

Draft decision -/CP.17

Technology Executive Committee – modalities and procedures

The Conference of the Parties,

Recalling the relevant provisions of the Convention, in particular Article 4, paragraphs 1, 3, 5, 7, 8 and 9,

Also recalling its decision 1/CP.16 on the establishment of a Technology Mechanism, comprising a Technology Executive Committee and a Climate Technology Centre and Network, with the objective of enhancing action on technology development and transfer to support action on mitigation and adaptation in order to achieve the full implementation of the Convention,

Further recalling that the Technology Executive Committee shall report, on an interim basis, to the Conference of the Parties, through the subsidiary bodies, on its activities and the performance of its functions,

1. *Welcomes* the report on modalities and procedures of the Technology Executive Committee,¹ for consideration by the Conference of the Parties at its seventeenth session, as requested by decision 1/CP.16;
2. *Adopts* the modalities of the Technology Executive Committee as contained in annex I to this decision;
3. *Also adopts* the rules of procedure of the Technology Executive Committee as contained in annex II to this decision;
4. *Notes* that the modalities elaborated by the Technology Executive Committee, which are based on the functions of the Technology Executive Committee as decided by decision 1/CP.16, include the following six key elements:
 - (a) Analysis and synthesis;
 - (b) Policy recommendations;
 - (c) Facilitation and catalysing;
 - (d) Linkage with other institutional arrangements;
 - (e) Engagement of stakeholders;
 - (f) Information and knowledge sharing;
5. *Stresses* the importance of engaging a broad range of stakeholders at the international, regional, national and subnational levels, including public institutions, the business community, academia and non-governmental organizations, in conducting its work, and that its work may require the establishment of institutional interfaces and communication channels at different levels, which would allow the Technology Executive Committee to mobilize and leverage a wider range of expertise and resources;

¹ FCCC/CP/2011/8.

6. *Requests* the Technology Executive Committee to further elaborate its modalities on linkages with other relevant institutional arrangements under and outside the Convention, in the light of the agreed outcome of the seventeenth session of the Conference of the Parties, and to provide such modalities for consideration by the subsidiary bodies at their thirty-sixth sessions, with a view to recommending the modalities for adoption by the Conference of the Parties at its eighteenth session;

B. Activities and performance of the Technology Executive Committee for 2011

7. *Welcomes* the elected members of the Technology Executive Committee² and the election of Mr. Gabriel Blanco (Argentina) as Chair and Mr. Antonio Pflüger (Germany) as Vice-Chair of the Technology Executive Committee for 2012 and acknowledges that Mr. Blanco and Mr. Pflüger acted as Co-Chairs of the first meeting of the Technology Executive Committee in 2011;

8. *Welcomes with appreciation* the report of the Technology Executive Committee on its activities and performance for 2011,³ including on the outcomes of the group's first meeting, and the timely delivery of its report on modalities and procedures,⁴ for consideration by the Conference of the Parties at its seventeenth session, as requested by decision 1/CP.16;

9. *Acknowledges* the late nomination of the members of the Technology Executive Committee for 2011 and agrees, on an exceptional basis and without setting a precedent, that the term of office of the members of the Technology Executive Committee currently in office will end immediately before the first meeting of the Technology Executive Committee in 2014 for those members serving for a term of two years and immediately before the first meeting of the Technology Executive Committee in 2015 for those members serving for a term of three years, as recommended by the Technology Executive Committee at its first meeting;⁵

10. *Also acknowledges* that the Technology Executive Committee expects to develop its rolling workplan for 2012–2013 during its next meeting, in February 2012, and requests that it make such workplan available in its report to the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation⁶ at their thirty-sixth sessions;

11. *Encourages* Parties and relevant organizations in a position to do so to supplement the financial resources made available through the UNFCCC core budget for the implementation of the activities of the Technology Executive Committee.

² FCCC/SB/2011/2, annex.

³ FCCC/SB/2011/2.

⁴ FCCC/CP/2011/8.

⁵ FCCC/CP/2011/8, paragraph 13.

⁶ In accordance with decision 1/CP.16, paragraph 126.

