regarding the adoption of the Summary Record by a written procedure after the meeting is at Appendix 2.

4.2 Statements made by a Contracting Party

14. The Chairman should endeavour to avoid the inclusion of statements made in discussion by a particular Contracting Party in the Summary Record. However, such statements could be justified where they are necessary to:

- a. explain differences of opinion between Contracting Parties; or
- b. explain Contracting Parties' reservations with respect to an agreement;

4.3 Statements made by NGOs

15. In general, statements of a policy nature made by NGOs at meetings of subsidiary bodies should not be included in the Summary Record. The inclusion of such statements in the Summary Record of meetings of the Commission should be considered on a case-by-case basis.

5. Specific Tasks and Responsibilities of the Chairmen

5.1 Before a meeting

16. The Chairman is required to finalise the draft agenda for a meeting based upon a proposal prepared by the Secretariat (cf. § 4. in Appendix 1). He/she should also prepare, in association with the Secretariat, a draft timetable for the meeting and hold a short pre-meeting with the Secretariat (a 'Chairman's Brief').

17. The Committee Chairmen should consult the relevant chairmen of working groups/intersessional correspondence groups. This consultation should include discussions concerning, *inter alia*:

- a. general progress on the implementation of the work programme(s) adopted by the Commission;
- b. progress of intersessional work;

- c. particular difficulties encountered and (possible) means to resolve them.

5.2 During a meeting

18. Amendments to the agenda of a meeting should be agreed upon by consensus of Contracting Parties.
19. The Chairmen of subsidiary bodies should not let discussions on fundamental (policy) issues run on. They should endeavour to control discussions and if the discussions can not be concluded in a satisfactory manner and in a reasonable time, they should, in line with §§ 9-12 above, clarify the difficulties and conclude by referring the matter to the higher-level body for guidance.
20. In accordance with §§ 57-58 of the Rules of Procedure any restriction to the availability of a document can only be lifted by those responsible for marking such a document as “RESTRICTED” (cf. § 13 of Appendix 1).
21. The Chairman should only allow the meeting to re-open previously concluded discussions if substantial new developments would require a review of the matter.
22. There are recognised rules and practices on issues such as:
- establishment of groups (cf. § 20 in Appendix 1);
 - establishment of workshops and responsibilities of lead countries;
 - rules for publication of reports (e.g. of workshops);
 - mandate of groups and Committees to make decisions;
 - rules on Late Documents;

The Chairman should seek guidance of the Secretariat if such issues arise.

23. In principle, the Chairman should aim to reach conclusions by consensus of Contracting Parties. If it is impossible to reach consensus, Contracting Parties with views differing from the majority view or with opposing views should be given the opportunity to express such views in the Summary Record. In the case of measures under development, such differences should be reflected in the relevant draft measure itself in order to prevent time-consuming re-introductions of such differing views at subsequent meetings. If supported by several Contracting Parties, differing views should preferably be included as alternative text in square brackets in the running text or, otherwise, in a footnote on the relevant page. The latter may be taken as a standard approach if only the views of one or two Contracting Parties need to be reflected. Such alternative views should be retained until withdrawn by their originator(s) or overruled at a Commission meeting by majority vote. In the event that such a draft measure is not appended to the Summary Record but referred back to the lead country, the Chairman should invite the lead country to act accordingly.

24. In concluding an agenda item, the Chairman should, if and when appropriate:
- a. indicate and summarise those issues where consensus was reached;
 - b. summarise majority and minority views and indicate, if necessary, which Contracting Party held which view;
 - c. outline the next steps to be taken;
 - d. outline the timeframe and arrangements for undertaking/completing these steps.
25. With respect to proposals for including new items on future work programmes, the Chairmen of a Committee should:
- a. ensure that such proposals are justified in terms of promoting the implementation of the OSPAR Convention and the OSPAR Strategies;
 - b. indicate the priority of the new item in relation to the priority of other items on the work programme is indicated;
 - c. determine whether there are appropriate resources (e.g. lead countries, lead persons) and time available to ensure that progress can be achieved in the intersessional period and/or at the next working group and/or Committee meetings;
 - d. describe the intersessional work in a sufficient level of detail so that lead countries and other relevant parties have a clear understanding about their commitments.
26. The Chairman should ensure that the working hours of the plenary meeting respect the working hours of the interpreters (Commission meeting, and occasionally Committee meetings). The plenary meeting may continue without interpretation by unanimous agreement of all Contracting Parties present at the meeting.
27. The plenary meeting may decide by consensus to establish parallel working groups working in one language.

5.3 After a meeting

28. The Chairman of the Commission should limit press briefings to agreements made at the meeting. If approached, Chairmen of subsidiary bodies should refer the press to the Executive Secretary.
29. In particular Chairmen of groups and/or Committees should, in consultation with the Secretariat, review from time to time progress on intersessional work (cf. also § 17.b).
30. If at all possible, the Chairman of a group and/or Committee should attend, and report to, the meeting of the 'next higher level' body. This report should:
- a. supplement a factual report on the outcome of a working group or Committee meeting prepared by the Secretariat and should contain elements of his/her qualitative assessment of the progress achieved;
 - b. highlight any difficulties encountered (e.g. by a group in carrying out the work programme approved by the Commission or lack of progress by a lead country), together with any proposals on the means to resolve them and a request for guidance;

- c. highlight any aspects of a long-term work plan where co-ordination is required within or between Committees or with outside bodies;
- d. report progress on intersessional work;
- e. make general comments regarding the implementation of the OSPAR Strategies and the JAMP.

