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**International Conference on Chemicals Management**

**Second session**

Geneva, 11–15 May 2009

Item 2 (a) of the provisional agenda \*

**Adoption of the rules of procedure**

**Report of the Open-ended Legal and Technical Working Group  
of the International Conference on Chemicals Management on  
the work of its first meeting**

**Note by the Secretariat**

At its first session, held in Dubai from 4 to 6 February 2006, the Conference agreed that the groundwork for the second session on the issue of rules of procedure would be carried out by an open-ended legal and technical working group, which would meet a few months prior to the second session. The secretariat has the honour to circulate, in the annex to the present note, the report of the Open-ended Legal and Technical Working Group on the work of its first meeting, which was held in Rome from 21 to 24 October 2008. The Conference may wish to develop further and adopt the draft rules of procedure prepared by the Open-ended Legal and Technical Working Group.

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\* SAICM/ICCM.2/1

## Annex

### **Report of the Open-ended Legal and Technical Working Group of the International Conference on Chemicals Management on the work of its first meeting, Rome, 21–24 October 2008**

#### **I. Opening of the meeting**

1. The first meeting of the Open-ended Legal and Technical Working Group of the International Conference on Chemicals Management was held at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome on 21, 22 and 24 October 2008. Mr. Matthew Gubb, coordinator of the Strategic Approach to International Chemicals Management, opened the meeting at 10.30 a.m. on Tuesday, 21 October, welcoming participants and expressing thanks to the Governments of the Czech Republic, Finland, Germany, Sweden and Switzerland, whose financial support had assisted in holding the meeting.
2. Mr. Peter Kenmore, Chief of the FAO Plant Protection Service and Executive Secretary of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, speaking on behalf of the Director-General of FAO, Mr. Jacques Diouf, welcomed participants to the meeting and to Rome. He set out the background to the development and implementation of the Strategic Approach, highlighting the role played by FAO in areas such as monitoring of progress and participation in regional group meetings.
3. He said that the Strategic Approach could only be successful if countries were to build their capacity to manage chemicals safely throughout their life cycle, thereby ensuring a level playing field and removing the incentive for industry to export hazard substances or technologies to countries with weaker implementation of chemicals legislation. He also called for national and international coordination and the creation of synergies between chemicals-related organizations and arrangements and for coherence in the chemicals and wastes regime. Noting that each chemicals-related organization and programme, particularly members of the Inter-Organization Programme for the Sound Management of Chemicals, was autonomous, with its own mandate and financing, he urged relevant organizations to review their mandates or terms of reference to further the implementation of the Strategic Approach.

#### **II. Organizational matters**

4. The representative of the secretariat noted that no formal rules of procedure were in place for the current meeting and proposed that the Working Group might wish to agree to use the rules of procedure of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management, *mutatis mutandis*, to govern the conduct of its work.
5. One representative noted that those rules had been applied at the first session of the International Conference on Chemicals Management, where it had been agreed that all decisions should be taken by consensus only. He proposed that the same should apply during the present meeting.
6. Several representatives said that, while they agreed that the Working Group should at all times strive to reach consensus, it would not necessarily always be achievable and decisions would nonetheless have to be taken. They therefore recommended using the rules of procedure of the Preparatory Committee without amendment.
7. Given that no consensus could be reached, the representative of the secretariat proposed, and the Working Group agreed, that the meeting should proceed using the rules of procedure of the Preparatory Committee, with the provisions on decision-making placed in square brackets. The brackets would be reviewed as and when necessary.

#### **A. Election of officers**

8. The Working Group elected the following officers to serve on the Bureau during the current meeting, with one representative elected from each of the five United Nations regional groupings:

Chair:	Mr. Osvaldo Álvarez Perez (Chile) (Latin American and Caribbean group)
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Vice-Chairs:	Ms. Abiola Olanipekun (Nigeria) (African group)
	Mr. Mohammed Khashashneh (Jordan) (Asian and Pacific group)
	Ms. Kateřina Šebková (Czech Republic) (Central and Eastern European group)
	Mr. Barry Reville (Australia) (Western European and others group)

## **B. Adoption of the agenda**

9. The Working Group adopted the agenda set out below, on the basis of the provisional agenda that had been circulated as document SAICM/OELTWG.1/1:

1. Opening of the meeting.
2. Organizational matters:
  - (a) Election of officers;
  - (b) Adoption of the agenda;
  - (c) Organization of work.
3. Preparation of the rules of procedure of the International Conference on Chemicals Management and its subsidiary bodies.
4. Other matters.
5. Adoption of the report of the meeting.
6. Closure of the meeting.

