

DRAFT RULES OF PROCEDURE

**DIPLOMATIC CONFERENCE ON A CONVENTION ON THE
PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND
TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR
DESTRUCTION**

Oslo, September 1997

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Chapter I
Participation in the Conference

Participation in the Conference

Rule 1

1. States present at the Conference will be participants or observers.
2. Regional inter-governmental organisations may attend the Conference as observers.
3. The UN Secretary General, the UNHCR, UNICEF, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies and the Sovereign Order of Malta may attend the Conference as observers.
4. Other organisations that have received an invitation from the Government of Norway may attend the Conference as observers.

Chapter II
Representation and credentials

Composition of delegations

Rule 2

Each delegation 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 3

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

Submission of credentials

Rule 4

1. 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
2. The credentials of representatives shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 5

If an objection is raised against the participation of a delegation, 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 6

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

Chapter III

Officers

Elections

Rule 7

The Conference shall elect a President and 8 Vice-Presidents. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 8

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.

Acting President

Rule 9

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 10

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

The President shall not vote

Rule 11

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 IV

General Committee

Composition

Rule 12

There shall be a General Committee which shall comprise the President and Vice-Presidents of the Conference and the officers of the Committee of the Whole. 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 13

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.

Functions

Rule 14

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 V

Secretariat

Duties of the Secretary-General and of the Secretariat

Rule 15

1. The Secretary-General, designated by the Norwegian Government, shall act in that capacity in all meetings. He may designate another member of the Secretariat to replace him in case of absence.

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. The Secretariat shall make all arrangements relating to meetings and, generally, perform all other work which the Conference may require.

Statements by the Secretariat

Rule 16

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 VI

Conduct of business

Quorum

Rule 17

The presence of representatives of 25 of the participating States shall be required for any decision to be taken.

Speeches

Rule 18

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

Precedence

Rule 19

The chairman or an officer of a committee, may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

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 may be accorded by the President to any representative if a speech delivered after the list of speakers has been closed makes this desirable.

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 immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

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 immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

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 immediately put to the vote.

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 on the question under discussion;
- (d) To close the debate on the question under discussion.

Basic proposal

Rule 27

The Austrian draft proposal of 13 May 1997 on a Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction shall constitute the basic proposal for discussion by the Conference.

Other proposals and amendments

Rule 28

Other substantive proposals or amendments to any proposal shall normally be submitted in writing to the Secretary General of the Conference, who shall circulate copies to all delegations. As a general rule no substantive proposal or amendments to any 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, amendments and motions

Rule 30

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

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 immediately put to the vote

Invitations to technical advisers

Rule 32

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

Chapter VII

Decision Making

Promotion of general agreement

Rule 33

The Conference shall, both at the plenary and the Committee of the Whole stages, make every effort to reach general agreement on matters of substance, and there shall be no voting on such matters until all efforts to that end have been exhausted.

Voting rights

Rule 34

Each State participating at the Conference shall have one vote

Majority required

Rule 35

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.

Meaning of the expression "representatives present and voting"

Rule 36

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.

Method of voting

Rule 37

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 38

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 connection with the process of voting.

Explanation of vote

Rule 39

The President may permit representatives to explain their votes. The President may limit the time to be allowed for such explanations. 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

Division of proposals

Rule 40

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 that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 41

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. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Voting on proposals

Rule 42

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 43

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a vote on an agreed candidate.

Rule 44

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 45

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.

Equally divided votes

Rule 46

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

General rights of observers

Rule 47

Observers:

- a) May not participate in decision-making;
- b) May not make any procedural motion or request, raise points of order or appeal against a ruling of the Chairman;
- c) May not introduce proposals or amendments to any proposal.

Chapter VIII

Committees

Committee of the Whole

Rule 48

1. The Conference shall establish a Committee of the Whole, whose Chairman shall be the President of the Conference. If the Chairman finds it necessary to be absent from a meeting or any part thereof, he shall designate a Vice-President of the Conference to take his place

2. The Conference may establish other committees as appropriate

Quorum

Rule 49

The presence of representatives of 25 of the participating States shall be required for any decision to be taken.

Officers, conduct of business and voting

Rule 50

The rules contained in chapters II, V and VI above shall be applicable, *mutatis mutandis*, to the proceedings of the Committee of the Whole and other committees, except that:

- (a) The Chairmen of the General and Credentials Committees may exercise the right to vote, and
- (b) Decisions of the Committee of the Whole and other committees 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 IX

Languages and Records

Languages of the Conference

Rule 51

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

Interpretation

Rule 52

1. Speeches made in a language of the Conference shall be interpreted into the other such languages in the plenary and in the Committee of the Whole
2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into such language.

Records and sound recordings of meetings

Rule 53

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, when the committee concerned so decides.

Chapter X

Public and private meetings

Plenary meetings and meetings of committees

Rule 54

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

Chapter XI
Amendments to the rules of procedure

Method of amendment

Rule 55

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