

NGO accreditation and participation in IWC Annual Meetings

1. THIS DOCUMENT

This document has been prepared by the Secretary in consultation with the Advisory Committee for review by the F&A Committee at IWC/58 in St. Kitts and Nevis.

The document:

- provides the background to the Commission's request that the Secretariat work with the Advisory Committee to consider possible changes to the criteria/conditions for NGO accreditation and participation in IWC Annual Meetings;
- describes the current criteria and conditions for IWC and those of other intergovernmental organisations;
- highlights the drawbacks of the current criteria/conditions;
- proposes revised criteria/conditions for NGO accreditation and participation, including a fee structure;
- considers how any revised criteria/conditions might be introduced;
- proposes draft revised Rules of Procedure that would give effect the revised criteria/conditions; and
- identifies the actions required by the F&A Committee.

2. BACKGROUND

Before IWC/56 in 2004, the Secretariat was approached by a representative of one of the large environmental NGOs regarding changes that a number of them would like to rules of NGO accreditation in particular but also in their level of participation in Commission affairs. These organisations noted that conditions for their observership at IWC differ markedly from those applying in some other multilateral fora, particularly those formed in more recent years. Other intergovernmental organizations tend to allow for the participation (to a greater or lesser extent) of national, as well as international NGOs, and some permit the participation of a larger number of observers per organization and accord NGOs speaking rights.

The Secretariat brought this matter to the attention of the Advisory Committee to seek advice on the best way to proceed. The Advisory Committee agreed that this issue should be brought to the attention of the F&A Committee, and that the best way to do this was for it to develop a paper outlining the issues raised and the potential implications of these.

The paper prepared by the Advisory Committee for IWC/56 (IWC/56/F&A 6) focused on NGO participation in the Commission and its sub-groups excluding the Scientific Committee. It noted that should the Commission decide to consider whether, and if so how, its Rules of Procedure might be amended to accommodate the wishes of some NGOs for more active participation, certain requirements are paramount, i.e. changes in the rules should not:

- impede the orderly and timely conduct of business in meetings of the Commission or its subsidiary bodies;
- result in an increase in the IWC's costs nor a diminution in its income;
- significantly increase either the number of NGO observers present at meetings, nor the volume of documentation which the IWC Secretariat is required to produce to accommodate them.

With these considerations in mind, the Advisory Committee suggested that it might be appropriate and reasonable to consider the four issues covered in Table 1, paying particular attention to potential implications they may have to cost and the orderly conduct of meetings. The Advisory Committee's paper was reviewed by the F&A Committee at IWC/56 and following its recommendations, the Commission agreed that the Secretariat should work with the Advisory Committee intersessionally to explore how issues 1-3 might be implemented and to report to the F&A Committee at IWC/57. The Commission agreed that the issue of speaking rights should be set aside for the time being. No further consideration has therefore been given to this matter.

At the F&A Committee meeting in Ulsan, the Secretariat reported that due to other commitments during the year, no work had taken place on this matter. On the recommendation of the F&A Committee, the Commission agreed to carry this work forward to the next intersessional period. Recognising the differences in scale of different NGOs, it was also agreed that the Advisory Committee should, in addition to items 1-3, give consideration to the fee structure for NGOs.

Table 1. Some potential changes to Rules of Procedure that might be considered in the light of NGO requests (taken from Document IWC/56/F&A 6)

Issue	Comments
1. To remove the requirement that non-governmental organizations maintain offices in more than three countries.	While the intention of this requirement was to reflect the fact that IWC is an international organization, its effect is to exclude organizations whose focus may be national but directly relevant to the work of the Commission. If this particular requirement is removed it may be appropriate to consider some other form of filtering mechanism to limit the number of organizations for practical reasons (and see 2 below). Examples of possible filters are: limiting to incorporated bodies – charity, company limited by guarantee; requiring a minimum number of members or years in existence, etc.
2. To allow accredited NGO's to send up to [five?] representatives to IWC meetings as observers with the possibility of all observers being in the meeting room at any one time.	The 'one observer' rule has encouraged larger organizations to create/use what might be termed 'flag of convenience' organizations whose principal purpose would appear to be to gain access to IWC meetings. While the Secretariat checks that NGOs provide addresses in at least 4 countries, it is not practical to check whether they are bone fide. If more observers per organization were admitted, one might expect that many of these 'flag of convenience' organizations would not be used, such that the total number of persons actually attending meetings and having access to documents would not increase significantly. However, there is no guarantee that this would be the case. [Five?] observers is fewer than some NGOs have suggested, but is clearly more than some of the smaller ones could muster; whether the reduction in the number of organizations would be more or less than the increase in the numbers representing the remaining organizations is unknown and would need to be tested. If there is a change, it should be done on a trial basis. Another possibility would be to set a maximum number of NGO observers on some sort of first come/first served basis. Some consideration could be given to whether NGOs should also be allowed to nominate alternates in addition to the [five] observers, and if so, how many and whether they should be provided with documents.
3. To revise the fee structure for NGOs, such that the effect of the changes listed above is fee-neutral in the year of its introduction and that thereafter, fees should not in general increase by more than such an amount as is necessary to keep pace with inflation in the UK (as host country to the IWC).	Some NGOs have observed that the proportion of the total budget of the IWC which is effectively borne by them and the charges for each NGO are significantly higher than is the case in respect of other intergovernmental organizations. Nevertheless, in view of the current debate within the IWC about the way in which the contributions of Contracting Governments are set, it would currently be inappropriate to reduce the NGOs contribution to the budget. A mechanism to keep the change fee-neutral in the first year would need to be developed and may require setting fees per individual NGO observer rather than per organization as is the case at present. It may also be linked to the filtering mechanism referred to in 1. above. Some consideration could be given to allowing higher than inflation increases if it could be shown that the participation of NGOs gives rise to specific additional costs in particular circumstances (e.g. because there is a premium on hiring the additional space necessary to accommodate them at meetings), in which case a one-off increase in fees could be proposed for the year in question. An alternative would simply be to set a limit on the number in accordance with the size of the venue.
4. To formally confirm the right of NGO representatives to speak at IWC meetings, but with some limitation on the number of interventions that could be made. ¹	A number of treaties and agreements grant NGOs some right to speak. When considering whether or not to formally grant speaking rights to NGOs at IWC meetings several factors should be borne in mind. Unfettered speaking rights for NGOs could make the conduct of business difficult and might encourage some to attempt to block progress on items of business with which they were out of sympathy. Some limitations would therefore need to be imposed. Currently, observers from intergovernmental organizations (IGOs) are allowed to make only one intervention on a substantive agenda item in any one meeting and are asked to inform the Chair in advance of the item under which they wish to speak. (This understanding was developed by Commissioners at IWC/53 but is not formalized in any rules.) Clearly it would be inappropriate for NGOs to be given greater speaking rights than IGOs. However, the current restrictions on IGOs are perhaps rather too severe, and consideration could be given to allowing each IGO to have up to [three?] interventions on substantive items per meeting. A similar approach could be applied to NGOs, but in this case, one would need to consider: (1) limiting the number of NGOs allowed to speak on any one item and applying time limits (otherwise debates could become unmanageable); and (2) whether there are some items on which it would be inappropriate for NGOs to make an intervention. Granting speaking rights to NGOs is not a straightforward matter, and in addressing this issue, there needs to be a clear understanding of the advantage of this change to the business of the Commission given that NGO representatives may be included on national delegations (and thereby have some influence on national positions), that NGOs may submit documents to the Commission provided they are sponsored by a Contracting Government and they are able to lobby national delegates directly. If speaking rights were granted, it would be wise to do this on a trial basis.