31. Contracting Parties are invited to include the Chairman of a group in their delegation to attend the meeting of the Commission.

Compilation of paragraphs from the Rules of Procedure relating to the role of Chairmen

1. Election and Role

1. The Commission shall elect a Chairman and two Vice-Chairmen by the unanimous vote of the Contracting Parties present and voting at the meeting. The Chairman and Vice-Chairmen shall serve for a period of two years. In exceptional cases their term of office may be extended for two more years). The Chairman shall preside over Commission meetings, take initiatives and forward proposals to the Commission to promote the efficient operation of the Commission and shall perform any other tasks required by the Commission. Should he/she be unable to perform his/her functions, the Vice-chairmen shall decide on arrangements to cover the chairmanship (cf. Section D of the Rules of Procedure (RoP)).

2. Committees and groups shall elect their chairman by the unanimous vote of the Contracting Parties present and voting at the meetings where the elections are made. Chairmen shall serve for a period of two years unless a different period was decided at the time of election. One of the Chairman's tasks shall be the reporting specified in the Committees' terms of reference and/or work programme. Committees and working groups may also elect one or two Vice-Chairmen by a unanimous vote. Vice-Chairmen shall serve for a period of two years unless a different period was decided at the time of election. The Vice-Chairman shall assist the Chairman and shall replace him/her if he/she is not available (cf. Section F(i) of the RoP).

3. (cf. Section F of the RoP).

2. Responsibilities before meetings

2.1 All Chairmen

4. All Chairmen shall finalise a draft agenda for the meeting, in agreement with the Secretariat and on the basis of a document prepared by the Secretariat (cf. Section G of the RoP).

2.2 Commission Chairman

5. On the request of at least three Contracting Parties, the Commission Chairman shall convene an extraordinary meeting of the Commission in accordance with Article 10.1 of the Convention as soon as practicable after the request (cf. Section C of the RoP).

6. Where space in a meeting room is an issue, the Commission Chairman shall decide upon the distribution of the seats available to specialised NGO observers. According to the Criteria and Procedures governing Observership of Non-Governmental Organisations at Meetings within the framework of the OSPAR Commission, specialised NGO observers may apply to attend the meetings of the Commission for one or more points of the agenda - a total number of six seats will be available (cf. Annex 2, § 4.1a of the RoP).

2.3 Committee Chairmen

7. Where space in a meeting room is an issue, the Committee Chairman shall decide upon the distribution of the available seats to NGO observers requesting participation. According to the Criteria and Procedures governing..... a minimum of 8 seats shall be allocated to general and specialised NGO observers; the meeting host may decide to allocate more than 8 seats. This allocation may include the allocation of a seat for a limited period or for a specific piece of business (cf. Annex 2, § 4.1b of the RoP).

2.4 Chairmen of Working Groups/Intersessional Correspondence Group

8. Where space in a meeting room is an issue, the Chairman of a working group or an ICG shall decide upon the distribution of the available seats to NGO observers requesting participation. A minimum of 6 seats shall be allocated to general and specialised NGO observers; the meeting host may decide to allocate more than 6 seats. This allocation may include the allocation of a seat for a limited period or for a specific piece of business (cf. Annex 2, § 4.1b of the RoP).

3. Responsibilities during meetings

3.1 All Chairmen

9. All Chairmen shall ensure that new proposals for draft Decisions, Recommendations or Descriptions that were not received by the Secretariat in either English or French at least 12 weeks (5 weeks for proposed revisions to existing draft Decisions or Recommendations) before the meeting are only discussed in exceptional cases by unanimous agreement (cf. Section G of the RoP).

10. All Chairmen shall ensure that all documents (other than proposals for Decisions or Recommendations) which were not received by the Secretariat at least 3 weeks before the meeting are only discussed by unanimous agreement (cf. Section G of the RoP).

11. All Chairmen shall use discretion in allowing NGOs to participate in discussions (cf. Annex 2, § 4.2b of the RoP).

12. All Chairmen shall allow NGOs to make proposals, but shall ensure that each proposal is only discussed when there is support from at least one Contracting Party (cf. Annex 2, § 4.2c of the RoP).

3.2 Commission Chairman

13. In the case of disputes, the Commission Chairman shall decide whether a specific question is procedural (i.e. decided by a simple majority) or substantive (i.e. decided by a three quarters majority) (cf. Section H of the RoP).

14. The Commission Chairman shall hold a casting vote if there is an equal vote on a subject for which a simple majority is required (cf. Section H, § 68 of the RoP).

15. Unless other Rules/Regulations apply, in exceptional cases and on a proposal by the Commission Chairman, a written vote may be held between meetings of the Commission (cf. Section H of the RoP).