## **C. Organization of work**

10. The Chair drew attention to the tentative arrangements and schedule set out in the annotated agenda (SAICM/OELTWG.1/1/Add.1). The Working Group agreed to conduct the meeting in accordance therewith.

## **D. Attendance**

11. Representatives of the following Governments attended the meeting: Albania, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Brazil, Burkina Faso, Canada, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Finland, France, Gabon, Georgia, Germany, Ghana, Guinea, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kenya, Kiribati, Malaysia, Mali, Mauritius, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Palau, Panama, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, Senegal, Serbia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

12. Representatives of the following intergovernmental organizations and United Nations bodies also participated: European Commission, Organization of American States, United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research, World Health Organization, Intergovernmental Forum on Chemical Safety.

13. Representatives of the following non-governmental organizations also participated: Agenda for Environment & Responsible Development, Armenian Women for Health and Healthy Environment, Basel Convention Regional Coordinating Centre for Africa, Center for International Environmental Law, Centro de Analisis y Accion en Toxicos y sus Alternativas (Centre for Analysis and Action on Toxics and their Alternatives), Croplife International, Day Hospital Institute for Rehabilitation and Development, Environment and Social Development Organization, Environmental Group FRI (Foundation for Realization of Ideas), Environmental Health Fund, Institute for Global Environmental Strategies, International Council of Chemical Associations, International Council on Mining and Metals, International Institute of Tropical Agriculture, International POPs Elimination Network,

International Society of Doctors for the Environment, International Trade Union Confederation, International Union of Pure and Applied Chemistry, National Toxics Network, Pesticide Action Network Asia and the Pacific, Society of Environmental Toxicology and Chemistry, Sustainlabour – International Labour Foundation for Sustainable Development, Women in Europe for a Common Future.

### **III. Preparation of the rules of procedure of the International Conference on Chemicals Management and its subsidiary bodies**

14. In considering the item, the Working Group had before it notes by the secretariat on the preparation of the rules of procedure of the Conference and its subsidiary bodies (SAICM/OELTWG.1/2), the composition and functions of the bureau of the Conference (SAICM/OELTWG.1/3), the rules of procedure of the Stockholm Convention on Persistent Organic Pollutants (SAICM/OELTWG.1/INF/1) and a proposal by the Government of the United States of America for the rules of procedure of the Conference (SAICM/OELTWG.1/INF/2).

15. The representative of the secretariat said that the regional consultations had given a strong message that the rules of procedure of the Preparatory Committee would be a good starting point for the rules of procedure of the Conference. He highlighted the numerous issues that faced the Working Group, such as decision-making provisions, the composition and role of the bureau of the Conference and the possible creation of subsidiary bodies.

16. Following a discussion, the Chair proposed, and the Working Group agreed, that document SAICM/OELTWG.1/2, containing the rules of procedure of the Preparatory Committee, would be used as the basis for discussions. The Committee undertook a first reading of the rules and, where agreement could not be reached on specific issues, agreed to refer those to a contact group for separate discussion.

17. Accordingly, the Working Group agreed to establish two contact groups, one chaired by Mr. Barry Reville (Australia), to refine the rules of procedure under chapter VI, "Officers", and chapter VIII, "Subsidiary bodies", together with issues relating to regional networks, and the second chaired by Mr. Jamidu Katima (Agenda for Environment and Responsible Development), to discuss matters under the rules of procedure relating to credentials and accreditation, decision-making and participation.

18. During consideration of the issue of subsidiary bodies, taken up in rule 18 of the rules of procedure of the Preparatory Committee, the representative of Senegal made a statement in his capacity as President of the Intergovernmental Forum on Chemical Safety (IFCS), the sixth session of which had been held in Dakar from 15 to 19 September 2008. He drew attention to the Dakar Resolution on the Future of the Intergovernmental Forum on Chemical Safety, adopted by IFCS at that session, in which IFCS had, among things, invited the International Conference on Chemicals Management to decide, at its second session, to establish IFCS an advisory body to the Conference. Following a discussion of that invitation, some participants suggested that the matter should be taken up at the second session of the International Conference on Chemicals Management, while another expressed concerns about the proposal from IFCS and the need for action by the Conference.