Annex I

Modalities of the Technology Executive Committee

A. Definitions

1. For the purpose of the modalities and procedures of the Technology Executive Committee:

- (a) The “Convention” means the United Nations Framework Convention on Climate Change (UNFCCC);
- (b) The “COP” means the Conference of the Parties to the Convention;
- (c) “Parties” means Parties to the Convention;
- (d) “Stakeholders” means the entities who have a role in the implementation of the functions of the TEC, or who may affect or be affected by the recommendations and actions of the TEC;
- (e) “National communications” means national communications submitted by Parties in accordance with Articles 4 and 12 of the Convention;
- (f) “TEC” means the Technology Executive Committee;
- (g) “Technology needs assessments” means the technology needs assessments conducted under the framework for meaningful and effective actions to enhance the implementation of Article 4, paragraph 5, of the Convention adopted by decision 4/CP.7 and enhanced by decision 3/CP.13;
- (h) “National adaptation programmes of action” means national adaptation programmes of action referred to in decision 5/CP.7, paragraph 11(c);
- (i) “Nationally appropriate mitigation actions” means nationally appropriate mitigation actions referred to in decision 1/CP.16, chapter III B;
- (j) “National adaptation plans” means national adaptation plans referred to in decision 1/CP.16, paragraph 15;
- (k) “CTCN” means the Climate Technology Centre and Network referred to in decision 1/CP.16, paragraph 117(b);
- (l) “Observers” means the observers to the meetings of the TEC referred to in paragraphs 47 and 49 of the rules of procedure of the TEC;
- (m) “Expert advisers” means the expert advisers to the meetings of the TEC referred to in paragraph 44 of the rules of procedure of the TEC;
- (n) “TT:CLEAR” means the technology transfer information clearing house developed under the technology transfer framework;
- (o) “IPCC” means the Intergovernmental Panel on Climate Change.

B. Analysis and synthesis

2. For performing the functions as contained in decision 1/CP.16, paragraph 121(a), with regard to analysis and synthesis, the modalities will include, inter alia, the following:

(a) Producing periodic technology outlooks; collating, collecting and synthesizing a range of information on technology research and development and other technology-related activities from various sources, including, but not limited to, national communications, nationally determined technology needs and technology needs assessments, national adaptation programmes of action, nationally appropriate mitigation actions, national adaptation plans, and technology road maps and action plans; and examining the policy implications and opportunities for advancing technology development and transfer;

(b) Producing a series of technical papers on specific policies and technical issues, including those arising from technology needs assessments;

(c) Conducting a regular overview of existing technology development, transfer initiatives, activities and programmes with a view to identifying key achievements and gaps, good practices and lessons learned.

3. The TEC should aim to produce concise documents including executive summaries that can be useful for high-level policymakers, wherever possible.

4. The TEC should draw upon the best available expertise, liaise with existing organizations and institutions, and produce analysis that is broad-based, in order to ensure the credibility and legitimacy of its recommendations.

5. The TEC should also seek collaboration and, where appropriate, co-produce specific analysis and synthesis reports with relevant expert organizations. As a general option, the TEC could create institutional interfaces to seek inputs from relevant stakeholders in carrying out this function, which could include workshops, dialogues, ad hoc working groups and a designated website. It should also take advantage of possible institutional interfaces established with other constituted bodies under the Convention.

C. Policy recommendations

6. For performing the functions as contained in decision 1/CP.16, paragraph 121(b), (c) and (e), with regard to policy recommendations, the modalities will include, inter alia, the following:

(a) Recommending to the COP, or other relevant bodies under the Convention, actions to promote technology development and transfer and to address barriers;

(b) Recommending guidance on policies and programme priorities related to technology development and transfer, with special consideration given to the least developed country Parties;

7. The TEC may engage stakeholders in formulating the TEC recommendations for action. The stakeholders may include Parties, the COP, other relevant bodies/entities, including the CTCN, operating entities of the financial mechanism of the Convention as well as a range of individual entities that will be affected by the implementation of the recommendations.

8. The TEC could establish working groups or panels composed of relevant experts on certain matters, which could include the members of the TEC, outside experts or both, to advise the TEC in formulating its policy recommendations consistent with the rules of procedure of the TEC.