16. The Commission Chairman shall ensure that the Commission decides on the number of seats for general and specialised NGO observers when establishing an ad hoc working group. This number represents a minimum as the meeting host may allocate more seats (cf. Annex 2, § 4.1b of the RoP).

17. The Commission Chairman and the Executive Secretary may prepare a press notice at the end of a Commission meeting (cf. Section I of the RoP).

4. After meetings

4.1 Commission Chairman

18. In the case that an NGO observer does not participate in the work of the Commission for 2 consecutive years the Chairman shall decide whether its observership status has lapsed or whether its observership should be restricted to the receipt of documents (cf. Annex 2, § 7 of the RoP).

4.2 Committee Chairmen

19. The Committees may, as an exception, decide on the establishment of ad hoc working groups as necessary to contribute to the fulfilment of the Committee's work programme in due time, and if considered necessary to meet before the Commission meeting. In such cases, the Chairman of the relevant Committee shall make a written proposal to the Heads of Delegation of the Commission. If no Contracting Party objects to the proposal within 15 working days after the date on which the proposal was sent, the proposal shall be regarded as accepted (cf. Section F, § 33 of the RoP).

4.3 Chair of working group/ intersessional correspondence group

20. The chair of working groups/Intersessional Correspondence Groups (cf. Section F):

- a. ensuring that all documents for the group are circulated to all members of the group;
- b. arranging any informal meetings which the members of the group agree by consensus to hold;
- c. reporting the outcome of the work of the group to the next meeting of the subsidiary body that established the group or to another meeting identified in the decision to set up the group.

Guidance to Chairmen regarding the adoption of the draft Summary Record by a written procedure after the meeting

Introduction

1. Reports of the meetings of the Commission and of most Committees are prepared by the Secretariat and amended and adopted in plenary before the close of the meeting. As an exception, the Commission or a main Committee may decide that the report of a working group or *ad hoc* working group should be amended and adopted in a written procedure after the close of the meeting. In such cases, the Secretariat should establish with the meeting Chairman the procedural arrangements for any written procedure, taking into account any general advice from the Commission or Committee.

2. In the light of this agreement with the Chairman, the Secretariat will inform delegations well in advance of the practical arrangements for preparing and agreeing the Summary Record in a written procedure. At this time, Delegations will also be invited to ensure that they have a representative present for all relevant parts of the meeting, or (if they choose not to be present throughout) to inform the Chairman about their attendance and the parts of the Agenda on which they wish to contribute.

Content of the Summary Record

3. The Summary Record should concentrate on agreements reached at the meeting; the discussions should only be recorded to the extent that is necessary in order to explain how the agreements were reached and the main points considered. Only where absolutely unavoidable should statements be included that are attributed to specific delegations.

Conduct during the meeting

4. The Chairman should make every effort during the meeting to indicate and summarise clearly those issues where consensus was reached. Where possible, with the help of the delegations or the Secretariat, he should clarify agreements in the course of the meeting by arranging for the preparation of working documents setting out what has been agreed, and ensuring that they are discussed and adopted by the meeting.

5. Towards the end of the meeting, the Chairman should try to devote some time in plenary to the amendment of the 'agreement' paragraphs of any parts of the draft Summary Record made available by the Secretariat during the course of the meeting.

6. The Chairman should ensure that discussions are finalised as far as possible during the meeting, and that the procedure for agreeing the Summary Record is not used as an opportunity to reopen or extend the discussions in plenary.

Procedures for considering and agreeing the Summary Record

7. At the end of the meeting the Chairman should make it clear the procedure for considering and agreeing the Summary Record. Unless there is good reason for some other procedure, this should be that the Secretariat will:

- a. circulate the draft report of the meeting without delay to the National Contact Points and the Heads of the Contracting Party and Observer Delegations present at the meeting, allowing five working days for proposals for amendment to be returned by e-mail or fax;
- b. acknowledge by e-mail receipt of all proposals for amendment of the report;

- c. revise the report on the basis of the comments received from Contracting Parties and Observers present at the meeting, and circulate a second draft report, allowing a further five days to resolve any outstanding issues.
8. Contracting Parties should be made aware that, in the absence of the appropriate Head of Delegation following a meeting where the report is to be amended and adopted in a written procedure, the relevant National Contact Point should take responsibility for ensuring proposals for amendment are returned to the Secretariat in accordance with the timetable.
 9. The Chairman should also agree with Contracting Parties present at the meeting that:
 - a. draft amendments from a Contracting Party or Observer to a statement attributed to it should usually be automatically acceptable to all parties;
 - b. draft amendments from a party on another party's statement or involving the known interest of other parties should as far as possible be agreed bilaterally (or multilaterally) between the proposing party and those parties concerned prior to submission of a final draft amendment to the Secretariat.
 10. If, in the opinion of the Chairman and the Secretariat, no contentious issues are outstanding at the end of the five working days after the circulation of the second draft, the Summary Record will be finalised by the Secretariat and circulated as 'adopted via a written procedure'. If contentious issues remain, they will be resolved, under the guidance of the Chairman, by the Secretariat with the parties involved.