¹ At IWC/56, the Commission agreed that the issue of speaking rights should be set aside for the time being. No further consideration has therefore been given to this matter.

3. CURRENT CONDITIONS FOR NGO ACCREDITATION AND PARTICIPATION IN IWC AND OTHER INTERGOVERNMENTAL ORGANISATIONS

IWC

The conditions under which NGOs attend and participate in IWC meetings are determined by Rules of Procedure and by custom.

The Rules of Procedure which currently apply to NGOs are:

C. OBSERVERS

1. (a).....

(b) Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer:

- if such international organisation has previously attended any meeting of the Commission,
- or
- if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request.

Once an international organisation is accredited, it remains accredited until the Commission decides otherwise.

(c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Annual Meeting

2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.

By custom (i.e. not included in any rule), an NGO may send one observer and any number of alternates to a meeting, but only one observer (plus an interpreter as appropriate) is allowed into a meeting room at any one time. The registration fee is charged per organisation, not per individual observer. Recently the fee per organisation has been: £550 in 2003, £570 in 2004 and £590 for 2005. This year it is set at £610. Currently each NGO is supplied with one set of documents, with a second set being provided to those organisations with interpreters.

Unlike other intergovernmental organisations (see below), IWC does not require NGOs to have any special interest or competence in the matters addressed by the Commission.

Other intergovernmental organisations

In considering revisions to the conditions for NGO accreditation and participation, it would be useful to review conditions applied in other intergovernmental fora. Information on rules and procedures regarding observation by NGOs in the decision-making bodies of the following intergovernmental organisations is summarised in the Annex:

Fisheries management bodies

- CCAMLR: Commission for the Conservation of Antarctic Marine Living Resources
- CCSBT: Commission for the Conservation of Southern Bluefin Tuna
- IATTC/AIDCP: Inter-American Tropical Tuna Commission/Agreement on the International Dolphin Conservation Program
- ICCAT: International Commission for the Conservation of Atlantic Tunas
- NEAFC: North East Atlantic Fisheries Commission
- NAFO: Northwest Atlantic Fisheries Organisation

Other bodies

- FAO: Food and Agriculture Organisation
- CBD: Convention on Biological Diversity
- CITES: Convention on International Trade in Endangered Species of Wild Flora and Fauna
- CMS: Convention on Migratory Species
- Ramsar: Convention on Wetlands

Eligibility for observership:

Each of these organisations requires that NGOs admitted to their meetings as observers have a demonstrated interest/competency/experience in the work of the particular organisation. Some of them (e.g. FAO, ICCAT, NEAFC and NAFO) request that an NGO seeking to participate must provide quite extensive information, including some or all of the following:

- Name, address, telephone and fax number of the organisation and the person(s) proposed to represent them;
- Address of all its national/regional offices;
- Aims and purposes of the organisation and an indication as to how they relate to the objectives of the intergovernmental organisation they wish to observe;
- Information on the organisation's total number of members, its decision-making process and its funding;
- A brief history of the organisation and a description of its activities;
- A history of observer status granted/revoked by that intergovernmental organisation;
- Information or input that the organisation proposes to present at the meeting in question.

None require NGOs to be international. However, for CITES, a national NGO must be approved as being technically qualified by the State in which it is located.

Possibility to object to NGO participation

Most of the organisations surveyed allow application for observer status to be denied. For one (CCAMLR), a single objection from a member government is sufficient, for others either one-third or a majority of members present and voting must object.

Delegation size:

None of the organisations surveyed put an absolute restriction on delegation size or numbers of observers from any one organisation allowed in a meeting room. However:

- IATTC stipulates that the overall number of observers shall not be so large as to hinder its work
- some of them (ICCAT, NEAFC and NAFO) note that conference capacity may require that a limit be placed on the number of observers from each NGO, with any such limitations being included in the conditions of participation;
- others (CITES, CMS, Ramsar) note that seating limitations may require that no more than two observers per NGO may be present.

Fees:

The Rules of Procedure of several of the organisations surveyed only indicate that observers *may* be required to pay a fee for their participation at meetings (e.g. to contribute to additional expenses incurred by their participation, such as the provision of documents). Often, fees are determined/set by the Head of the Secretariat. CITES has a minimum fee of 600 USD (~£344), '*except as otherwise directed by the Secretariat*'. In practice, the CITES Secretariat does decide otherwise. For a small number of NGOs, the fee may be waived. If a meeting is being held in a developing country, the fee may be waived or significantly reduced for observers from the host government's national NGOs (e.g. to 100 USD per person). For the rest, 600 USD is charged for the first observer from any NGO and 300 USD for each additional observer from the same organisation. The fee includes a set of in-session documents, but pre-circulated documents are not provided as they are available on the CITES website.

4. DRAWBACKS WITH CURRENT IWC CONDITIONS FOR NGO ACCREDITATION AND PARTICIPATION

As indicated in Table 1, the requirement for NGOs to be 'international', having offices in at least 4 countries, nominally excludes organisations whose focus may be national but directly relevant to the work of the Commission. Strictly speaking, the requirement for offices in at least 4 countries also excludes, for example, industry associations who represent companies operating in many countries but who generally have association offices in only one or two countries. Given the potentially important impact on cetaceans of some industries (e.g. oil and gas exploration, shipping, chemicals), it would seem only helpful for such industry associations to be eligible for accreditation as this would provide a more effective route of communication than having to deal with individual companies. The Scientific Committee's work on the potential impact of oil and gas exploration on western North Pacific gray whales is a case in point. In addition, while the Secretariat checks that NGOs applying for accreditation provide addresses in at least 4 countries, it is not practical to check whether they are *bona fide*. Frequently some of the addresses provided have the appearance of a private rather than business/office address, suggesting that there is some abuse of the current system and that some organisations that are essentially national in nature receive accreditation.