D. Facilitation and catalysing

9. For performing the functions as contained in decision 1/CP.16, paragraph 121(d), (f) and (g), with regard to facilitating and catalysing actions, the modalities will include, inter alia, the following:

(a) Promoting and collaborating with relevant organizations, resources permitting, in organizing workshops and forums to increase the opportunities for sharing experience with experts in developing and implementing technology road maps and action plans as well as other technology-related activities;

(b) Establishing an inventory of existing collaboration activities and a regular review process, with a view to identifying key achievements and gaps, good practices and lessons learned;

(c) Making recommendations on actions to promote collaboration;

(d) Making recommendations on best practices and relevant tools to develop technology road maps and action plans;

(e) Establishing an inventory of technology road maps and action plans;

(f) Making recommendations on concrete actions, such as an international process for the development of technology road maps and action plans as well as support required to enhance the development of these items, and in particular capacity-building programmes that may be appropriate.

10. The TEC should identify stakeholders for each technology area, taking into consideration that the CTCN, intergovernmental organizations and other technology actors at the national level would be important partners in undertaking the function of developing technology road maps, while general technology cooperation would be an area where international organizations, the private sector, non-governmental organizations and research communities could have an important role to play.

11. The TEC should establish a procedure to involve stakeholders with regard to providing information on cooperative activities including experiences shared, lessons learned and opportunities for collaboration in facilitating and catalysing specific issues on the development and transfer of technologies. The TEC could consider establishing a permanent or issue-based interface with relevant organizations with expertise on climate technologies for the sake of efficiency and effectiveness.

E. Linkage with other institutional arrangements

12. The TEC acknowledged the need to achieve coherence and maintain interactions with other relevant institutional arrangements under and outside of the Convention as requested by decision 1/CP.16, paragraph 125. Without prejudicing the outcome of the negotiations between Parties on the TEC's possible relationships and linkages with the CTCN, the financial mechanism and other institutional arrangements under the Convention being negotiated under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, the TEC agreed to reconsider its modalities on these matters at its first meeting to be held in 2012, in the light of an expected agreed outcome in this regard at the seventeenth session of the COP.

F. Engagement of stakeholders

13. The TEC should engage a broad range of stakeholders at the international, regional and national levels, including public institutions, the business community, academia and non-governmental organizations, in conducting its work. Stakeholder engagement would be issue-based and would be channelled through work programmes, and may require the establishment of institutional interfaces and communication channels at different levels, which would allow the TEC to mobilize and leverage a wider range of expertise and resources.

14. The TEC could engage relevant stakeholders through, inter alia, the following:

(a) Offering participation in the TEC meetings as observers or expert advisers, where applicable;

(b) Engaging stakeholders through other models that the TEC may consider establishing, such as consultative groups, stakeholder forums, technical task forces, etc.

G. Information and knowledge sharing

15. The TEC should disseminate its outputs and facilitate knowledge sharing through a well-functioning information platform that responds to the information and knowledge service requirements of its potential users, including Parties and a wide range of technology actors, experts and stakeholders.

16. The platform would be a tool used to promote the collaboration between various actors and to seek cooperation with relevant international organizations and initiatives. It would support the efforts of the TEC in the following ways: exploring opportunities for information sharing, establishing links with existing knowledge platforms and implementing joint initiatives and programmes.

17. The TEC should consider upgrading TT:CLEAR with an expanded and more strategic focus, tailored to the functions of the TEC, and building on existing technology information networks.

Annex II

Rules of procedure of the Technology Executive Committee

A. Scope

1. These rules of procedure shall apply to the Technology Executive Committee (TEC) in accordance with decision 1/CP.16, paragraph 125, and appendix IV to that decision on the composition and mandate of the TEC, as well as with any other relevant decisions of the Conference of the Parties (COP).

B. Definitions

2. For the purpose of these rules:

- (a) “Convention” means the United Nations Framework Convention on Climate Change (UNFCCC);
- (b) “COP” means the Conference of the Parties to the Convention;
- (c) “CTCN” means the Climate Technology Centre and Network;
- (d) “Chair” means the member of the TEC elected as Chair of the TEC;
- (e) “Vice-Chair” means the member of the TEC elected as Vice-Chair of the TEC;
- (f) “Observers” means observers to the meetings of the TEC;
- (g) “Stakeholders” means the entities that have a role in the implementation of the functions of the TEC, or that may affect or be affected by the recommendations and actions of the TEC;
- (h) “Secretariat” means the secretariat referred to in Article 8 of the Convention;
- (i) “TEC” means the Technology Executive Committee.

