

First Session of the Assembly  
12-13 November 2018, Seoul

Agenda 4

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## **DECISION 1-I-18R**

### **Rules of Procedure of the Assembly**

The Assembly of the Asian Forest Cooperation Organization (AFoCO),

*Recognizing* the need for rules of procedure for the Assembly of AFoCO;

*Recalling* the requirements of Article 8 Paragraph 4 of the Agreement on the Establishment of AFoCO, which notes that the Assembly shall adopt the internal regulations of AFoCO at its first meeting;

*Taking note* of technical review and discussions made by the prospective members of AFoCO on the draft Rules of Procedure of the Assembly which preceded twice the first session of the Assembly;

*Decides to* adopt the Rules of Procedure of the Assembly, as contained in the annex to this documents.

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Annex (Decision 1-I-18R)

# **Rules of Procedure of the Assembly of the Asian Forest Cooperation Organization**



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# **Rules of Procedure of the Assembly of the Asian Forest Cooperation Organization**

## **Rule 1. Definitions**

For the purpose of these Rules:

- a) “Agreement” means the Agreement on the Establishment of the Asian Forest Cooperation Organization, that entered into force on 27 April 2018.
- b) “AFoCO” means the intergovernmental organization known as the Asian Forest Cooperation Organization established under the Agreement.
- c) “Assembly” means the Assembly established by Article 8 of the Agreement.
- d) “Session” means any meeting of the Assembly convened annually or at the request of a simple majority of the Parties in accordance with Article 8(3) of the Agreement.
- e) “President” means the President of the Assembly elected by the Assembly in accordance with Article 8(2) of the Agreement.
- f) “Secretariat” means the Secretariat established by Article 9 of the Agreement.
- g) "Host Country" means the country in which the Secretariat is located.
- h) “Executive Director” means the Executive Director of the Secretariat appointed by the Assembly in accordance with Article 8(5) of the Agreement.
- i) “Signatory Country” means a country which has signed the Agreement but has yet to deposit its instrument of ratification, acceptance, or approval.
- j) “Party” means a country which has signed to the Agreement and deposited its instrument of ratification, acceptance, approval or accession.
- k) “Observer” means a Signatory Country, Asian country or international non-governmental organization granted Observer status by the Assembly in accordance with Article 6 of the Agreement.
- l) “Representative” means a senior forestry official nominated by a Party to represent the Party in the Assembly of AFoCO in accordance with Article 8(2).
- m) “Subsidiary Body” means the body established by Article 7(2) of the Agreement.
- n) “Simple Majority” means more than half of the number of Parties present and voting.
- o) “Two-thirds Majority” means more than or equal to two-thirds of the number of Parties present and voting.

## **Rule 2. Duties of the Assembly**

The Assembly shall:

- a) adopt and, when necessary, amend the internal rules and regulations of AFoCO;
- b) elect a President and a Vice President of the Assembly;
- c) appoint the Executive Director of the Secretariat;
- d) approve the establishment of Subsidiary Bodies as are necessary for the achievement of the objectives of AFoCO;
- e) approve the work plan and budget and use of extra-budgetary resources for the activities of AFoCO;
- f) review reports submitted by the Executive Director and the Subsidiary Bodies of AFoCO and provide guidance to them;
- g) approve project proposals and receive progress updates on project implementation submitted through the Secretariat in accordance with each project agreement;
- h) review and approve AFoCO's financial report along with audited financial statements and auditor's report which will be annually submitted by the Executive Director;
- i) promote and strengthen relationships with other relevant organizations;
- j) consider, deliberate and adopt amendments to the Agreement proposed by any Party or Parties in accordance with the Article 20 of the Agreement;
- k) approve Observer status;
- l) approve membership of a non-Signatory Country; and
- m) exercise such other functions as are necessary for the achievement of the objectives of AFoCO.

## **Rule 3. Sessions of the Assembly**

### **3.1 Convening of Regular Sessions**

The Assembly shall meet once a year in regular session as provided by Article 8 of the Agreement.

### 3.2 Notification of Regular Sessions

The Executive Director, on behalf and under the authority of the President, shall notify all Parties, at least sixty (60) calendar days in advance of each regular session, of the opening date, expected duration, and place thereof.

### 3.3 Convening of Special Sessions

3.3.1 A special session of the Assembly shall be convened by the President at the request of a simple majority of the Parties.