19. Reporting back to the Working Group, the co-chairs of the contact group noted that significant progress had been made towards reaching concurrence on the rules, with a few issues remaining to be dealt with in plenary. The rules were taken up individually by the meeting. In the ensuing debate, tentative agreement was reached on many of the rules. Owing to time constraints, however, participants were unable to consider certain issues fully. It was agreed that the new draft text of the rules of procedure, including those rules on which provisional agreement had been reached, would be forwarded to the International Conference on Chemicals Management at its second session and that, at that time, any of the rules could be revisited, if necessary. The draft rules of procedure are set out in the annex to the present report.

20. The Working Group debated at length the arrangements to assist the secretariat in its preparations for the second session of the Conference. While some participants favoured maintaining the so-called "friends of the Secretariat" that had been in place since April 2008, others believed that that group should be expanded to include the bureau of the current meeting. The representative of the secretariat recalled that the friends of the Secretariat comprised the five Strategic Approach regional focal points, plus two more governmental representatives per region, together with four representatives from non-governmental organizations (one each representing public interest organizations, health organizations, industry organizations and trade unions) and also representatives from FAO, the International Labour Organization (ILO), the United Nations Environment Programme (UNEP) and the

World Health Organization (WHO). A further suggestion was that a group should be formed comprising six government participants, four representatives of non-governmental organizations, one representative of an intergovernmental organization and the five Strategic Approach regional focal points.

21. As the Working Group could not reach agreement on the matter, the Chair ruled that the secretariat should endeavour to identify the most appropriate arrangements for its preparations for the second session of the Conference.

#### **IV. Other matters**

22. No other matters were raised.

#### **V. Adoption of the report of the meeting**

23. The report of the meeting was adopted on the basis of the draft report circulated at the meeting, as orally amended, and on the understanding that its finalization would be entrusted to the secretariat, under the Guidance of the Chair.

#### **VI. Closure of the meeting**

24. The Chair declared the meeting closed at 7.10 p.m. on Friday, 24 October 2008.

## Annex

# Rules of procedure of the International Conference on Chemicals Management

## I. Introduction

### Rule 1

These rules of procedure shall apply to any session of the International Conference on Chemicals Management (“Conference”) convened pursuant to Section VII of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management, and are designed to reflect the multi-stakeholder character of the Strategic Approach, as described in paragraph 2 of the Overarching Policy Strategy.

## II. Definitions

### Rule 2

For the purposes of these rules:

(a) “Governmental participant” means any Member State of the United Nations, of its specialized agencies or of the International Atomic Energy Agency as well as any associate member State of a specialized agency and, unless expressed otherwise, regional economic integration organisations constituted by sovereign states of a given region, to which its member States have transferred competence in respect of matters within the mandate of the Conference;

(b) “Governmental participants present and voting” means those governmental participants present at the session at which voting takes place and casting an affirmative or negative vote. Governmental participants abstaining from voting shall be considered as not voting;

(c) “Intergovernmental participant” means any United Nations body or other intergovernmental entity with expertise and responsibilities in the field of international chemicals management;

(d) “Non-governmental participant” means any international non-governmental organization having activities, expertise and responsibilities [relevant] to the purpose and objectives of the Strategic Approach to International Chemicals Management that has informed the Secretariat in writing in accordance with rule 13 of its wish to be represented at sessions of the Conference and whose attendance is not objected to by one-third or more of the governmental participants present when the Conference considers the request;

(e) “Participant” means any governmental, intergovernmental or non-governmental participant;

(f) “President” means the President of the Conference elected in accordance with rule 14.

## III. Participation

### Rule 3

1. Subject to paragraph 2, all participants shall be entitled to take part, in accordance with these rules, in sessions of the Conference and any subsidiary body established in accordance with Rule 23.

2. Intergovernmental and/or non-governmental participants shall be excluded from the consideration of all or part of the agenda if so decided by a two-thirds majority of the governmental participants present and voting. Such temporary exclusions shall be made only where the matter under consideration is sensitive. The reasons for the exclusion shall be stated in the governmental participants’ decision and shall be recorded in the official record of the session.

## **IV. Venue, dates and notice of sessions**

### **Rule 4**

The venue and dates of each session of the Conference shall be decided by the governmental participants after consulting the secretariat and inviting comments by the intergovernmental participants and non-governmental participants.

### **Rule 5**

The secretariat shall notify all participants of the venue and dates of a session of the Conference at least eight weeks before it is due to commence.

## **V. Agenda**

### **Rule 6**

1. The secretariat shall, in consultation with and under the guidance of the Bureau, prepare a provisional agenda for each session in accordance with the functions of the Conference defined in paragraph 24 of the Overarching Policy Strategy. Any participant may request the secretariat to include specific items in the provisional agenda.