C. Members

3. The COP, by its decision 1/CP.16, decided that the TEC shall have the mandate and composition as contained in appendix IV to that decision.

4. The TEC shall comprise 20 expert members, elected by the COP, serving in their personal capacity and nominated by Parties with the aim of achieving a fair and balanced representation, as follows:

- (a) Nine members from Parties included in Annex I to the Convention (Annex I Parties);
- (b) Three members from each of the three regions of the Parties not included in Annex I to the Convention (non-Annex I Parties), namely Africa, Asia and the Pacific, and Latin America and the Caribbean, one member from a small island developing State and one member from a least developed country Party.⁷

⁷ Decision 1/CP.16, appendix IV, paragraph 1.

5. Members shall serve for a term of two years and shall be eligible to serve a maximum of two consecutive terms of office. The following rules shall apply:

(a) Half of the members shall be elected initially for a term of three years and half of the members shall be elected for a term of two years;

(b) Thereafter, the COP shall elect every year a member for a term of two years;

(c) The members shall remain in office until their successors are elected.⁸

6. The term of office of a member shall start at the first meeting of the TEC in the calendar year following his or her election and shall end immediately before the first meeting of the TEC in the calendar year in which the term ends, as applicable two or three years thereafter.

7. If a member of the TEC resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the TEC may decide, bearing in mind the proximity of the next session of the COP, to appoint another member from the same constituency to replace said member for the remainder of that member's mandate, in which case the appointment shall count as one term.⁹

8. If a member is unable to participate in two consecutive meetings of the TEC and unable to perform the functions and tasks set out by the TEC, the Chair will bring this matter to the attention of the TEC and will seek clarification from the regional group that nominated that member on the status of his or her membership.

D. Chair and Vice-Chair

9. The TEC shall elect annually a Chair and a Vice-Chair from among its members for a term of one year each, with one being a member from an Annex I Party and the other being a member from a non-Annex I Party. The positions of Chair and Vice-Chair shall alternate annually between a member from an Annex I Party and a member from a non-Annex I Party.¹⁰

10. If the Chair is temporarily unable to fulfil the obligations of the office, the Vice-Chair shall serve as Chair. In the absence of the Chair and Vice-Chair at a particular meeting, any other member designated by the TEC shall temporarily serve as the Chair of that meeting.¹¹

11. If the Chair or Vice-Chair is unable to complete the term of office, the TEC shall elect a replacement to complete the term of office, taking into account paragraph 8 above.¹²

12. Consistent with decision 1/CP.16, the TEC will be chaired by a Chair and a Vice-Chair.

13. The Chair and the Vice-Chair shall collaborate in chairing meetings of the TEC and in executing the work of the TEC throughout the year so as to ensure coherence between meetings.

14. After completion of his or her term of office, the Chair will be nominated as Vice-Chair, and vice versa.

15. After the two-year cycle is complete, the TEC will nominate two new members for the roles, unless otherwise decided.

⁸ Decision 1/CP.16, appendix IV, paragraph 4.

⁹ Decision 1/CP.16, appendix IV, paragraph 8.

¹⁰ Decision 1/CP.16, appendix IV, paragraph 5.

¹¹ Decision 1/CP.16, appendix IV, paragraph 6.

¹² Decision 1/CP.16, appendix IV, paragraph 7.

16. If either the Chair or the Vice-Chair resigns or is otherwise unable to complete his or her term of office, the TEC shall elect a replacement from the appropriate constituency to complete the remainder of the term.

17. The Chair of the meeting shall, inter alia, declare the opening and closing of the meeting, ensure the observance of these rules of procedure, accord the right to speak and announce decisions. The Chair shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order.

18. The Chair of the meeting shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The Chair may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

19. During discussion of any matter, a member may at any time raise a point of order, which shall be decided on immediately by the Chair of the meeting. A member may appeal against the ruling of the Chair. The appeal shall stand unless overruled by a two-thirds majority of the members, representing a two-thirds majority of members from Annex I Parties and a two-thirds majority of members from non-Annex I Parties.