Also as indicated in Table 1, the restriction to one observer per NGO in the meeting room at any one time has encouraged larger organisations to create/use what might be termed 'flag of convenience' organisations whose principal purpose would appear to be to gain access to IWC meetings - the link between some accredited NGOs and the work of IWC is certainly not immediately apparent (e.g. International Primate Protection League, Save the Children, Women's International League for Peace and Freedom). Personal communication with one of the large environmental NGOs suggests that there are some 30 'flag of convenience' organisations for conservation/welfare groups and around 15 for pro-whaling groups. The Secretariat believes that there is also some abuse in the nomination of interpreters so as to allow more than one person per organisation to gain access to meetings.

5. CONSIDERATION OF REVISED CONDITIONS FOR NGO ACCREDITATION AND PARTICIPATION

While the current conditions could be argued to 'work' without creating major problems, with NGO participation being limited to manageable levels (e.g. in terms of document provision and seating arrangements), they are abused and may also discourage some organisations from becoming involved. Given the drawbacks as described above, and considering the approach used by other intergovernmental organisations, the Advisory Committee and Secretariat propose that the following revised criteria/conditions be considered:

- (1) That NGOs seeking accreditation to IWC should have a demonstrated interest/competence/experience in the work of IWC. It does not seem unreasonable to require accredited NGOs to be involved in work related to cetacean conservation and management.
 - Consideration could be given to whether detailed information similar to that requested by FAO, ICCAT, NEAFC and NAFO is necessary (see section 3 above).
- (2) That national as well as international organisations should be eligible for accreditation.
 - It may be useful to follow the approach used by CITES and require that a national NGO must be approved as being technically qualified by the State in which it is located. Such a requirement could help limit the total number of organisations becoming accredited. The CITES Secretariat has indicated (personal communication) that the requirement for national NGOs to be 'approved' has not really caused problems. Mostly it is the CITES Management Authority of each country that decides on whether to approve an NGO. Some countries have quite formal procedures for giving NGO approval, but this is not so in all. CITES has no standardised way for determining whether an NGO is technically qualified, and it appears that some Parties are more stringent than others.
- (3) That up to five observers from any single organisation be allowed in the meeting room at any one time, but include the proviso that seating limitations may require that no more than two observers per NGO may be present.
 - Personal communication with one of the large environmental NGOs suggested that in general, most organisations would not wish to send more than 5 individuals, but consideration could be given to allowing the nomination of alternates in addition to the five observers.
 - Consideration needs to be given as to whether the allowance of 5 observers should include any interpreters or whether interpreters would be in addition.
- (4) Each observer, and any interpreter, would receive copies of documents made available at the meeting but would be expected to provide their own copies of documents made available in advance via IWC's website. Any nominated alternates (if it is decided such nominations should be allowed) would not receive copies of documents made available at the meeting.
- (5) That registration fees be charged per observer, rather than per organisation as at present.
 - Consideration could be given to following the approach of CITES with the fee being higher for the first observer and somewhat less for additional observers. Alternatively, the fee could be the same for each observer regardless of how many observers an organisation sends. If it is necessary at any time to impose a seat restriction, as mentioned in (3) above, only those observers having a seat would attract a fee.
 - Consideration could be given as to: (a) whether there are circumstances in which the fee should be waived or reduced (as in CITES); and (b) whether there should be a charge for interpreters.

No proposals are made regarding criteria: (a) for Contracting Governments to object to the accreditation of a particular NGO; or (b) for the Commission to withdraw accreditation. With respect to the former, the F&A Committee may wish to consider whether criteria should be set (e.g. denial of accreditation would occur if there were objections by a majority of Contracting Governments). With respect to withdrawal of accreditation, the current situation is that once an international organisation is accredited, it remains accredited unless the Commission decides otherwise (Rule of Procedure C.1(b)). Given that an NGO Code of Conduct is currently being developed, which may include consideration of the withdrawal of accreditation, it would appear sensible to continue the *status quo*. In addition, while some intergovernmental organisations appear to require NGOs to request observer status for each meeting, this appears to be somewhat unnecessary and burdensome for both NGOs and the Secretariat (who will have to administer such requests).

Effect of the proposed revised conditions on the number of observers

The number of organisations and individuals attending IWC Annual Meetings between 2000 and 2005 and the income generated is shown in Table 2.

Table 2. Number of organisations and individual observers attending IWC Annual Meetings and income generated.

Year	Location	Number of organisations	Number of individuals			Income (£) (actual)
			Observers	Interpreters	Total	
2000	Adelaide	88	111	19	130	
2001	London	101	131	21	152	
2002	Shimonoseki	97	130	29	159	
2003	Berlin	91	113	30	143	52,700
2004	Sorrento	86	109	20	129	50,700
2005	Ulsan	70	84	24	108	45,000
	Mean	89	113	24	137	49,500

The mean income for the years 2003-2005 generated in Table 2 is based on actual income and therefore does not take inflation into account. However, since inflation has been low in recent years and an accurate estimate of income is not needed (particularly in view of fluctuations in the number of organisations and individuals attending from year to year), a mean of around £50,000 is probably good enough for these purposes.

The Secretariat estimates that at recent venues, it would have been able to provide seating for up to 120-140 NGO observers.

There is a risk that removing the requirement for NGOs to be 'international' and allowing up to 5 observers per organisation to be present in the meeting room at any one time may lead to a significant expansion in number of NGO observers. However, in making these changes one could expect that many of the current 'flag of convenience' organisations would not be used and that the total number of persons attending meetings and having access to documents would not increase significantly. If it is correct that there are around 45 'flag of convenience' organisations, this would suggest that there are really around 45 mainstream NGOs that would attend (based on the average numbers in Table 2), not all of which would wish to send up to 5 observers.

It is difficult to assess in advance the effect on numbers. Consequently it would be wise to introduce any new criteria on a trial basis initially. Although, as suggested above, numbers could be limited to 2 persons per organisation in cases where seating would be limited. The Secretariat would be able to provide guidance on this sufficiently far in advance of an Annual Meeting to enable NGOs to plan accordingly.

Proposed fee structure

As indicated above, it is suggested that registration fees are charged per observer rather than per organisation as at present. This could be done, for example by having the fee higher for the first observer and somewhat less for additional observers. Alternatively, the fee could be the same for each observer regardless of how many observers an organisation sends since each observer receives the same services (e.g. seats in meeting rooms, documents). Three options for consideration are given below. They are based on the requirement to achieve a similar income to that under the current fee structure (i.e. be cost-neutral in the first year of its introduction) and on the assumption that with the changes proposed there would be in the order of 45 NGOs seeking accreditation but with a similar number of individuals attending (i.e. 140 including interpreters, based on the average numbers in Table 2). The options also assume that either interpreters pay a fee or that there are very few interpreters.

Option 1

Levy a fee of £610 for the first observer for each organisation (i.e. the fee for 2006) and half that for each additional observer, i.e.

45 organisations @ £610 for the first observer	27,450
95 additional observers @ £305	<u>28,975</u>
TOTAL	56,425

Option 2

Levy a fee of £500 for the first observer for each organisation and £335 (i.e. two-thirds of the first observer fee) for each additional observer, i.e.

