

INTERNATIONAL CONFERENCE ON AIR LAW

(Montreal, 8-23 September 1971)

PROVISIONAL RULES OF PROCEDURERule 1 (Composition of the Conference)

- (1) The Conference shall be composed of the Representatives of the States invited by the Council of ICAO to attend the Conference.
- (2) Representatives may be accompanied by alternates and advisers.
- (3) International organizations invited by the Council of ICAO to attend the Conference may be represented by observers.

Rule 2 (Credentials and Credentials Committee)

- (1) The credentials of Representatives of the States, their alternates and advisers and of observers shall be submitted to the Secretary General if possible not later than twenty-four hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs. No person shall be the Representative of more than one State.
- (2) A credentials Committee shall be established at the beginning of the Conference. It shall consist of five members representing five States nominated by the President of the Conference.
- (3) The Credentials Committee shall elect its own Chairman and shall examine the credentials of Delegates and report to the Conference without delay.

Rule 3 (Eligibility for participation in meetings)

Any members of a Delegation shall be entitled, pending the presentation of a report by the Credentials Committee and Conference action thereon, to attend meetings and to participate in them, subject, however, to the limits set forth in these Rules. The Conference may bar from any further part in its activities any member of a Delegation whose credentials it finds to be insufficient.

Rule 4 (Officers)

- (1) The Conference shall elect its President. Until such election, the President of the ICAO Council or, in his absence, his nominee, shall act as President of the Conference.

(2) The Conference shall elect four Vice-Presidents and the Chairman of the Commissions referred to in Rule 5.

(3) The Conference shall have a Secretary General who shall be the Secretary General of the International Civil Aviation Organization or his nominee.

Rule 5 (Commissions, Committees and Working Groups)

(1) The Conference shall establish such Commissions open to all delegations or Committees of limited membership as it may consider to be necessary or desirable.

(2) A Commission or a Committee shall establish such Working Groups as it may consider to be necessary or desirable. Each Committee or Working Group shall elect its own Chairman.

Rule 6 (Public and private meetings)

Meetings of the Conference shall be held in public unless the Conference decides that any of its meetings shall be held in private. Meetings of the Commissions, Committees and Working Groups shall not be open to the public except by decision of the Commissions, Committees or Working Groups concerned.

Rule 7 (Participation of observers)

(1) Observers may participate without vote in the deliberations of the Conference, when its meetings are not held in private. With respect to private meetings, individual observers may be invited by the Conference to attend and to be heard.

(2) Observers may attend and be heard by the Commissions, Committees and Working Groups if invited by the body concerned.

Rule 8 (Quorum)

(1) A majority of the States represented at the Conference and whose Representatives have not notified the Secretary General of their departure shall constitute a quorum.

(2) The Conference shall determine the quorum for the Commissions and Committees if, in any case, it is considered necessary that a quorum be established for such bodies.

Rule 9 (Powers of the presiding Officer)

The presiding Officer of the Conference, a Commission, a Committee or a Working Group shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and subject to these Rules, shall have complete control of the proceedings of the body concerned and over the maintenance of order at its meetings.

Rule 10 (Speakers)

- (1) The presiding Officer shall call upon speakers in the order in which they have expressed their desire to speak; he may call a speaker to order if his observations are not relevant to the subject under discussion.
- (2) Generally, no delegation should be called to speak a second time on any question except for clarification, until all other delegations desiring to speak have had an opportunity to do so.
- (3) At meetings of the Conference, the Chairman of a Commission or a Committee may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned. In Commission or Committee meetings, a similar precedence may be given to the Chairman of a Working Group.

Rule 11 (Points of Order)

During the discussion on any matter, and notwithstanding the provisions of Rule 10, a Representative of a State may at any time raise a point of order, and the point of order shall be immediately decided by the presiding officer. Any Representative of a State may appeal against the ruling of the presiding officer and any discussion on the point of order shall be governed by the procedure stated in Rule 14. The ruling of the presiding officer shall stand unless over-ruled by a majority of votes cast. A Representative of a State speaking on a point of order may speak only on this point, and may not speak on the substance of the matter under discussion before the point was raised.

Rule 12 (Time limit of Speeches)

A presiding Officer may limit the time allowed to each speaker, unless the body concerned decides otherwise.

Rule 13 (Motions and Amendments)

- (1) A motion or amendment shall not be discussed until it has been seconded. Motions and amendments may be presented and seconded only by Representatives of States. However, observers may make a motion or amendment provided that such motion or amendment must be seconded by the Representatives of two States.
- (2) A motion shall not be withdrawn when an amendment to the motion is under discussion or has been adopted.

Rule 14 (Procedural Motions)

Subject to the provisions of Rule 13(1) any Representative of a State may move at any time the suspension or adjournment of the meeting, the adjournment of the debate on any question, the deferment of discussion of an item, or the closure of the debate on an item. After such a motion has been made and explained by its proposer, only one speaker shall normally be allowed to speak in opposition to it, and no further speeches shall be made in its support before a vote is taken. Additional speeches on such motion may be allowed at the discretion of the presiding officer, who shall decide the priority of recognition.