2. In developing the agenda pursuant to paragraph 1, any item recommended by Strategic Approach regional meetings and items of particular interest to developing countries and countries with economies in transition shall be given priority.

3. For each session of the Conference, the provisional agenda, with other official documents, shall be distributed to participants in the official languages by the secretariat at least six weeks before the session is due to commence.

4. Between the date of communication of the provisional agenda and the date of adoption of the agenda by the Conference, participants may propose supplementary items for inclusion in the agenda, provided the items are of an important and urgent nature. The secretariat shall, with the consent of the Bureau, include such items on the provisional agenda.

### **Rule 7**

At the beginning of each session of the Conference, the governmental participants shall, after consulting the intergovernmental participants and non-governmental participants, adopt the agenda for the session on the basis of the provisional agenda and any supplementary items proposed in accordance with rule 6.

### **Rule 8**

During a session of the Conference, the governmental participants may, after consulting the intergovernmental participants and non-governmental participants, revise the agenda for the session by adding, deleting or amending items. Only items which the governmental participants consider to be of an important and urgent nature may be added to the agenda during a session.

## **VI. Representation, credentials and accreditation**

### **Rule 9**

Each Participant participating in a session of the Conference shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternative representatives and advisers as it may require. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

### **Rule 10**

1. The credentials of representatives of governmental participants as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the Secretariat.

2. For governmental participants, the credentials shall be issued by either the Head of State or Government or by the Minister for Foreign Affairs, or, in the case of regional economic integration organization, by the competent authority of that organization.

**Rule 11**

The Bureau of any session shall examine the credentials and submit its report to the Conference.

**Rule 12**

Representatives of governmental participants shall be entitled to participate provisionally in the session, pending a decision by governmental participants in the Conference to accept their credentials.

**Rule 13**

Intergovernmental and non-governmental participants shall be duly accredited. The name of any such participant seeking accreditation shall be submitted to the secretariat if possible no later than twenty-four hours after the opening of the session. At the same time, a responsible official of such participant shall submit to the secretariat the names of those who represent it at the Conference. Any later change in that list of names shall also be submitted to the secretariat.

## **VII. Officers and operation of the Bureau**

**Rule 14**

1. At the commencement of the second session of the Conference, the President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected by and from among the representatives of the governmental participants present at the session. These elected governmental participants shall serve as the Bureau of the Conference. The Bureau shall remain in office until the closure of the third session of the Conference. The terms of these officers are deemed to constitute two consecutive terms.

2. At the third session of the Conference, and any future sessions of the Conference, the President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected by and from among the representatives of the governmental participants present at each session. These elected governmental participants shall serve as the Bureau of each session of the Conference. These officers shall commence their term at the closure of each session of the Conference and shall serve until the closure of the next session of the Conference.

3. In electing the officers, the governmental participants shall have due regard to the principle of equitable geographical representation. Each of the five regions of the United Nations shall be represented by one officer in the Bureau.

4. The offices of President and Rapporteur shall normally be subject to rotation among the United Nations regions for each session of the Conference. No elected officer may serve on the Bureau for more than two consecutive terms.

5. For the purpose of this rule, governmental participants shall not include a regional economic integration organization.

**Rule 15**

1. The Bureau shall meet as necessary, either in person or by telecommunication means, to advise the President and the secretariat on the conduct of the business of the Conference and its subsidiary bodies. The secretariat shall service its meetings. The chairperson of any subsidiary body may be invited to participate in Bureau meetings to report on and discuss the progress of work of the body for which he or she is responsible.

2. In light of the multi-stakeholder character of the Strategic Approach, the President shall invite four representatives of non-governmental participants and one representative of the Inter-Organization Programme for the Sound Management of Chemicals to participate in the discussions during the meetings of the Bureau for the purpose of advising and responding to the Bureau, unless the Bureau decides that part or all of its meeting shall be limited to governmental participants.

3. Pursuant to paragraph 2, one representative of each of the health, industry, trade union, and public interest groups of non-governmental participants shall be elected at the commencement of the second session of the Conference by and from representatives present from each group. The elected representatives shall remain in that capacity until the end of the third session. The terms of these representatives are deemed to constitute two consecutive terms. Thereafter, such representatives shall be elected at the end of each session of the Conference, and remain in that capacity until the end of the next session. No elected representative may serve for more than two consecutive terms.

