

## RULES OF PROCEDURE<sup>1</sup>

### CHAPTER I

#### Representation and credentials

##### *Composition of delegations*

###### *Rule 1*

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.

##### *Alternates and advisers*

###### *Rule 2*

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

##### *Submission of credentials*

###### *Rule 3*

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.

##### *Credentials Committee*

###### *Rule 4*

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.

##### *Provisional participation in the Conference*

###### *Rule 5*

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

<sup>1</sup> As adopted by the Conference at its 2nd plenary meeting and circulated as document A/CONF.89/3/Rev.1. The text is the same as the provisional rules of procedure (A/CONF.89/3), except for some modifications adopted at the 5th plenary meeting.

### CHAPTER II

#### Officers

##### *Elections*

###### *Rule 6*

The Conference shall elect a President and 22 Vice-Presidents, as well as a Chairman of each of the two Main Committees provided for in rule 43. These 25 officers shall constitute the General Committee and shall be elected on the basis of ensuring its representative character. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

##### *Acting President*

###### *Rule 7*

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.

##### *Replacement of the President*

###### *Rule 8*

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

##### *The President shall not vote*

###### *Rule 9*

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

##### *Chairman*

###### *Rule 10*

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.

##### *Substitute members*

###### *Rule 11*

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 in the Committee. In case of

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

#### *Functions*

##### *Rule 12*

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**

##### *Duties of the Secretary-General*

##### *Rule 13*

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.

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

##### *Duties of the Secretariat*

##### *Rule 14*

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.

##### *Statements by the Secretariat*

##### *Rule 15*

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**

##### *Quorum*

##### *Rule 16*

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.

##### *General powers of the President*

##### *Rule 17*

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.

##### *Speeches*

##### *Rule 18*

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.

##### *Precedence*

##### *Rule 19*

The Chairman or another representative of a subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary organ.

*Points of order**Rule 20*

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.

*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.

*Right of reply**Rule 22*

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. Such replies should be as brief as possible.

*Adjournment of debate**Rule 23*

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 put to the vote immediately.

*Closure of debate**Rule 24*

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 put to the vote immediately.

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

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 put to the vote immediately.

*Order of motions**Rule 26*

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;
- (d) To close the debate.

*Proposals**Rule 27*

1. The basis for consideration by the Conference on the Carriage of Goods by Sea shall be the following proposals:

(a) The draft articles for a Convention on the Carriage of Goods by Sea approved by the United Nations Commission on International Trade Law as contained in the report of the Commission on the work of its ninth session;<sup>2</sup>

(b) The draft provisions concerning implementation, reservations and other final clauses prepared by the Secretary-General.<sup>3</sup>

2. Other proposals shall be those submitted at the Conference in accordance with rule 28.

*Other proposals and amendments**Rule 28*

Other proposals 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 even though these amendments have not been circulated or have only been circulated the same day.

*Decisions on competence**Rule 29*

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.

*Withdrawal of proposals and motions**Rule 30*

A proposal 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 or a motion which has thus been withdrawn may be reintroduced by any representative.

<sup>2</sup> See document A/CONF.89/5 below.

<sup>3</sup> See documents A/CONF.89/6 and Add.1 and 2 below.

*Reconsideration of proposals**Rule 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 the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

## CHAPTER VI

## Voting

*Voting rights**Rule 32*

Each State represented at the Conference shall have one vote.

*Required majority**Rule 33*

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 shall rule thereon. 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.

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.

5. If the vote is equally divided on a decision requiring a majority of the representatives present and voting, the proposal or motion shall be regarded as rejected.

*Method of voting**Rule 34*

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.

*Conduct during voting**Rule 35*

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.

*Explanation of vote**Rule 36*

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 or motion shall not speak in explanation of vote thereon except if it has been amended.

*Division of proposals**Rule 37*

A representative may move that parts of a proposal 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 which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

*Amendments**Rule 38*

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

*Voting on amendments**Rule 39*

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.

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

*Elections**Rule 41*

All elections shall be held by secret ballot, unless otherwise decided by the Conference in an election where the number of candidates does not exceed the number of places to be filled.