45 organisations @ £500 for the first observer	22,500
95 additional observers @ £335	<u>31,825</u>
TOTAL	54,325

Option 3

Levy a fee of £360 for each observer, i.e.

140 observers @ £360	50,400
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Recognising the differences in scale (and therefore likely income) of different NGOs, at IWC/57, the Commission asked the Advisory Committee to give consideration to the fee structure for NGOs. While none of the three options explicitly recognise the 'wealth' of an individual NGO, the larger NGOs tend to send more observers and thus their scale is recognised through the charge per individual rather than per organisation. It may be considered that Option 1 has the disadvantage that small NGOs sending only a single observer would pay the same as they do at present, while larger organisations currently using 'flag of convenience' organisations would pay quite a bit less. Options 2 and 3 might therefore be seen as somewhat 'fairer'.

There are, of course, many other possibilities.

6. MECHANISM FOR INTRODUCING ANY REVISED CRITERIA/CONDITIONS FOR NGO ACCREDITATION AND PARTICIPATION

With respect to introducing revised criteria for NGO accreditation, the most simple approach would be, once the criteria have been agreed by the Commission (and revised Rules of Procedure adopted?), for the Commission to withdraw accreditation from all currently accredited NGOs and invite new applications according to the new criteria.

With respect to revised conditions on numbers of observers allowed per NGO and fee structure, it may be sensible to introduce changes on a trial basis so as to be able to determine the impact on observer numbers and income and then to make alterations as necessary.

7. DRAFT REVISED RULES OF PROCEDURE

Proposed draft revised Rules of Procedure to give effect to the proposed revised criteria/conditions for NGO accreditation and participation in IWC meetings are given in Table 3 and are compared with the current Rules of Procedure in Table 4.

8. ACTION REQUIRED BY THE F&A COMMITTEE

The F&A Committee is invited to:

- (i) *review and comment on the document;*
- (ii) *address the issues identified in Table 5 and any other matters considered appropriate; and based on these discussions,*
- (iii) *make recommendations to the Commission regarding any changes to the criteria/conditions for NGO accreditation and participation in IWC meetings, including any required revisions to the Rules of Procedure.*

Table 3. Proposed draft revised Rules of Procedure to give effect to the proposed revised criteria/conditions for NGO accreditation and participation in IWC meetings

Proposed revised conditions for NGO accreditation and participation	Draft revised Rules of Procedure
(1) That NGOs seeking accreditation to IWC should have a demonstrated interest/competence/experience in the work of IWC. It does not seem unreasonable to require accredited NGOs to be involved in work related to cetacean conservation and management. Consideration could be given to whether detailed information such as that requested by FAO, ICCAT, NEAFC and NAFO is necessary (see section 3 above).	Any non-governmental organisation with a demonstrated interest and technical competence in [any of] the areas of work covered by the Commission is eligible for accreditation as an observer. Requests for accreditation must be submitted in writing to the Commission at least 60 days prior to the start of a meeting. [National non-governmental organisations must be approved for this purpose by the State in which they are located.] [Requests for accreditation must include the following information: <ul style="list-style-type: none"> • Contact details for the principal address that should be used by the Commission for all correspondence (i.e. name, address, telephone, fax number, email); • Aims and purposes of the organisation, a description of its activities and addresses of all its national/regional offices; • Information on the organisation's total number of members [, its decision-making processes and its funding]; • [For national non-governmental organisations, evidence of the approval of the State in which they are located.]]
(2) That national as well as international organisations should be eligible for accreditation. It may be useful to follow the approach used by CITES and require that a national NGO must be approved as being technically qualified by the State in which it is located. Such a requirement could help limit the total number of organisations becoming accredited.	
(3) That up to five observers from any single organisation be allowed in the meeting room at any one time, but include the proviso that seating limitations may require that no more than two observers per NGO may be present. (Personal communication with one of the large environmental NGOs suggested that in general, most organisations would not wish to send more than 5 individuals, but consideration could be given to allowing the nomination of alternates in addition to the five observers.)	Once a non-governmental organisation is accredited, it remains accredited until the Commission decides otherwise. Up to five observers [including interpreters] from each accredited non-governmental organisation will be allowed access to a meeting room. [Accredited non-governmental organisations wishing to send more than five observers may nominate alternates.] However, seating limitations may require that no more than two observers may be present in a meeting room. The Secretariat will notify accredited non-governmental organisations of any seating limitations sufficiently far in advance of a meeting to enable the organisations to plan their attendance accordingly.
(4) Each observer, and any interpreter would receive copies of documents made available at the meeting but would be expected to provide their own copies of documents made available in advance via IWC's website. Any nominated alternates (if it is decided such nomination should be allowed) would not receive copies of documents made available at the meeting.	<i>Propose that this is not dealt with in a Rule of Procedure, but perhaps made explicit in the letter of invitation to meetings sent out to accredited NGOs.</i>
(5) That registration fees be charged per observer, rather than per organisation as at present []. If it is necessary at any time to impose a seat restriction, as mentioned in (3) above, only those observers have a seat would attract a fee. Consideration could be given as to: (a) whether there are circumstances in which the fee should be waived or reduced (as in CITES); and (b) whether there should be a charge for interpreters.	<i>Current Rule of Procedure C.1.(c) is sufficiently general to cover the changes to fee structure proposed. Therefore no changes to the rules required.</i>

Table 4. Comparison of current Rules of Procedure with the proposed revisions

Current Rules of Procedure	Proposed revision
C. OBSERVERS 1. (a) Any Government not a party to the Convention or any intergovernmental organisation may be represented at meetings of the Commission by an observer or observers, if such non-party government or intergovernmental organisation has previously attended any meeting of the Commission, or if it submits its request in writing to the Commission 60 days prior to the start of the meeting, or if the Commission issues an invitation to attend.	C. OBSERVERS 1. (a) <i>no change proposed</i>
(b) Any international organisation with offices in more than three countries may be represented at meetings of the Commission by an observer: <ul style="list-style-type: none"> • if such international organisation has previously attended any meeting of the Commission, or • if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. Once an international organisation is accredited, it remains accredited until the Commission decides otherwise.	(b) Any non-governmental organisation with a demonstrated interest and technical competence in [any of] the areas of work covered by the Commission is eligible for accreditation as an observer. Requests for accreditation must be submitted in writing to the Commission at least 60 days prior to the start of a meeting. [National non-governmental organisations must be approved for this purpose by the State in which they are located.] [Requests for accreditation must include the following information: <ul style="list-style-type: none"> • Contact details for the principal address that should be used by the Commission for all correspondence (i.e. name, address, telephone, fax number, email); • Aims and purposes of the organisation, a description of its activities and addresses of all its national/regional offices; • Information on the organisation's total number of members [, its decision-making processes and its funding]; • [For national non-governmental organisations, evidence of the approval of the State in which they are located.]] Once a non-governmental organisation is accredited, it remains accredited until the Commission decides otherwise.
	(c) Up to five observers [including interpreters] from each accredited non-governmental organisation will be allowed access to a meeting room. [Accredited non-governmental organisations wishing to send more than five observers may nominate alternates.] However, seating limitations may require that no more than two observers may be present in a meeting room. The Secretariat will notify accredited non-governmental organisations of any seating limitations sufficiently far in advance of a meeting to enable the organisations to plan their attendance accordingly.
(c) The Commission shall levy a registration fee and determine rules of conduct, and may define other conditions for the attendance of observers accredited in accordance with Rule C.1.(a) and (b). The registration fee will be treated as an annual fee covering attendance at the Annual Meeting to which it relates and any other meeting of the Commission or its subsidiary groups as provided in Rule C.2 in the interval before the next Annual Meeting	(d) <i>no change proposed to current C.1.(c) which becomes C.1.(d)</i>
2. Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee.	2. <i>no change proposed</i>

