

# **United Nations Conference on Succession of States in Respect of Treaties**

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## **Rules of Procedure**

Extract from Volume I of the *Official Records of the United Nations Conference on Succession of States in Respect of Treaties (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

# RULES OF PROCEDURE

## Document A/CONF.80/8\*

### CHAPTER I

#### Representation and credentials

##### *Rule 1. Composition of delegations*

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

##### *Rule 2. Alternates and advisers*

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

##### *Rule 3. Submission of credentials*

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference if possible not later than 24 hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs.

##### *Rule 4. Credentials Committee*

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of nine 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.

##### *Rule 5. Provisional participation in the Conference*

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

### CHAPTER II

#### Officers

##### *Rule 6. Elections*

The Conference shall elect a President and 22 Vice-Presidents, as well as the Chairman of the Committee of the Whole provided for in rule 46 and the Chairman of the Drafting Committee provided for in rule 47. These officers shall be elected on the basis of ensuring the representative character of the General Committee. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

##### *Rule 7. General powers of the President*

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

2. The President, in the exercise of his functions, remains under the authority of the Conference.

##### *Rule 8. Acting President*

1. If the President finds it necessary to be absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the powers and duties of the President.

##### *Rule 19. Replacement of the President*

If the President is unable to perform his functions, a new President shall be elected.

##### *Rule 10. The President shall not vote*

The President, or a Vice-President acting as President, shall not vote in the Conference, but shall designate another member of his delegation to vote in his place.

### CHAPTER III

#### General Committee

##### *Rule 11. Composition*

There shall be a General Committee consisting of 25 members, which shall comprise the President and Vice-Presidents of the Conference, the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee. The President of the Conference, or in his absence, one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

##### *Rule 12. Substitute members*

If the President or a Vice-President of the Conference finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote

\* As adopted by the Conference at its 1st plenary meeting.

in the Committee. In case of absence, the Chairman of the Committee of the Whole shall designate the Vice-Chairman of that Committee as his substitute, and the Chairman of the Drafting Committee shall designate a member of the Drafting Committee. When serving on the General Committee, the Vice-Chairman of the Committee of the Whole or member of the Drafting Committee shall not have the right to vote if he is of the same delegation as another member of the General Committee.

#### *Rule 13. Functions*

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

### CHAPTER IV

#### **Secretariat**

#### *Rule 14. Duties of the Secretary-General*

1. The Secretary-General of the United Nations shall be the Secretary-General of the Conference. He, or his representative, shall act in that capacity in all meetings of the Conference and its committees.

2. 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.

#### *Rule 15. Duties of the Secretariat*

The Secretariat of the Conference shall, in accordance with these rules:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate, reproduce and distribute the documents of the Conference;
- (c) Publish and circulate the official documents of the Conference;
- (d) Prepare and circulate records of public meetings;
- (e) Make and arrange for the keeping of sound recordings of meetings;
- (f) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations; and
- (g) Generally perform all other work that the Conference may require.

#### *Rule 16. Statements by the Secretariat*

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

### CHAPTER V

#### **Conduct of business**

#### *Rule 17. Quorum*

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

#### *Rule 18. Speeches*

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 19, 20 and 23 to 25, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The Conference may limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

#### *Rule 19. Precedence*

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 conclusions arrived at by his committee, sub-committee or working group.

#### *Rule 20. Points of order*

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

#### *Rule 21. Closing of list of speakers*

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.

#### *Rule 22. Right of reply*

The right of reply shall be accorded by the President to a representative of a State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply. Representatives should attempt, in exercising this right, to be as brief as possible.

#### *Rule 23. Adjournment of debate*

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 be immediately put to the vote.

#### *Rule 24. Closure of debate*

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.

#### *Rule 25. Suspension or adjournment of the meeting*

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.

*Rule 26. Order of motions*

Subject to rule 20, the motions indicated below shall have precedence in the following order over all proposals or other 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) To close the debate on the question under discussion.

*Rule 27. Basic proposal*

The draft articles on succession of States in respect of treaties adopted by the International Law Commission<sup>1</sup> shall constitute the basic proposal for discussion by the Conference.

*Rule 28. Other proposals and amendments*

Other proposals and amendments thereto shall normally be submitted in writing to the Executive Secretary of the Conference, who shall circulate copies to all delegations. As a general rule no proposal 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 amendments, or motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

*Rule 29. Decisions on competence*

Subject to rule 20, 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.

*Rule 30. Withdrawal of proposals, amendments and motions*

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

*Rule 31. Reconsideration of proposals*

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 the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

*Rule 32. Invitations to technical advisers*

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

CHAPTER VI

Voting

*Rule 33. Voting rights*

Each State represented at the Conference shall have one vote.