20. Proposals and amendments to proposals may be introduced and submitted to the secretariat in writing by members; such proposals and amendments shall be circulated for consideration by all members of the TEC. As a general rule, no proposal shall be discussed or put forward for a decision at any meeting unless copies have been circulated to the members not later than the day preceding the meeting. However, the Chair of the meeting may, with the agreement of the TEC, permit the discussion and consideration of proposals and amendments even though they have not been circulated or have been circulated only the same day.

21. The Chair and/or the Vice-Chair, or any member designated by the TEC, shall report on behalf of the TEC to the COP and/or other subsidiary bodies as mandated by the COP.

22. The Chair and/or the Vice-Chair, or any member designated by the TEC, shall represent the TEC at external meetings and shall report back to the TEC on those meetings.

23. The TEC may further define additional roles and responsibilities for the Chair and the Vice-Chair.

24. The Chair and the Vice-Chair in the exercise of their functions remain under the authority of the TEC.

E. Secretariat

25. The secretariat shall support and facilitate the work of the TEC.¹³

26. The secretariat shall:

(a) Make the necessary arrangements for the meetings of the TEC, including announcing meetings, issuing invitations and making available the relevant documents;

(b) Maintain meeting records and arrange for the storage and preservation of documents of the meetings;

(c) Make documents of the meetings of the TEC available to the public, unless a specific document is deemed confidential by the TEC.

27. The secretariat shall track the implementation of decisions on actions taken by the TEC and report on the progress of these actions intersessionally and at each meeting of the TEC.

¹³ Decision 1/CP.16, appendix IV, paragraph 12.

28. In addition, the secretariat shall perform any other functions assigned that the TEC may require or that the COP may direct with respect to the work of the TEC.

F. Meetings

29. The TEC shall meet at least twice per year as of 2012, resources permitting. Additional meetings may be organized as necessary to enable it to discharge its responsibilities.

30. The meetings of the TEC shall take place in the country of the seat of the secretariat, unless otherwise decided by the TEC and subject to the necessary arrangements being made by the secretariat in consultation with the Chair. Decisions on the location of meetings other than at the seat of the secretariat shall take into account the benefits of venue rotation, particularly venues in developing countries and those that facilitate the participation of key stakeholders of the TEC.

31. At least two thirds of the members of the TEC, representing a two-thirds majority of members from Annex I Parties and a two-thirds majority of members from non-Annex I Parties, must be present to constitute a quorum.

32. At the last Committee meeting of each calendar year, the Chair and the Vice-Chair shall propose, for the approval of the TEC, a provisional schedule of meetings for the coming calendar year.

33. If the schedule, including dates and venue, of a meeting needs to be changed owing to unforeseen circumstances, the secretariat, with the agreement of the Chair and the Vice-Chair, shall notify and seek agreement from the members on the new arrangement within two weeks of this notification, in accordance with paragraph 0 below. Once agreed, the secretariat shall post such information on the UNFCCC website at least eight weeks prior to the meeting in question. Where it is essential to facilitate the work of the TEC, the Chair and the Vice-Chair may decide to shorten the notification period.

34. Members are requested to confirm their attendance at meetings of the TEC as early as possible and at least four weeks prior to a meeting for members eligible for funding for their participation to enable sufficient time for the secretariat to make the necessary travel arrangements.

G. Agenda and documentation for meetings

35. The Chair shall, in consultation with the Vice-Chair and assisted by the secretariat, prepare the provisional agenda for each meeting as well as a draft report on the meeting.

36. The provisional agenda for each meeting shall be transmitted to members of the TEC at least four weeks in advance of the meeting.

37. Members may propose additions or changes to the provisional agenda, in writing, to the secretariat within one week of receiving the provisional agenda, and these additions or changes shall be included in a revised provisional agenda by the secretariat in agreement with the Chair and the Vice-Chair.

38. The secretariat shall indicate the administrative and financial implications of all substantive items on the proposed agenda.

39. The secretariat shall transmit the provisional annotated agenda and any supporting documentation to the members at least two weeks prior to the meeting. Documents may be transmitted after that date with the approval of the Chair and the Vice-Chair.