Table 5. Issues for consideration by the F&A Committee

Proposals:	Issues for consideration
(1) That NGOs seeking accreditation to IWC should have a demonstrated interest/competence/experience in the work of IWC. It does not seem unreasonable to require accredited NGOs to be involved in work related to cetacean conservation and management.	<ul style="list-style-type: none"> Consider whether there should be a requirement for NGOs seeking accreditation to have a demonstrated interest/competence/experience in the work of IWC, and if so, how such a requirement could best be expressed. Consider whether detailed information similar to that requested by FAO, ICCAT, NEAFC and NAFO is necessary.
(2) That national as well as international organisations should be eligible for accreditation.	<ul style="list-style-type: none"> Consider whether there should no longer be a requirement for NGOs to be 'international'. If national NGOs could become accredited, consider whether such NGOs should be approved as being technically qualified by the State in which it is located.
(3) That up to five observers from any single organisation be allowed in the meeting room at any one time, but include the proviso that seating limitations may require that no more than two observers per NGO may be present.	<ul style="list-style-type: none"> Consider whether up to 5 observers from any single NGO being allowed into the meeting room at any one time is about right, too many or too few. Consider whether the nomination of alternates should be allowed. Consider whether interpreters should be included within the maximum number allowed, or whether they should be in addition, and if so, how many would be allowed.
(4) Each observer, and any interpreter, would receive copies of documents made available at the meeting but would be expected to provide their own copies of documents made available in advance via IWC's website. Any nominated alternates (if it is decided such nominations should be allowed) would not receive copies of documents made available at the meeting.	<ul style="list-style-type: none"> Consider whether provision of documents in this manner is acceptable.
(5) That registration fees be charged per observer, rather than per organisation as at present.	<ul style="list-style-type: none"> Review the three options proposed in section 5 and develop a proposal accordingly, including whether interpreters should be charged a fee.
(6) Introduction of any revised criteria/conditions (Section 6) and proposed draft revised Rules of Procedure (Tables 3 and 4).	<ul style="list-style-type: none"> Consider how any changes should be introduced. Consider whether it would be useful to develop proposed revised Rules of Procedure for review by the Commission, and if so, review the draft rules in Tables 3 and 4 and amend as necessary.

ANNEX

Rules and procedures regarding observation by NGOs in decision-making bodies of other intergovernmental organisation

The relevant rules, procedures and Convention Articles regarding observation by NGOs in the decision-making bodies of the following intergovernmental organisations is summarised in Table I:

Fisheries management bodies

- CCAMLR: Commission for the Conservation of Antarctic Marine Living Resources
- CCSBT: Commission for the Conservation of Southern Bluefin Tuna
- IATTC/AIDCP: Inter-American Tropical Tuna Commission/Agreement on the International Dolphin Conservation Program
- ICCAT: International Commission for the Conservation of Atlantic Tunas
- NEAFC: North East Atlantic Fisheries Commission
- NAFO: Northwest Atlantic Fisheries Organisation

Other bodies

- FAO: Food and Agriculture Organisation
- CBD: Convention on Biological Diversity
- CITES: Convention on International Trade in Endangered Species of Wild Flora and Fauna
- CMS: Convention on Migratory Species
- Ramsar: Convention on Wetlands

The relevant rules, procedures and Convention Articles themselves can be provided on request to the Secretariat.

The Secretariat contacted all of the above organisations to enquire as to their rules regarding NGO participation and also whether they had had the need to develop a Code of Conduct for NGOs. Information on the existence of Codes of Conduct was requested on behalf of the Working Group (led by Iceland) that was tasked by the Commission at IWC/54 to develop a code for IWC.

Table I. Rules and procedures regarding observation by NGOs in decision-making bodies of other intergovernmental organisations

