

INTER-GOVERNMENTAL MARITIME  
CONSULTATIVE ORGANIZATION



LEG/CONF.5/2

12 July 1976

Original: ENGLISH/FRENCH

**IMCO**

**INTERNATIONAL CONFERENCE ON LIMITATION OF LIABILITY  
FOR MARITIME CLAIMS, 1976**

**PROVISIONAL RULES OF PROCEDURE**

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

TABLE OF CONTENTS

<u>Rule</u>		<u>Page</u>
<b>CHAPTER I - REPRESENTATION AND CREDENTIALS</b>		
1	Composition of Delegations	1
2	Alternates or Advisers	1
3	Submission of Credentials	1
4	Credentials Committee	1
5	Provisional Participation in the Conference	2
<b>CHAPTER II - PRESIDENT, VICE-PRESIDENTS, etc.</b>		
6	Election	2
7 )	President	2
8 )		
9 )	Acting President	3
10 )		
11	Replacement of the President	3
12	The President shall not vote	3
<b>CHAPTER III - SECRETARIAT</b>		
13	Duties of the Secretary-General and the Secretariat	3
14	Statements by the Secretariat	3
<b>CHAPTER IV - CONDUCT OF BUSINESS</b>		
15	Quorum	4
16	General Powers of the President	4
17	Speeches	4
18	Precedence	4
19	Points of Order	5
20	Time-Limit on Speeches	5
21	Closing of List of Speakers	5

<u>Rule</u>	<u>Page</u>
22	5
23	6
24	6
25	6
26	6
27	7
28	7
29	7
30	7
31	8
32	8
CHAPTER V - VOTING	
33	8
34	8
35	9
36	9
37	9
38	9
39	10
40	10
41 )	
42 )	
43 )	11
44 )	
45	12

<u>Rule</u>		<u>Page</u>
CHAPTER VI - COMMITTEES		
46	Drafting Committee	12
47	Creation of Committees and other subsidiary bodies	12
48	Representation on Committees and other subsidiary bodies	13
49	Officers	13
50	Quorum	13
51	Conduct of business and voting in Committees and other subsidiary bodies	13
CHAPTER VII - LANGUAGES AND RECORDS		
52	Official and Working Languages	13
53	Interpretation from official languages	14
54	Interpretation from other languages	14
55	Summary Records	14
56	Languages of Documents and Summary Records	14
CHAPTER VIII - PUBLIC AND PRIVATE MEETINGS		
57	Plenary Meetings and Meetings of Committees and subsidiary bodies	15
58	Communiqués to the Press	15
59	CHAPTER IX - REPRESENTATIVES FROM THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND THE IAEA, AND OBSERVERS FROM OTHER INTER-GOVERNMENTAL ORGANIZATIONS AND NON-GOVERNMENTAL BODIES	15
60	CHAPTER X - AMENDMENTS TO THE RULES OF PROCEDURE	16
61	CHAPTER XI - SIGNATURE OF INSTRUMENTS	16

CHAPTER I REPRESENTATION AND CREDENTIALS

Composition of Delegations

Rule 1

The delegation of each State participating in the Conference shall consist of accredited representatives and such alternate representatives and advisers as may be required.

Alternates or Advisers

Rule 2

An alternate representative or an adviser may act as a representative upon designation by the head of the delegation.

Submission of Credentials

Rule 3

The credentials of representatives and the names of any alternate representatives, advisers and other members of delegations shall be transmitted to the Secretary-General of the Inter-Governmental Maritime Consultative Organization if possible not later than twenty-four hours after the opening of the Conference. Credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs, or by an appropriate authority properly designated by one of them for this purpose.

Any later change in the composition of the delegation shall as soon as possible be submitted to the Secretary-General of the Conference.

Credentials Committee

Rule 4

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of five members who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional Participation in the ConferenceRule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

CHAPTER II - PRESIDENT, VICE-PRESIDENTS, etc.ElectionRule 6

The Conference shall elect a President, [an Alternate President], [five] Vice-Presidents who shall be designated as first, [second, third, fourth and fifth] Vice-Presidents and take precedence in that order and the Chairman of the Drafting Committee established under Rule 46. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

PresidentRule 7

The President shall preside at the plenary meetings of the Conference.