3.3.2 When the President receives a request to convene a special session from a Party, the President shall notify the Executive Director. The Executive Director shall then, on behalf and under the authority of the President, immediately give notice to the other Parties of the request and inquire whether they concur in it.

3.3.3 If within thirty (30) calendar days from the date of the notice of the request for a special session from the Executive Director a majority of the Parties concur to the request, a special session of the Assembly shall be convened.

### 3.4 Notification of Special Sessions

The Executive Director, on behalf and under the authority of the President, shall notify all Parties at least thirty (30) calendar days in advance of the opening date, expected duration, place and provisional agenda for each special session.

### 3.5 Place of Sessions

Sessions of the Assembly shall take place at the headquarters of AFoCO unless the Assembly decides otherwise based on the proposal of a Party or Parties. At each regular session, the Assembly shall determine the place of its next regular session.

## **Rule 4. Representation**

### 4.1 Composition of the Assembly

In accordance with Article 8 of the Agreement, the Assembly shall be composed of Representatives of all Parties. Each Party shall appoint one (1) Representative to the Assembly.

#### 4.2 Notification of the Representative

Each Party shall notify the Secretariat by their competent authority in writing of their appointed Representative. In the event that the appointed Representative is changed, the Party shall immediately notify the Secretariat in writing with the appropriate credentials.

#### 4.3 Duties of the Representative

4.3.1 The Representative shall take part in the sessions of the Assembly, make decisions, and undertake the duties of Assembly. All notices and other communications regarding the work of the Assembly and subsidiary bodies shall be sent to the Representative. Any notice or communication forwarded to the Representative shall be deemed to have been delivered to the Party concerned.

4.3.2 When voting is necessary, only the Representative, or the alternate who is designated in accordance with Rule 4.4.2, shall have the right to vote.

4.3.3 The Representative may designate any member in his or her delegation to act on any Subsidiary Body of the Assembly on which their delegation is represented.

#### 4.4 Composition of Delegation

4.4.1 Each Party shall be represented at the Assembly by a delegation of one (1) Representative and such other advisers as may be required. The names and designations of the persons constituting the Party's delegation will be submitted to the Secretariat in principle at least seven (7) calendar days in advance of the session which the delegation will attend.

4.4.2 Each Representative may designate an alternate in his or her delegation to act in his or her place during the Assembly.

4.4.3 The credentials of the persons constituting the Party's delegation shall be issued by the focal ministry or agency to AFoCO and submitted to the Secretariat before the opening of each session which the delegation will attend.

#### 4.5 Representation of Subsidiary Bodies of the Assembly

A Chair of a Subsidiary Body of the Assembly who is not a Representative of a Party may participate in sessions of the Assembly with the approval of the Assembly.

## **Rule 5. Agenda**

### **5.1 Provisional Agenda of a Regular Session**

The President, assisted by the Secretariat, shall draft the provisional agenda of a regular session of the Assembly and distribute a copy of the provisional agenda to all Parties no later than thirty (30) calendar days in advance of the regular session.

### **5.2 Contents of the Provisional Agenda of a Regular Session**

The provisional agenda for a regular session should generally include:

- a) items linked to the duties of the Assembly, as provided in Rule 2;
- b) items decided to be included in the agenda at a previous session;
- c) items proposed by the Parties; and
- d) items proposed by the Secretariat, including those which were brought to the attention of the Secretariat by the Executive Director.

### **5.3 Supplementary Items for the Provisional Agenda of a Regular Session**

Any Party or the Executive Director may, at least fourteen (14) calendar days before the date fixed for the opening of a regular session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to the Parties at least seven (7) calendar days before the opening of the regular session.

### **5.4 Additional Items for the Provisional Agenda of a Regular Session**

Any items of an important and urgent character, proposed by a Party or the Executive Director for inclusion in the agenda less than fourteen (14) calendar days before the opening of a regular session, which have not been placed on the provisional agenda or on the supplementary list, shall be referred to the President, who shall report promptly thereon to the Assembly. Such items may be placed on the agenda subject to the consensus of the Parties.

### 5.5 Provisional Agenda of a Special Session

The provisional agenda for all special sessions of the Assembly shall consist only of those items proposed for consideration in the request for holding a special session. The provisional agenda shall be prepared and sent by the President, assisted by the Secretariat, to all Parties at least thirty (30) calendar days before the opening of the special session together with the notification of the special session.