40. Documents for a meeting, unless it has been decided by the Chair and the Vice-Chair that the documentation should be restricted for internal use by its members, shall be published on the UNFCCC website at least three weeks prior to that meeting.

41. The TEC shall, at the beginning of each meeting, adopt the meeting agenda.

H. Decision-making

42. Decisions will be taken according to the rule of consensus.¹⁴

I. Working language

43. The working language of the TEC shall be English.

J. Participation of expert advisers in meetings

44. The TEC, in performing its functions, should draw upon outside expertise, including the UNFCCC roster of experts and the CTCN, to provide advice, including as expert advisers at its meetings.¹⁵

45. The TEC should seek input from intergovernmental and international organizations and the private sector and may seek input from civil society in undertaking its work. It may invite advisers drawn from relevant intergovernmental and international organizations as well as the private sector and civil society to participate in its meetings as expert advisers on specific issues as they arise.¹⁶

46. The Chair and the Vice-Chair may, in consultation with the TEC, invite representatives of intergovernmental and international organizations as well as the private sector and civil society to participate in a meeting of the TEC as expert advisers on specific issues under consideration at the meeting.

K. Participation of observers

47. The meetings of the TEC shall be open to attendance by accredited observer organizations and observers from Parties, except where otherwise decided by the TEC.¹⁷

48. The meetings of the TEC that are open shall be webcast through the UNFCCC website.

49. The TEC may decide on additional procedures for the participation of observer organizations other than those accredited to the UNFCCC.

50. The TEC may, in the interests of economy and efficiency, decide to limit the physical attendance of observers at its meetings, in accordance with the procedures for the participation of observer organizations referred to in paragraphs 0 and 0 above.

51. The TEC may decide at any time that a meeting or part thereof should be closed to observers.

¹⁴ Decision 1/CP.16, appendix IV, paragraph 2.

¹⁵ Decision 1/CP.16, appendix IV, paragraph 9.

¹⁶ Decision 1/CP.16, appendix IV, paragraph 10.

¹⁷ Decision 1/CP.16, appendix IV, paragraph 11.

52. The secretariat shall notify observers of the date and venue of the meeting that they may attend. Observers shall notify the secretariat at least three weeks in advance of the meeting of their intention to attend.

53. Observers may, with the agreement of the TEC, be invited to address the TEC on matters under consideration by the TEC. The Chair shall notify the TEC one week in advance of the meeting of the proposed interventions by observers, if any.

54. Any observer wishing to make an intervention under particular items on the agenda at a meeting shall inform the Chair through the secretariat of its interest at least two weeks in advance.

L. Use of electronic means of communication

55. The TEC shall use electronic means of communication to facilitate intersessional work and to take decisions in accordance with guidelines to be agreed by the TEC. The secretariat shall ensure that a secure and dedicated web interface is established and maintained to facilitate the work of the TEC.

M. Panels and working groups

56. The TEC may establish panels and working groups, if required, to provide, inter alia, expert advice to assist the TEC in its work.

57. In establishing a panel or working group, the TEC shall determine its terms of reference, which shall include a workplan, the deadline for submission of documents, the criteria for selection of panel or working group members and the necessary budgetary requirements.

N. Workplan

58. The TEC shall agree on the workplan. The secretariat shall prepare information on the financial requirements for the implementation of the workplan for consideration by the TEC. The workplan shall be kept under regular review by the TEC.

59. Newly funded activities not included in the original workplan shall be circulated by the secretariat at the request of the Chair for approval by the TEC. Such approval may also be provided through electronic means, in accordance with paragraph 55 above. Committee members may provide their response and approval within two weeks of the circulation of the information by the secretariat.

60. Funding for activities included in the original workplan and for newly funded activities not included in the workplan may be accepted from Parties and the private sector, in accordance with United Nations and UNFCCC rules and regulations.¹⁸

O. Amendments to the rules of procedure

61. These rules of procedure may be amended by the TEC by consensus and, to be effective, must be approved formally by the COP. Pending formal approval, the TEC may decide to apply the amendment provisionally.

¹⁸ Financial Regulations and Rules of the United Nations, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=ST/SGB/2003/7>.

P. Overriding authority of the Convention

62. In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall take precedence.