Rule 8

The President shall, in the exercise of his functions, remain under the authority of the Conference.

Acting PresidentRule 9

If the President is absent for a meeting or any part thereof, he shall appoint the Alternate President or one of the Vice-Presidents to take his place.

If the President does not make an appointment, the Alternate President shall take his place and in the absence of the Alternate President the first Vice-President shall take his place, and so on.

Rule 10

The Alternate President or a Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 11

If at any time the President is unable to perform his functions for the remaining period of the Conference a new President shall be elected.

The President shall not vote

Rule 12

The President, the Alternate President or a Vice-President acting as President, shall not vote but may, where necessary, appoint another member of his delegation to vote in his place.

CHAPTER III - SECRETARIAT

Duties of the Secretary-General and the Secretariat

Rule 13

The Secretary-General and the Deputy Secretary-General of the Inter-Governmental Maritime Consultative Organization shall be the Secretary-General and the Deputy Secretary-General respectively of the Conference.

The Secretary-General shall appoint an Executive Secretary of the Conference and shall provide and direct the staff required by the Conference and its Committees.

The Secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Conference; interpret speeches made at the meetings; prepare and circulate records of the public meetings; arrange for the custody and preservation of the documents in accordance with the decisions of the Conference; publish reports of the public meetings; distribute all documents of the Conference to the participating Governments and, generally, perform all other work which the Conference may require.

Statements by the Secretariat

Rule 14

The Secretary-General, the Deputy Secretary-General, the Executive Secretary and any member of the Conference staff designated for that purpose may, at any time, make oral or written statements concerning any question under consideration.

## CHAPTER IV CONDUCT OF BUSINESS

QuorumRule 15

A quorum of the Conference shall be constituted by the representatives of a majority of the States participating in the Conference.

General Powers of the PresidentRule 16

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference. He shall direct the discussions at such meetings, ensure observance of these rules, accord the right to speak and put questions to the vote and announce decisions, resulting from the voting. He shall rule on points of order and, subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question and the closure of the list of speakers at the closure of the debate. He may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the question under discussion.

SpeechesRule 17

No person may address the Conference without having previously obtained the permission of the President. Subject to Rules 18 and 19, 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 remarks are not relevant to the subject under discussion.

PrecedenceRule 18

The Chairman or Rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.



Points of Order

Rule 19

During the discussion of any matter a representative may rise to a point of order, and the point of order shall immediately be decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall immediately be put to the vote and the President's ruling shall stand unless overruled by the majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Time-limit on Speeches

Rule 20

The Conference may on the proposal of the President limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a representative has spoken for his allotted time, the President shall call him to order without delay.

Closing of List of Speakers

Rule 21

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he had declared the list closed makes this desirable.

Adjournment of Debate

Rule 22

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The President may limit the time to be allowed to speakers under this rule.

### Closure of the Debate

#### Rule 23

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

### Suspension or Adjournment of the Meeting

#### Rule 24

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment.

### Order of Procedural Motions

#### Rule 25

Subject to Rule 19, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) For the closure of the debate on the question under discussion.

### Basic Proposals

#### Rule 26

The set of draft articles for an International Convention on Limitation of Liability for Maritime Claims, and the set of draft Final Clauses for the same convention, both circulated by the Secretary-General of the Inter-Governmental Maritime Consultative Organization, shall constitute the basic proposals for discussion by the Conference.

Other Proposals and Amendments

Rule 27

Other proposals and amendments thereto shall normally be introduced in writing and handed to the Executive Secretary of the Conference who shall circulate copies to the delegations. As a general rule, no proposal or amendment shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of proposals, amendments or motions, even though such proposals, amendments or motions have not been circulated or have only been circulated the same day.

Seconding of Proposals, Amendments and Other Motions

Rule 28

No proposal, amendment or other motion may be discussed or voted upon unless it has been seconded by at least one delegation other than the delegation which presented it, except that a proposal, amendment or other motion submitted by more than one delegation may be considered without being seconded.