### 5.6 Supplementary Items for the Provisional Agenda of a Special Session

Any Party or the Executive Director may, at least four (4) calendar days before the date fixed for the opening of a special session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, and shall be communicated to the Parties as soon as possible.

### 5.7 Additional Items for the Provisional Agenda of a Special Session

Any items of an important and urgent character, proposed by a Party or the Executive Director, which have not been placed on the provisional agenda or on the supplementary list for a special session, shall be referred to the President, who shall report promptly thereon to the Assembly. Such items may be placed on the agenda subject to the consensus of the Parties.

### 5.8 Explanatory Memorandum

Each item proposed for inclusion in the agenda shall be accompanied by such supporting documents as may be necessary to support the President's decision to include the item on the agenda and the Assembly's subsequent consideration of the issue. All supporting documents relating to the provisional agenda of either regular or special session shall be sent with the agenda no later than thirty (30) calendar days before the date set for the opening of any session to each Party.

### 5.9 Adoption of the Agenda

The Assembly, at the beginning of each session, shall consider the provisional agenda, together with the supplementary list and additional items in order to adopt the agenda of a session.

## **Rule 6. Observer**

### 6.1 Application for Observer Status

6.1.1 Pursuant to Article 6 of the Agreement, Observer Status may be granted to:

- a) Signatory Countries which have not deposited instruments of ratification, acceptance or approval;
- b) Other Asian countries which have submitted an application to be an Observer; and
- c) International organizations and non-governmental organizations acting in the field of forestry.

6.1.2 Any entity that wishes to obtain Observer status shall submit to the Secretariat its letter of application, duly endorsed by the governing body of the entity, not later than forty (40) calendar days before the opening of a regular session. The Secretariat shall review the application, then present them, with a recommendation to the Assembly at its regular session, which will approve Observer status on a no-objection basis in accordance with these Rules of Procedure.

6.1.3 A Signatory Country shall be given Observer status upon signing of the Agreement without the application process provided for in Rule 6.1.2.

### 6.2 Granting of Observer Status

6.2.1 Observer status shall be granted for a maximum period of five (5) years.

6.2.2 An Observer status approved by the Assembly shall commence immediately at the approving session.

6.2.3 A country, international organization or non-governmental organization that wishes to renew its Observer status shall be examined by the Assembly by the same procedure provided for in Rule 6.1.2 unless the Assembly decides otherwise.

6.2.4 A list of Observers to AFoCO will be maintained on AFoCO's website.

### 6.3 Notification to an Observer

6.3.1 The Executive Director may notify those entitled to be an Observer or those under consideration for Observer status of the date and place of any session and its provisional agenda through a formal notification at least thirty (30) calendar days before the session.

6.3.2 The Observer shall submit the composition of their delegation in written form to the Secretariat at least seven (7) calendar days in advance of the session which the Observer delegation will attend.

#### 6.4 Activities of an Observer

6.4.1 An Observer may, upon the invitation of the President, attend the session of the Assembly. An Observer may speak only on the subject at hand, subject to approval of the President and if there is no objection made by a Party.

6.4.2 An Observer may, subject to Rule 6.4.3:

- i) consistently attend meetings;
- ii) solicit, collect and communicate information from AFoCO on matters that the Assembly is considering; and
- iii) represent the views of their constituency.

6.4.3 An Observer may collect and disseminate information from AFoCO provided that the Observer is given written consent from the Assembly.

### **Rule 7. President and Vice President**

#### 7.1 Election and Terms of Office

7.1.1 The Assembly shall elect a President and a Vice-President, who shall have a term of one year on a rotating basis in accordance with Article 8(2) of the Agreement.

7.1.2 The election of a President and a Vice-President shall take place at the end of each regular session. The President and Vice-President shall remain in position until their successors are elected at the next regular session.

7.1.3 The President and the Vice-President shall serve in their capacity at any regular and special session of the Assembly held during their term.

7.1.4 The President and the Vice-President shall be elected from among the Parties following a rotation order established based on the date of deposit of their instrument of ratification, acceptance or approval of the Agreement. The immediate Vice-President shall serve as the next President.

## 7.2 Functions of the President during Assembly Sessions

7.2.1 The President shall preside over regular and special sessions of the Assembly during his or her term of office.

7.2.2 In addition to exercising the functions conferred upon the President elsewhere by these Rules of Procedures, the President shall be responsible for the opening, closing, conduct, suspension and adjournment of session meetings and for dealing with all procedural matters, including, but not limited to, issues regarding formal decision-making procedures, and the right to speak.