Fisheries Bodies	Eligibility	Other	Code of conduct?
CCAMLR	<p>Apart from co-operation as appropriate with FAO and other Specialised Agencies, the Convention requires that the Commission and Scientific Committee shall 'seek to develop co-operative working relationships, as appropriate, with inter-governmental and non-governmental organisations which could contribute to their work, including the Scientific Committee on Antarctic Research, the Scientific Committee on Oceanic Research and the International Whaling Commission'. [Article XXIII.2 & 3]</p> <p>The above-mentioned organisations are invited, as appropriate to meetings as observers. Other NGOs to which Article XXIII may apply may be invited, as appropriate unless a Commission Member objects. [Rule 30]</p>	<p><u>Which meetings they can attend</u> Observers may be present at public and private sessions of the Commission. [Rule 33(a)]</p> <p><u>Speaking and voting rights</u> Observers may speak at the invitation of the Chair unless a Member of the Commission objects. Observers are not entitled to participate in the taking of decisions. [Rule 34]</p> <p><u>Submission of documents</u> Observers may submit 'for information' documents to the Secretariat for distribution to Members. Documents must be relevant to matters under consideration in the Commission. [Rule 35(a)]</p>	<p><u>CCAMLR Secretariat comment:</u> Other than the statutory requirements in the Convention and Rules of Procedure, CCAMLR has no other stipulated guidelines or rules to govern the participation of NGO observers in its meetings. There is an implicit veto for Members when inviting an NGO to attend, but after that, NGO participation is at the discretion of the Chair of the meeting. [pers. comm.. with CCAMLR Secretariat, 06/02/06]</p>
CCSBT	<p>Executive Secretary may, with approval of all Members, invite, on request, any NGO having special competence concerning southern bluefin tuna or competency to contribute to the attainment of the objectives of the Convention. An NGO must provide information explaining its competence in these areas to the Executive Secretary. [Rule 3.1]</p> <p>Members objecting to inviting a particular organisation must provide a written explanation. This is circulated to all Members and to the organisation concerned by the Executive Secretary. [Rule 3.5]</p> <p>Decisions on who will be invited to attend a Commission meeting are made at the meeting immediately preceding the one to which the invitation shall be extended. [Rule 3.3]</p>	<p><u>Which meetings they can attend</u> Observers may be present at public and private sessions of the Commission, but a Member can request that the Commission meets without observers present to decide whether the discussion of a particular agenda item shall be restricted to Members. [Rule 7]</p> <p><u>Speaking and voting rights</u> Observers may speak at the invitation of the Chair unless a Member objects. Observers are not entitled to participate in the taking of decisions and cannot vote. [Rule 34]</p> <p><u>Submission of documents</u> Observers may submit 'for information' documents to the Executive Secretary for distribution to Members. Documents must be relevant to matters under consideration in the Commission. [Rule 35(a)]</p>	<p><u>CCSBT Secretariat comment:</u> CCSBT does not have a code of conduct for NGOs. It feels its rules for NGO observers are quite tough and in recent years no NGO has requested to attend. [pers. Comm..with CCSBT Secretariat, 24/01/06]</p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
IATTC/ AIDCP	<p><u>IATTC</u> NGOs with a legitimate interest in the work of the Commission may send observers to meetings, unless at least one-third of the Members object for cause in writing. [Antigua Convention, Annex 2, para 7 and Rule 2]</p>	<p><u>IATTC:</u> <u>Which meetings they can attend</u> All meetings of the Commission and its subsidiary bodies except meetings held in executive session or meetings of Heads of Delegation. [Antigua Convention, Annex 2, para 2]</p> <p><u>Speaking and voting rights</u> Observers may make oral statements during meetings upon invitation of the Chairman [Antigua Convention, Annex 2, para 9]. Rule 4 indicates that observers may take the floor with the authorisation of the Chairman provided no member objects. Observers cannot vote.</p> <p><u>Submission of documents</u> Observers may distribute documents at meetings with the approval of the Chairman. [Antigua Convention, Annex 2, para 9]</p> <p><u>Delegation size</u> The overall number of observers shall not be so large as to hinder the work of the Commission [Rule 4]</p> <p><u>Fees</u> The Director may require non-Party and NGO observers to pay reasonable fees and to cover costs attributable to their attendance. [Rule 10]</p>	<p>Observers are required to comply with all rules and procedures applicable to other participants in a meeting. Any NGO that does not comply with these rules and procedures shall be excluded from further participation in meetings unless the Commission decides otherwise. [Antigua Convention, Annex 2, paras 11 & 12]</p> <p><u>IATTC Secretariat comment:</u> IATTC has no code of conduct for observers and so far has not needed one [pers. comm. with IATTC Secretariat, 24/01/06]</p>
	<p><u>AIDCP</u> NGOs with recognised experience in matters pertaining to the Agreement are eligible to participate as observers unless a majority of the Parties formally objects for cause in writing at least 30 days before the beginning of the meeting in question. [AIDCP, Annex X, paras 2 & 5]</p>	<p><u>AIDCP</u> <u>Which meetings they can attend</u> All meetings of the Parties except meetings held in executive session or meetings of Heads of Delegation. [AIDCP, Annex X, para 2]</p> <p><u>Speaking and voting rights</u> Observers may make oral statements during meetings upon invitation of the Chairman. [AIDCP, Annex X, para 5]</p> <p><u>Submission of documents</u> Observers may distribute documents at meetings with the approval of the Chairman. [AIDCP, Annex X, para 6]</p> <p><u>Fees</u> The Director may require NGO observers to pay reasonable fees and to cover costs attributable to their attendance (e.g. copying expenses). [AIDCP, Annex X, para 7]</p>	<p>All observers admitted to a Meeting of the Parties shall comply with all rules and procedures applicable to other participants in the meeting.</p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
ICCAT	<p>All NGOs that support the objectives of ICCAT and with demonstrated interest in the species under the purview of ICCAT should be eligible to participate as an observer unless one-third of Contracting Parties object in writing.</p> <p>When seeking participation as an observer, NGOs must provide the following information:</p> <ul style="list-style-type: none"> • Name, address, telephone and fax number of the organization; • Address of all its national/regional offices; • Aims and purposes of the organization and an indication as to how they relate to the objectives of ICCAT; • A brief history of the organization and a description of its activities; • Any papers produced by or for the organization on the conservation, management or science of tunas or tuna-like species; • A history of ICCAT observer status granted/revoked; • Information or input that the organization proposes to present at the meeting in question. <p><i>[Guidelines and Criteria for Granting Observer Status at ICCAT meetings, paras 2, 3 & 4]</i></p>	<p><u>Which meetings they can attend</u> All meetings of the organisation and its subsidiary bodies, except extraordinary meetings held in executive session or meetings of Heads of Delegation. <i>[Guidelines and Criteria..., para 2]</i></p> <p><u>Speaking and voting rights</u> NGOs may make oral statements during a meeting upon the invitation of the presiding officer but they may not vote. <i>[Guidelines and Criteria..., para 5]</i></p> <p><u>Submission of documents</u> NGOs may distribute documents at meetings through the secretariat. <i>[Guidelines and Criteria..., para 5]</i></p> <p><u>Delegation size</u> The Executive Secretary will determine whether, due to conference capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. Any such limitation will be included in the conditions of participation. <i>[Guidelines and Criteria..., para 7]</i></p> <p><u>Fees</u> Observers are required to pay a fee for their participation at meetings. The fee is to contribute to additional expenses incurred by NGO participation and is determined annually by the Executive Secretary. <i>[Guidelines and Criteria..., para 6]</i></p>	<p>All observers admitted to a meeting are required to comply with all rules and procedures applicable to other meeting participants. Failure to conform to these rules or any other rules that ICCAT may adopt for the conduct of observers will result in withdrawal of accreditation by the Chairman of the Commission. <i>[Guidelines and Criteria for Granting Observer Status at ICCAT meetings, para 9]</i></p> <p><u>ICCAT Secretariat comment:</u> ICCAT has no written code of conduct for NGOs. The absence of a formalised code stems from the fact that to date, ICCAT has had no need to develop such a code. Observers have usually complied with the established procedures. <i>[pers. comm.. with ICCAT Secretariat, 25/01/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
NEAFC	<p>All NGOs that support the objectives of the Convention, have a demonstrated interest in the species under the purview of NEAFC and are in good standing should be eligible to participate as an observer. <i>[Rule 34]</i></p> <p>When seeking participation as an observer, NGOs must provide the following information:</p> <ul style="list-style-type: none"> (a) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation; (b) address of all its national/regional offices; (c) aims and purposes of the organisation and a statement that the NGO generally supports the objectives of the Convention, i.e. conservation and optimum utilisation of the fishery resources in the Convention Area; (d) information on the organisation's total number of members, its decision making process and its funding; (e) a brief history of the organisation and a description of its activities; (f) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies; (g) a history of NEAFC observer status granted/revoked; (h) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Secretary for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution. <p><i>[Rule 35]</i></p> <p>If one or more Contracting Parties objects to an application, it must give its reasons in writing. The matter is then put to a vote by written procedure. <i>[Rule 36]</i></p>	<p><u>Which meetings they can attend</u> All plenary meetings of the Commission except meetings held in executive sessions or meetings of Heads of Delegation. <i>[Rule 24]</i></p> <p><u>Speaking and voting rights</u> NGOs may make an oral statement during the meeting upon invitation of the Chairman but may not vote. <i>[Rule 37]</i></p> <p><u>Submission of documents</u> NGOs may distribute documents to meetings through the Secretary. <i>[Rule 37]</i></p> <p><u>Delegation size</u> The Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meeting. Any such conditions will be included in the conditions of participation. <i>[Rule 39]</i></p> <p><u>Fees</u> If additional expenses are incurred by their participation, observers will be required to pay a fee, as determined by the Secretary. <i>[Rule 38]</i></p>	<p>Any NGO admitted to a Commission meeting may not use films, videos, tape recording devices etc to record meeting proceedings. <i>[Rule 37]</i></p> <p>All observers admitted to a meeting are required to comply with all rules and procedures applicable to other meeting participants. Failure to conform to these rules or any other rules that NEAFC may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status. <i>[Rule 41]</i></p> <p><u>NEAFC Secretariat comment:</u> NEAFC have never had more than 3 or 4 NGOs and they have not behaved in a confrontational manner to any Contracting Party. There has therefore been no reason to expand or amend the Rules of Procedure. <i>[pers. comm., with NEAFC Secretariat, 24/01/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