Decisions on Competence

Rule 29

Subject to Rule 19, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Withdrawal of Motions

Rule 30

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any representative.

Reconsideration of ProposalsRule 31

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

Invitation to Technical AdvisersRule 32

The Conference may invite or admit to one or more of its meetings any person whose technical advice it may consider useful in its work.

## CHAPTER V - VOTING

Voting RightsRule 33

Each State represented at the Conference shall have one vote.

Required MajorityRule 34

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 simple majority of the representatives present and voting.
3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless over-ruled by a two-thirds majority of the representatives present and voting.

Meaning of the expression  
"Representatives present and voting"

Rule 35

For the purpose of these Rules the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives abstaining from voting or casting an invalid vote shall be considered as not voting.

Method of Voting

Rule 36

The Conference shall normally vote by show of hands. However, any representative may request a roll-call vote which shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The vote of each representative participating in any roll-call vote shall be inserted in the summary record of the meeting concerned.

Conduct during Voting

Rule 37

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. Except in the case of elections held by secret ballot, the President may permit representatives to explain their votes after the voting. The President may limit the time to be allowed for such explanations.

Division of Proposals and Amendments

Rule 38

1. Parts of a proposal or amendment thereto shall be voted on separately if the President, with the consent of the proposer where applicable, so decides or if a representative requests that the proposal or amendment thereto be divided and the proposer if any raises no objection. If the proposer objects to a request for division, permission to speak on the request shall be given first to the representative making the request to divide the proposal or amendment, and then to the mover of the original proposal or

- amendment under discussion, after which the request to divide the proposal or amendment shall be put immediately to the vote.
2. Where parts of a proposal or amendment thereto have been voted on separately, those parts of a proposal which have been approved shall then be put to the vote as a whole.
  3. If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

#### Voting on Amendments

##### Rule 39

1. A motion is considered to be an amendment to a proposal if it adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote. For the purpose of this Rule, a motion to delete a proposal or part thereof shall be considered to be an amendment to that proposal.
2. If two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote.
3. The President shall, in all cases, determine which amendment is furthest removed in substance from a proposal or whether the adoption of an amendment necessarily implies the rejection of another amendment. An appeal against the President's ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.
4. If one or more amendments are adopted, the amended proposal shall then be voted upon.

#### Voting on Proposals

##### Rule 40

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

Elections

Rule 41

All elections shall be held by secret ballot unless the Conference decides otherwise.

Rule 42

Before the commencement of a secret ballot two scrutineers shall be appointed by the Conference, on the proposal of the President, from the delegations present. The scrutineers shall scrutinize the votes cast and report the results to the President indicating the number of votes cast including invalid votes, if any.

Rule 43

1. If, when one person or one delegation is to be elected, no candidate obtains on the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest numbers of votes shall be taken. If on the second ballot the votes are equally divided the President shall decide between the candidates by drawing lots.
2. In the case of a tie on the first ballot among three or more candidates obtaining the largest numbers of votes, a second ballot shall be held. If on such a second ballot a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to those two, shall continue in accordance with the preceding paragraph of this Rule.

Rule 44

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining on the first ballot a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest numbers of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after a third inconclusive ballot, votes may be cast for any eligible person or delegation.

If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes on the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until the places have been filled.

#### Equally Divided Votes

##### Rule 45

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

#### CHAPTER VI - COMMITTEES

##### Drafting Committee

##### Rule 46

A Drafting Committee, composed of not more than nine members, shall be appointed by the Conference on the proposal of the President. The Drafting Committee shall prepare drafts and give advice on drafting as requested by the Conference or by any of the Committees or subsidiary bodies. It shall also prepare the Final Act of the Conference. The Drafting Committee shall not alter the substance of texts submitted to it, but shall have the power to review and co-ordinate the drafting of all such texts. The Committee shall report, as appropriate, to the Conference or to any Committee or subsidiary body.

##### Creation of Committees and other subsidiary bodies

##### Rule 47

In addition to the Credentials Committee and the Drafting Committee, the Conference may establish such committees and other subsidiary bodies as it deems necessary for the performance of its functions.