7.2.3 The President is also responsible for ensuring the observance of these Rules of Procedure and adherence to the agenda.

## 7.3 Acting President

If the President is absent from a session or any part thereof, or whenever the President deems that for the proper fulfillment of the responsibilities of the office of President that he or she should not preside over the Assembly during the consideration of a particular agenda item, the Vice-President shall act as President with the same powers and duties as the President.

## 7.4 Vacancies

Any vacancy in the position of the President or the Vice-President shall be filled in the same manner in which the original holder of that position was appointed. Any person appointed to fill such a position shall serve for the unexpired term of his or her predecessor.

## 7.5 Rapporteur

At the beginning of each session, the President may propose a staff member of the Secretariat to act as rapporteur. The rapporteur will be responsible for the transcription of the proceedings of the meeting, the preparation of the record, and such other related duties and responsibilities as may be assigned by the President.

## **Rule 8. The Executive Director of the Secretariat**

### 8.1 Duties

8.1.1 The Executive Director shall provide the staff and be responsible for all the necessary arrangements for the sessions of the Assembly and the meetings of the Subsidiary Bodies.

8.1.2 These arrangements shall include:

- a) the receipt, reproduction and distribution of documents of the Assembly and Subsidiary Bodies;
- b) the maintenance of documents of the Assembly and Subsidiary Bodies in the archives of AFoCO;
- c) the publication of reports of the sessions of the Assembly and Subsidiary Bodies; and
- d) the undertaking of all other works which the Assembly or Subsidiary Bodies may duly require.

### 8.2 Participation of the Executive Director

The Executive Director shall participate at all sessions of the Assembly and any meetings of its Subsidiary Bodies, or he or she may designate a staff member of the Secretariat to represent him or her at any such session.

## **Rule 9. Establishment of a Subsidiary Body**

The Assembly may, in accordance with Article 7 of the Agreement, establish a Subsidiary Body as it deems necessary for the achievement of the objectives of AFoCO. In establishing a Subsidiary Body, the Assembly shall agree on its terms of reference including its duties, composition, and tenure. The Subsidiary Body may include experts nominated by the Parties, as well as independent experts recommended by the Parties or Secretariat, if appropriate.

## **Rule 10. Conduct of Business at a Session of the Assembly**

### 10.1 Quorum

The President will declare a session open and permit discussion to proceed when at least a simple majority of the Parties is present.

### 10.2 Public Disclosure of Activities of the Assembly

10.2.1 The decisions and documents received, reviewed and adopted by the Assembly shall be open and made available to the public, unless otherwise decided by the Assembly.

10.2.2 Notwithstanding Rule 10.2.1, Parties may propose that specific items of the agenda be conducted in a closed session, in which only the Parties may participate, unless the Assembly decides otherwise.

### 10.3 Speeches

No Representative may address the Assembly without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

### 10.4 Statement by the Secretariat

The Executive Director, or a staff member of the Secretariat designated by him or her as his or her representative, may at any time, subject to approval of the President, make either oral or written statements to the Assembly concerning any issue under consideration by it.

### 10.5 Points of Order

During the discussion of any matter, a Representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these Rules of Procedure. A Representative may appeal the ruling of the President. The appeal shall be immediately put to vote, and the President's ruling shall stand unless overruled by a simple majority of the Parties present and voting notwithstanding Rule 11.2. A Representative rising to a point of order may not speak on the substance of the matter under discussion.

#### 10.6 Decisions on Competence

Any motion calling for a decision on the competence of the Assembly to discuss any matter or to adopt a proposal for a decision submitted shall be immediately put to vote before the matter is discussed.

#### 10.7 Proposal for a Decision and Amendment

A proposal for a decision or an amendment to a proposal shall normally be prepared in writing by the Parties and submitted to the Secretariat, which shall circulate the proposal or amendment to the Representatives. Following circulation, the Representatives shall be given a reasonable time before the proposal or amendment is discussed or considered for adoption.

#### 10.8 Withdrawal of a Proposal for a Decision or Procedural Motion

A proposal for a decision or a procedural motion may be withdrawn by its proponent at any time before a decision is made on the proposal or procedural motion, provided that the proposal or procedural motion has not been amended. A proposal or procedural motion withdrawn may be reintroduced by any of the Parties.