NAFO	<p>All NGOs that the support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer. <i>[Rule 10.2]</i></p> <p>When seeking participation as an observer, NGOs must provide the following information:</p> <ul style="list-style-type: none"> a) name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization; b) address of all its national/regional offices; c) aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area; d) information on the organization's total number of members, its decision-making process and its funding; e) a brief history of the organization and a description of its activities; f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; g) a history of NAFO observer status granted/revoked; h) information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution. <p><i>[Rule 10.3]</i></p> <p>In one or more Party objects to an application for observership, it/they must provide reasons in writing and the matter is put to a vote by written procedures. <i>[Rule 10.4]</i></p>	<p><u>Which meetings they can attend</u> All plenary meetings of the Fisheries Commission, except meetings held in executive session or meetings of Heads of Delegation. <i>[Rule 10.2]</i></p> <p><u>Speaking and voting rights</u> NGOs may make oral statements during a meeting upon invitation of the Chair but they may not vote. <i>[Rule 10.5]</i></p> <p><u>Submission of documents</u> NGOs may distribute documents through the Secretariat. <i>[Rule 10.5]</i></p> <p><u>Delegation size</u> The Executive Secretary will determine, whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. Any such conditions will be included in the conditions of participation. <i>[Rule 10.7]</i></p> <p><u>Fees</u> Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.</p>	<p>Any NGO admitted to a Fisheries Commission meeting may not use films, videos, tape-recording devices etc to record meeting proceedings. <i>[Rule 10.5]</i></p> <p>All observers admitted to a meeting are required to comply with all rules and procedures applicable to other meeting participants. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status. <i>[Rule 41]</i></p> <p><u>NAFO Secretariat comment:</u> No NGO has applied at least within the last three years, to be an observer at NAFO meetings. <i>[pers. comm.. with NAFO Secretariat, 24/01/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
Other			
FAO	<p>An observer of any NGO having consultative status may attend the plenary meetings of the Conference and the meetings of any commission, of any technical committee of a commission and any technical committee. <i>[General Rules XVII.3 & 4]</i></p> <p>In order to be eligible for consultative status, an international non-governmental organization shall:</p> <ol style="list-style-type: none"> be international in its structure and scope of activity, be sufficiently representative of the field of interest in which it operates, and be of a recognized standing that renders its views on policy a matter of great interest to governments and to FAO; be concerned with matters covering a substantial portion of FAO's field of activity; have aims and purposes in conformity with the general principles embodied in the Constitution of FAO; have a permanent directing body, authorized representatives and systematic procedures and machinery for communicating with its membership in various countries. <p><i>[FAO Policy concerning relations with international NGOs, para. 6]</i></p> <p>Even if an NGO does not meet the requirements for formal (consultative) status, or if it has not co-operated with FAO over an extended period of time, this does not preclude/limit in any way the possibility for the organisation to establish and/or enhance its collaboration with FAO. The Director-General (e.g. of the Fisheries Department) has the authority to invite other entities than those which have a formal status. He will use his discretion based on the policy consideration to judge if any particular entity which has expressed interest in attending should actually be invited. NGOs without formal status or past participation are asked to provide: name, contact information, history, rules, representative and board members, geographical coverage, activities, activities in relation to the work of FAO and particularly the Fisheries Department and reasons for application to observer. Most NGOs invited fall into this category and in this sense have been 'screened'. In practice, the Fisheries Department does not repeat its practice of policy review for each session of COFI. In an NGO is not international, FAO suggests that it participate as part of a national delegation or as part of a delegation of an international NGO. <i>[pers. comm.. with Fisheries Department Secretariat, 03/02/06]</i></p>	<p><u>Which meetings they can attend</u> NGOs with consultative status may attend the plenary meetings of the Conference and the meetings of any commission, of any technical committee of a commission and any technical committee. <i>[General Rules XVII.3]</i></p> <p><u>Speaking and voting rights</u> NGOs with consultative status may speak before commissions and committees, participate in the discussions upon the request of the Chairman and, with the consent of the General Committee, speak before plenary meetings of the Conference. They may not vote. <i>[General Rules XVII.3]</i></p> <p><u>Submission of documents</u> NGOs with consultative status may circulate to Conference, without abridgement, the views of the organisations that they represent. <i>[General Rules XVII.3]</i></p>	<p>FAO has quite an open policy for NGO participation in its meetings with the wide latitude of the Secretariat to grant for refuse their participation. It has seldom had to exercise its authority to deny participation and to date has never had to cancel, for wrong doing, the authorisation for any NGO which had previously been allowed to participate in meetings. <i>[pers. comm.. with Fisheries Department Secretariat, 03/02/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
CITES	<p>National or international NGOs technically qualified in protection, conservation or management of wild fauna and flora may observe at meetings if they have informed the Secretariat of their desire to be represented, unless one-third of the Members present and voting object. There is a requirement that national NGOs have been approved as being technically qualified by the State in which it is located. Evidence of the approval of the State has to be included when NGOs submit the names of individuals they would like to attend as observers. <i>[Part I, Rule 2.2; Part II, Rule 3.5].</i></p>	<p><u>Which meetings they can attend</u> NGOs may be present at plenary sessions and sessions of Committees I and II. <i>[Part I. Rule 2.2]</i></p> <p><u>Speaking and voting rights</u> NGOs may participate but cannot vote. As a general rule, a Presiding Officer will call upon speakers in the order in which they signify their desire to speak and will give precedence to delegates and to the Secretariat. Among observers, precedence is given in the following order: non-Party States, intergovernmental organisations, NGOs. <i>[Part VI. Rule 17.2]</i></p> <p><u>Submission of documents</u> NGOs may submit ‘for information’ documents on the conservation and utilisation of natural resources. No approval is required for their distribution, but they must clearly identify the organisation presenting them. Observer organisations can request that the Secretariat distributes their documents to Parties. Any Representative may complain to the Bureau if an information document that has been distributed is considered offensive. <i>[Part VII. Rule 28.1,2 and 3]</i></p> <p><u>Delegation size</u> Seating limitations may require that no more than two observers from any non-Party State or organisation may be present. <i>[Part II. Rule 11.4]</i> Also, observers are seated in one or more designated areas in the meeting room and may only enter an area designated for delegations when invited to do so by a delegate. <i>[Part II, Rule 11.3]</i></p> <p><u>Fees</u> The standard participation charge for all observer organisations other than the UN and its specialised agencies is set at a minimum of USD 600 (except as otherwise decided by the Secretariat). Observer organisations are urged to make a greater contribution if possible at least to meet their effective costs of participation. <i>[Resolution of the Conf. of the Parties 13.1]</i></p> <p>In practice, the Secretariat does ‘decide otherwise’. For a very small number of international organizations the fee is waived, e.g. for TRAFFIC, which has a special role within CITES. If meeting in a developing country and in agreement with that country, either the fee is waived or significantly reduced (e.g. to USD 100 a person) for the observers from their national NGOs. For the rest, in practice a fee of USD 600 is charged for the first observer from any NGO and USD 300 for each additional observer from the same organization. This fee includes a set of in-session documents (printed copies of any pre-meeting documents are not provided as these are all on CITES website). For meetings of all CITES permanent committees, observers are charged USD 100 per person. <i>[pers. comm.. with CITES Secretariat, 16/02/06]</i></p>	<p>There is no code of conduct, but for the last two meetings the Secretariat has published a Guide for Participants (see Annex 12).</p> <p>There is a complaints procedure with respect to ‘for information’ documents.</p> <p>Any participant may complain to the Bureau about a document they consider to be offensive. In the case of such a complaint, the Bureau has to decide whether the document concerned abuses or vilifies a Party, or brings the Convention into disrepute, bearing in mind that legitimate differences of opinion may exist. The Bureau decides on appropriate action, which may, as a last resort, include either a proposal to the Conference of the Parties to withdraw the right of admission of an organisation to the meeting, or a formal complaint to a Party. <i>[Part VIII, Rule 29]</i></p> <p>In practice, the Bureau discusses the issue and then appoints someone to liaise with both sides to seek a resolution and then to report back. To date, no organisation has been expelled, but at least twice, an observer as been required to make a public apology in a plenary session. <i>[pers. comm.. with CITES Secretariat, 01/02/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
CBD	<p>Any NGO qualified in fields related to the conservation and sustainable use of biological diversity may attend Meetings of the Conference of Parties as observers unless at least one third of the Parties present at the meeting object. <i>[Rule 7.1]</i></p> <p>Since the first Conference of the Parties, NGOs have been admitted to meetings under the Convention process on an <i>ad hoc</i> basis and at the request of such observers to participate in specific meetings. As NGOs are major stakeholders in the CBD, and in accordance with the procedure followed by other Rio-related conventions, a proper NGO accreditation procedure to the CBD needs to be established. The Executive Secretary has developed draft policy that is first being reviewed by the Bureau to the 7th Meeting of the Conference of the Parties (3 February 2006 in Grenada) and then will be submitted for adoption by the 8th Meeting of the Conference of the Parties to be held in Brazil from 20-31 March 2006. The policy is in line with the practices of other UN entities including UNEP and other UN conventions such as climate change and desertification. <i>[pers. comm.. with CBD Secretariat, 13/02/06]</i></p>	<p><u>Which meetings they can attend, speaking and voting rights</u> Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object. <i>[Rule 7.2]</i></p>	
CMS	<p>National or international NGOs technically qualified in protection, conservation or management of migratory species may observe at meetings if they have informed the Secretariat of their desire to be represented, unless one-third of the Members present object. There is a requirement that national NGOs have been approved as being technically qualified by the State in which it is located. Evidence of the approval of the State has to be included when NGOs submit the names of individuals they would like to attend as observers. <i>[Rule 2(2) & (3)]</i>.</p>	<p><u>Which meetings they can attend</u> Meeting of the Parties. <i>[Rule 2(2)]</i></p> <p><u>Speaking and voting rights</u> An observer may speak only if called upon by the Presiding officer. They cannot vote. <i>[Rule 10(2)]</i></p> <p><u>Delegation size</u> Logistic and other limitations may require that no more than two observers from any non-Party, body or agency be present at a plenary session or a session of the Committee of the Whole of the meeting. The Secretariat will provide notice of such limitations in advance of the meeting. <i>[Rule 2(4)]</i></p>	<p>A code of conduct for NGOs has never been developed and adopted within CMS. It would appear that the need for such a code has never been raised within the Convention. The CMS Secretariat is checking on the situation within the Agreements developed under the auspices of CMS. <i>[pers. comm. with the CMS Secretariat, 15/02/06]</i></p>