Representation on Committees and other  
subsidiary bodies

Rule 48

Each State participating in the Conference which may be appointed to a committee or other subsidiary body shall be represented by one person on that committee or other subsidiary body. It may assign to these committees or other subsidiary bodies such alternate representatives and advisers as may be required.

Officers

Rule 49

Except in the case of the Chairman of the Drafting Committee, each committee, sub-committee, or working group shall elect its own officers.

Quorum

Rule 50

A majority of the representatives on a committee or other subsidiary body shall constitute a quorum.

Conduct of business and voting in Committees  
and other subsidiary bodies

Rule 51

The rules contained in Chapters II, III, IV, V, VII and IX shall be applicable mutatis mutandis to the proceedings of committees and other subsidiary bodies, except that all decisions of committees or other subsidiary bodies shall be taken by a majority of the representatives present and voting. However, in the case of reconsideration of proposals or amendments, the majority required shall be that established by Rule 31.

CHAPTER VII - LANGUAGES AND RECORDS

Official and Working Languages

Rule 52

1. The official languages of the Conference shall be English, French, Russian and Spanish.
2. The working languages shall be English and French.

Interpretation from official languagesRule 53

Speeches made at the Conference, its committees and other subsidiary bodies in any of the official languages shall be interpreted into the other three official languages.

Interpretation from other languagesRule 54

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

Summary RecordsRule 55

1. The Secretariat shall prepare summary records of the plenary meetings. These summary records shall be distributed to the participants as soon as possible after the closing of the meetings to which they relate.
2. The participants shall, within three days after the circulation of the summary record, inform the Secretariat in writing of any changes to their own statements that they wish to have made.

Languages of Documents and Summary RecordsRule 56

Conference documents and summary records shall be made available in the working languages.

CHAPTER VIII - PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of Committees  
and subsidiary bodies

Rule 57

The plenary meetings of the Conference shall be held in public unless the Conference decides that a particular meeting be held in private. Meetings of other committees and other subsidiary bodies of the Conference shall be held in private unless the Conference decides otherwise in any particular case.

Communiqués to the Press

Rule 58

At the close of any meeting a communiqué may be issued to the Press through the Executive Secretary.

CHAPTER IX - REPRESENTATIVES FROM THE UNITED NATIONS,  
THE SPECIALIZED AGENCIES AND THE IAEA, AND OBSERVERS  
FROM OTHER INTER-GOVERNMENTAL ORGANIZATIONS AND  
NON-GOVERNMENTAL BODIES

Rule 59

1. Representatives from the United Nations, its Specialized Agencies and the IAEA may participate, without the right to vote, in the deliberations of the Conference, its Committees and other subsidiary bodies, upon the invitation of the President or Chairman as the case may be.
2. Observers of other inter-governmental organizations and non-governmental bodies invited to the Conference may, upon the invitation of the President or Chairman as the case may be, take part without vote in the deliberations of the Conference, its Committees or other subsidiary bodies on questions within the scope of their activities.
3. Technical advisers invited or admitted to any meeting of the Conference, its Committees or other subsidiary bodies in accordance with Rule 32 may take part, without vote in the deliberations of the Conference, its Committees or other subsidiary bodies upon the invitation of the President or Chairman as the case may be.

4. Written statements submitted by invited Organizations and Technical Advisers may be distributed by the Secretariat to the delegations at the Conference.

#### CHAPTER X - AMENDMENTS TO THE RULES OF PROCEDURE

##### Rule 60

These rules of procedure may be amended by a decision of the Conference taken by a majority of the representatives present and voting.

#### CHAPTER XI - SIGNATURE OF INSTRUMENTS

##### Rule 61

1. The Final Act resulting from the deliberations of the Conference shall be submitted for signature by the delegations.
2. Full Powers shall be required of each Representative or Alternate Representative who signs any convention or other international instrument which may be drawn up and opened for signature by the Conference.
3. Full Powers shall be issued either by the Head of State, or Head of Government, or the Minister for Foreign Affairs.