Rule 15 (Order of Procedural Motions)

The following motions shall have priority over all other motions, and shall be taken in the following orders:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on an item;
- (d) to defer the debate on an item;
- (e) for closure of the debate on an item.

Rule 16 (Reconsideration of Proposals)

Permission to speak on a motion to reopen a debate already completed by a vote on a given question shall normally be accorded only to the proposer and to one speaker in opposition, after which it shall be immediately put to vote. Additional speeches on such a motion may be allowed at the discretion of the presiding Officer, who shall decide the priority of recognition. Speeches on a motion to reopen shall be limited in content to matters bearing directly on the justification for reopening. Such reopening shall require a two-thirds majority of the representatives present and voting.

Rule 17 (Discussions in Working Groups)

Working Groups shall conduct their deliberations informally and Rules 11, 12, 13, 14, 15 and 16 shall not apply to them.

Rule 18 (Voting Rights)

- (1) Each State duly represented at the Conference shall have one vote at meetings of the Conference.
- (2) Each State represented in a Commission, Committee or Working Group shall have one vote at meetings of such bodies.
- (3) Observers shall not be entitled to vote.

Rule 19 (Voting of presiding Officer)

Subject to the provisions of Rule 18, the presiding Officer of the Conference, Commission, Committee or Working Group shall have the right to vote on behalf of his State.

Rule 20 (Majority required)

- (1) Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the Representatives present and voting.
- (2) Decisions of the Conference on matters of procedure shall be taken by a majority of the Representatives present and voting.

(3) If the question arises whether a matter is one of procedure or of substance, the presiding Officer shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the presiding Officer's ruling shall stand unless the appeal is approved by a majority of the Representatives present and voting.

(4) For the purpose of these rules, the phrase "Representatives present and voting" means Representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Rule 21 (Method of Voting)

Voting shall normally be by voice, by show of hands, or by standing. In meetings of the Conference there shall be a roll-call if requested by the Representatives of two States. The vote or abstention of each State participating in a roll-call shall be recorded in the minutes.

Rule 22 (Division of Motions)

On request of any Representative of a State and unless the Conference decides otherwise, parts of a motion shall be voted on separately. The resulting motion shall then be put to a final vote in its entirety.

Rule 23 (Voting on Amendments)

Any amendment to a motion shall be voted on before vote is taken on the motion. When two or more amendments are moved to a motion, the vote should be taken on them in their order of remoteness from the original motion, commencing with the most remote. The presiding Officer shall determine whether a proposed amendment is so related to the motion as to constitute a proper amendment thereto, or whether it must be considered as an alternative or substitute motion.

Rule 24 (Voting on Alternative or Substitute Motions)

Alternative or substitute motions shall, unless the meeting otherwise decides, be put to vote in the order in which they are presented, and after the disposal of the original motion to which they are alternative or in substitution. The presiding Officer shall decide whether it is necessary to put such alternative or substitute motions to vote in the light of the vote on the original motions and any amendments thereto. This ruling may be reversed by a majority of votes cast.

Rule 25 (Tie Vote)

In the event of a tie vote, a second vote on the motion concerned shall be taken at the next meeting, unless the Conference, Commission, Committee or Working Group decides that such second vote be taken during the meeting at which the tie vote took place. Unless there is a majority in favour of the motion on this second vote, it shall be considered lost.

Rule 26 (Proceedings of Commissions, Committees and Working Groups)

Subject to the provisions of Rule 17, the provisions contained in Rules 10 to 25 above shall be applicable, mutatis mutandis, to the proceedings of Commissions, Committees and Working Groups, except that decisions of such bodies shall be taken by a majority of the Representatives present and voting, but not in the case of a reconsideration of proposals or amendments in which the majority required shall be that established by Rule 16.

Rule 27 (Languages)

(1) Documents of the Conference shall be prepared and circulated in the English, French and Spanish languages.

(2) The English, French and Spanish languages shall be used in the deliberations of the Conference, Commissions, Committees and Working Groups. Speeches made in any of the three languages shall be interpreted into the other two languages, except where such interpretation is dispensed with by unanimous consent.

(3) Any Representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

Rule 28 (Records of Proceedings)

(1) Minutes of the meetings of the Conference shall be prepared by the Secretariat and approved by the Conference.

(2) Proceedings of Commissions, Committees and Working Groups shall be recorded in such form as the body concerned may decide.

Rule 29 (Amendment of the Rules of Procedure)

These Rules may be amended, or any portion of the rules may be suspended, at any time by a decision of the Conference taken by a majority vote of the Representatives present and voting.

Rule 30 (Representative of a State - Definition)

In these Rules, except Rule 1, the expression "Representative of a State" shall be deemed to include any member of the delegation of a State.