<sup>1</sup> *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10 (A/9610/Rev.1), pp. 16 et seq., chap. II, sect. D.*

*Rule 34. 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 President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

*Rule 35. Meaning of the expression "representatives present and voting"*

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 36. Method of voting*

The Conference shall normally vote by show of hands or by standing, but any representative may request a roll call. The roll call 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.

*Rule 37. Conduct during voting*

The President shall announce the commencement of voting, after which no representative shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connexion with the process of voting.

*Rule 38. Explanation of vote*

Representatives may make brief statements consisting solely of explanation of their votes, before the voting has commenced or after the voting has been completed. The representative of a State sponsoring a proposal, amendment or motion shall not speak in explanation of vote thereon except if it has been amended.

*Rule 39. Division of proposals and amendments*

A representative may move that parts of a proposal or an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*Rule 40. Voting on amendments*

When an amendment is moved to a proposal, the amendment shall be voted on first. When 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 the 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. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

*Rule 41. Voting on proposals*

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. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

*Elections*

*Rule 42*

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

*Rule 43*

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in 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 in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

*Rule 44*

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in 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 number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the 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 in 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 all the places have been filled.

*Rule 45. Equally divided votes*

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

CHAPTER VIII

Committees

*Rule 46. Committee of the Whole*

The Conference shall establish a single Committee of the Whole, which may set up sub-committees or working groups. The Committee of the Whole shall have as its officers a chairman, a vice-chairman and a rapporteur.

*Rule 47. Drafting Committee*

1. The Conference shall establish a Drafting Committee consisting of 15 members, including its chairman who shall be elected by the Conference in accordance with rule 6. The other 14 members of the Committee shall be appointed by the Conference on the proposal of the General Committee. The Rapporteur of the Committee of the Whole participates *ex officio*, without a vote, in the work of the Drafting Committee.

2. The Drafting Committee shall prepare drafts and give advice on drafting as requested by the Conference or by the Committee of the Whole. It shall co-ordinate and review the drafting of all texts adopted, and shall report as appropriate either to the Conference or to the Committee of the Whole.

*Rule 48. Officers*

Except as otherwise provided in rule 6, each committee, sub-committee and working group shall elect its own officers.

*Rule 49. Quorum*

1. The Chairman of the Committee of the Whole may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

2. A majority of the representatives on the General, Drafting or Credentials Committee or on any sub-committee or working group shall constitute a quorum.

*Rule 50. Officers, conduct of business and voting*

The rules contained in chapters II, V and VI above shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups, except that:

(a) The Chairman of the General, Drafting and Credentials Committees and the chairmen of sub-committees and working groups may exercise the right to vote, and

(b) Decisions of committees, sub-committees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 31.

CHAPTER VIII

Languages and records

*Rule 51. Languages of the Conference*

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

*Rule 52. Interpretation*

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference. In this case he shall himself provide for interpretation into one of the languages of the Conference and interpretation into the other languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

*Rule 53. Records and sound recordings of meetings*

1. Summary records of the plenary meetings of the Conference and of the meetings of the Committee of the Whole shall be kept in the languages of the Conference. As a general rule, they shall be circulated as soon as possible simultaneously in all the languages of the Conference, to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make sound recordings of meetings of the Conference and the Committee of the Whole. Such recordings shall be made of meetings of other committees, sub-committees or working groups when the body concerned so decides.

*Rule 54. Language of official documents*

Official documents shall be made available in the languages of the Conference.

**CHAPTER IX**

**Public and private meetings**

*Rule 55. Plenary meetings and meetings of committees*

The plenary meetings of the Conference and the meetings of committees shall be held in public unless the body concerned decides otherwise.

*Rule 56. Meetings of subcommittees or working groups*

As a general rule meetings of a subcommittee or working group shall be held in private.

*Rule 57. Communiqués to the press*

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

**CHAPTER X**

**Observers**

*Rule 58. Representatives of organizations that have received a standing invitation from the General Assembly to participate in the*

*sessions and work of all international conferences convened under the auspices of the General Assembly in the capacity of observer*

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly have the right to participate as observers, without the right to vote, in the deliberations of the Conference, the Committee of the Whole and, as appropriate, in other committees, sub-committees or working groups.

*Rule 59. Representatives of national liberation movements*

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, the Committee of the Whole and, as appropriate, in other committees, sub-committees or working groups.

*Rule 60. Representatives of United Nations organs and agencies*

Representatives designated by organs of the United Nations, the specialized agencies and the International Atomic Energy Agency may participate as observers, without the right to vote, in the deliberations of the Conference, the Committee of the Whole and, as appropriate, other committees, sub-committees or working groups.

*Rule 61. Observers for other intergovernmental organizations*

Observers designated by other intergovernmental organizations invited to the Conference may participate, without the right to vote, in the deliberations of the Conference, the Committee of the Whole and, as appropriate, other committees, sub-committees or working groups.

**CHAPTER XI**

**Amendments to the rules of procedure**

*Rule 62. Method of amendment*

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