#### 10.9 Reconsideration

When a proposal for a decision has been adopted or rejected, it may not be reconsidered at the same session unless the Assembly so decides. Permission to speak on a motion to reconsider shall be accorded only to the Party proposing the motion, and one other supporter, after which it shall be put immediately to a vote.

#### 10.10 Votes on Procedural Motions

Decisions on procedural motions put to vote under Rules 10.6, 10.8, and 10.9 shall be, notwithstanding Rule 11.2, adopted by a simple majority of the Representatives present and voting.

## **Rule 11. Decision Making**

### 11.1 General Principle

The Assembly shall make every effort to reach a decision by consensus.

### 11.2 Adoption of a Decision in a Session

11.2.1 Decisions with regards to amendments to the Agreement and approval of membership of new Parties shall be made only by consensus of all the Parties.

11.2.2 Excluding decisions under Rule 11.2.1, in the event a consensus is not achieved, the Assembly may adopt a decision with the approval of two-thirds of the Representatives at a session.

### 11.3 Adoption of a Decision When a Session is Not Convened

11.3.1 The President shall arrange for a decision by the Assembly to be adopted on an urgent issue raised during a period when a session has not been convened pursuant to Rule 3, under the following circumstances:

- a) when the President deems it appropriate;
- b) at the request of any Party; or
- c) at the request of the Executive Director in consultation with the President.

11.3.2 The Secretariat shall then promptly inform the Parties in writing when such an arrangement for a decision to be adopted by the Assembly is made pursuant to Rule 11.3.1. The Secretariat shall also transmit the proposal for a decision and all necessary background materials to each Party.

11.3.3 The Parties will have thirty (30) calendar days from the receipt of the proposal to agree or otherwise object to the proposal in writing to the Secretariat. The Parties may provide comment as necessary.

11.3.4 If an objection to a proposal for a decision is received by the Secretariat, the proposal for a decision will not be adopted. The Secretariat shall inform the Parties of the objection. In such a case, the proposal for a decision will be reconsidered at the nearest regular or special session.

11.3.5 If no objection to the proposal for a decision is received by the last day of the period as provided for in Rule 11.3.3, the decision will be considered adopted by the Assembly.

## **Rule 12. Voting**

### 12.1 Method

12.1.1 For a proposal for a decision that is put to a vote, the Assembly shall normally vote by a show of hands unless the Assembly decides otherwise notwithstanding Rule 12.4.

12.1.2 If a Representative requests a roll-call, it shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. The name of each Party shall be called in any roll-call, and the Representative shall reply “yes”, “no” or “abstention”. The result of the vote shall be inserted in the record in the English alphabetical order of the names of the Parties.

12.1.3 Parties which abstain from voting shall contribute to the establishment of quorum but be considered not voting.

### 12.2 Order

If there are two or more proposals related to the same question, the Parties shall vote on the proposals in the order in which they have been submitted, unless the Assembly decides otherwise. The Assembly, after each vote on a proposal, may decide whether to vote on the next proposal.

### 12.3 Conduct

12.3.1 After the President has announced the beginning of the vote, no Representative shall interrupt the vote except on a point of order in connection with the actual conduct of the vote.

12.3.2 The President may permit Representatives to explain their votes before or after a vote, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations. The President may permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment.

### 12.4 Election

12.4.1 When an election requires a vote, notwithstanding Rule 12.1, it shall be held by secret ballot, unless otherwise decided by the Assembly.

12.4.2 In the event no candidate receives a two-thirds majority of the vote, then a subsequent ballot shall be held restricted to the two candidates who received the most votes until one of the candidates receives at least a two-thirds majority of the vote.

### **Rule 13. Languages**

The official language of the Assembly shall be English. Any Representative may make a speech in a language other than English provided that, he or she shall provide for interpretation into English.

### **Rule 14. Records**

#### 14.1 Report of a Session

The report of a session of the Assembly shall be prepared and distributed by the Secretariat within fifteen (15) working days of the session containing the text of all recommendations and decisions of the Assembly at the session.

#### 14.2 Report of a Meeting of a Subsidiary Body

The report of a meeting of a Subsidiary Body of the Assembly shall also be distributed by the Secretariat within fifteen (15) working days of the respective meeting, unless the Assembly decides otherwise.

### **Rule 15. Amendments to the Rules of Procedure**

An amendment to these Rules of Procedure shall be adopted by the Assembly in accordance with Rule 11 above.