*Rule 42*

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

## CHAPTER VII

**Subsidiary organs***Main committees, sub-committees and working groups**Rule 43*

1. The Conference shall establish two Main Committees (the "First Committee" and the "Second Committee"), each of which may set up sub-committees or working groups.

2. The Conference shall determine the matters to be considered by each Main Committee. The General Committee, upon the request of the Chairman of a Main Committee, may adjust the allocation of work between the Main Committees.

*Drafting Committee**Rule 44*

1. The Conference shall establish a Drafting Committee consisting of 18 members appointed by the Conference on the proposal of the General Committee. The Rapporteur of each of the Main Committees may participate *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 a Main Committee. It shall co-ordinate and review the drafting of all texts adopted, and shall report as appropriate either to the Conference or to the Main Committee concerned.

*Officers**Rule 45*

1. Each Main Committee shall have a chairman, a vice-chairman and a rapporteur. Other subsidiary organs shall have a chairman and such other officers as may be required.

2. Except as otherwise provided in rules 6 and 10, each committee, sub-committee and working group shall elect its own officers.

*Applicable rules**Rule 46*

The rules contained in chapters II, IV, V and VI above shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary organs, except that:

(a) The chairmen of the General Committee, the Drafting Committee and the Credentials Committee and

the chairmen of sub-committees and working groups may exercise the right to vote.

(b) The chairman of a Main Committee 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.

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

(d) Decisions of subsidiary organs shall be taken by a majority of the representatives present and voting, except that a motion to reconsider a proposal shall require the majority established by rule 31.

## CHAPTER VIII

**Languages and records***Languages of the Conference**Rule 47*

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

*Interpretation**Rule 48*

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.

*Records and sound recordings of meetings**Rule 49*

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees 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 corrections they wish to have made.

2. The Secretariat shall make sound recordings of meetings of the Conference and of the Main Committees. Such recordings shall be made of meetings of other subsidiary organs when the body concerned so decides.

*Language of official documents**Rule 50*

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

## CHAPTER IX

**Public and private meetings***Plenary and Main Committees**Rule 51*

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

*Subsidiary organs**Rule 52*

As a general rule, meetings of subsidiary organs other than Main Committees shall be held in private.

## CHAPTER X

**Other participants and observers***Representatives of the United Nations Council for Namibia**Rule 53*

Representatives designated by the United Nations Council for Namibia may participate in the deliberations of the Conference, its Main Committees and, as appropriate, in other subsidiary organs. They shall have the right to submit proposals.

*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 observers*

*Rule 54*

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 may participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, in other subsidiary organs.

*Representatives of national liberation movements**Rule 55*

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, its Main Committees and, as appropriate, in other subsidiary organs.

*Representatives of United Nations organs and agencies**Rule 56*

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, its Main Committees and, as appropriate, in other subsidiary organs.

*Observers for other intergovernmental organizations**Rule 57*

Observers designated by other intergovernmental organizations invited to the Conference may participate, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, in other subsidiary organs.

*Observers for non-governmental organizations**Rule 58*

1. Observers designated by non-governmental organizations invited to the Conference may attend public meetings of the Conference and its Main Committees and, as appropriate, other subsidiary organs.

2. Upon the invitation of the presiding officer of the body concerned, and subject to the approval of that body, such observers may make oral statements on questions in which they have a special competence.

*Written statements**Rule 59*

Written statements related to the work of the Conference submitted by the designated representatives or observers referred to in rules 53 to 58 shall be distributed by the Secretariat to all delegations in the quantities and in the languages in which the statements are made available to the Secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization is on a subject in which it has a special competence and is related to the work of the Conference.

## CHAPTER XI

**Amendment or suspension of the rules of procedure***Method of amendment**Rule 60*

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

*Method of suspension**Rule 61*

These rules may be suspended by a decision of the Conference, provided that 24 hours notice of the proposal for the suspension has been given, which may be waived if no representative objects; subsidiary organs may by unanimous consent waive rules pertaining to them. Any suspension shall be limited to a specific and stated purpose and to the period required to achieve it.