Fisheries Bodies	Eligibility	Other	Code of conduct?
Ramsar	<p>Any national or international NGO, qualified in field relating to the conservation and sustainable use of wetlands, which has informed the Bureau of its wish to be represented at meetings of the Conference of the Parties, may be represented by observers, unless at least one-third of the Parties present at the meeting object. <i>[Rule 7.1]</i></p> <p>Ramsar adopted a Resolution at its 7th Conference of the Parties in 1999 that provides for certain international NGOs to be given 'Partnership' status. Such Partners are invited to participate in an observer capacity and as advisors in all activities of the Convention, including the meetings of the Conference of the Parties, the Standing Committee and the Scientific and Technical Review Panel, as well as regional and subregional meetings. (For further details see Annex 11).</p>	<p><u>Which meetings they can attend</u> Meetings of the Conference of the Parties. Observers may be invited to attend meetings of the Conference Committee in required. <i>[Rule 26.1]</i></p> <p><u>Speaking and voting rights</u> NGOs may participate in the meeting upon the invitation of the President, unless at least one third of the Parties present at the meeting object. Observers cannot vote.</p> <p><u>Submission of documents</u> Observers wishing to distribute documents which have not been admitted as official meeting documents shall make their own arrangements for distribution after having sought the advice of the Secretariat on how to proceed.</p> <p><u>Delegation size</u> Seating limitations may require that no more than two observers from any non-Party State body or agency be present at a meeting. Such limitations will be notified in advance of a meeting.</p>	<p>Ramsar has not developed a code of conduct for NGOs.</p>