4. Pursuant to paragraph 2, the representative of the Inter-Organization Programme for the Sound Management of Chemicals shall be elected at the commencement of the second session of the Conference by and from the representatives of the participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals present. The elected representative shall remain in that capacity until the end of the third session. The term of this representative is deemed to constitute two consecutive terms. Thereafter, such representatives shall be elected at the end of each session of the Conference, and remain in that capacity until the end of the next session. No elected representative may serve for more than two consecutive terms.

5. In addition, the President may, in consultation with the other members of the Bureau, invite such participants and others as he/she deems appropriate to discuss specific matters concerning the work of the Bureau that he/she considers would benefit from such consideration.

#### **Rule 16**

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, the President shall:

- (a) Declare the opening and closure of each session;
- (b) Preside at sessions of the Conference;
- (c) Ensure the observance of these rules;
- (d) Accord participants the right to speak;
- (e) Put questions [to the vote][for decision][if necessary][after having exhausted efforts for consensus] and announce decisions;
- (f) Rule on any points of order; and
- (g) Subject to these rules, have complete control over the proceedings and maintain order.
- (h) Preside at meetings of the Bureau.

2. The President may also propose:

- (a) The closure of the list of speakers;
- (b) A limitation on the time to be allowed to speakers and on the number of times a participant may speak on an issue;
- (c) The adjournment or closure of debate on an issue; and
- (d) The suspension or adjournment of a meeting.

3. The President shall decide when a sufficient time for consultation under rules 4, 7, 8 or 23 has elapsed.

4. The President, in the exercise of his or her functions, remains at all times under the authority of the Conference.

#### **Rule 17**

The President shall participate in sessions of the Conference in that capacity and shall not at the same time exercise the rights of a representative of a governmental participant. The governmental participant concerned shall designate another representative who shall be entitled to represent it at sessions and exercise the right to vote.

**Rule 18**

1. The President, if absent from a session or any part thereof, shall designate a Vice-President to act as President.
2. A Vice-President acting as President shall have the same powers and duties as the President and shall not at the same time exercise the rights of a representative of a governmental participant.

**Rule 19**

If an officer of the Bureau resigns or is otherwise unable to complete his or her term of office or to perform the functions of that office, a replacement representative from the same governmental participant shall be provided by that governmental participant as soon as possible.

**VIII. Secretariat****Rule 20**

The Executive Director of the United Nations Environment Programme shall provide and direct the staff of the secretariat required to service the Conference, including any subsidiary bodies which the Conference may establish.

**Rule 21**

The Executive Director shall be responsible for convening sessions in accordance with rules 4 to 6 and for making all the necessary arrangements for such sessions, including the preparation and distribution of official documents in the six official languages of the United Nations at least six weeks in advance of the sessions.

**Rule 22**

In addition to the functions specified in paragraph 28 of the Overarching Policy Strategy the secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at sessions;
- (b) Receive, translate, reproduce and distribute the official documents for the sessions;
- (c) Arrange for the custody and preservation of the documents of each session in the archives of the secretariat; and
- (d) Perform such other tasks as the Conference may require in relation to its functions.

**IX. Subsidiary bodies****Rule 23**

1. The governmental participants may, after consulting the intergovernmental participants and non-governmental participants, establish subsidiary bodies to carry out such objectives as may be agreed upon at a session of the Conference. [They][The governmental participants] shall determine the matters to be considered by a subsidiary body and establish its terms of reference.

[2. [Unless the Conference decides otherwise, the] [The] present rules of procedure shall apply mutatis mutandis to the proceedings of any subsidiary body, except that:

- (a) The Bureau of a subsidiary body shall not exceed three in number;
- (b) The Chair of a subsidiary body shall be appointed by the governmental participants [from among governmental participants,] after consultation with the intergovernmental participants and non-governmental participants;
- (c) Any Vice-Chair and Rapporteur of a subsidiary body shall be appointed by the governmental participants represented in the subsidiary body after consultation with the intergovernmental participants and non-governmental participants represented in the body;

[(c) bis A subsidiary body may opt for a chair or co-chair arrangement in lieu of a Bureau;] and

(d) Subject to subparagraph [(b) and] (c), a subsidiary body shall not take votes.]

**[Rule 23 bis Regional networks]**

1. Each region should endeavour to meet at least once a year, subject to available funds, either in person or via teleconference or email.

2. Any region may elect to hold up to [x] intersessional regional meetings in conjunction with other regional meetings in order to promote cross-fertilization of ideas.

3. Regional meetings should, to the extent feasible, endeavour to meet back to back with other relevant meetings as a cost savings measure.

4. Regional Networks will decide their own organizational arrangements

5. The functions of regional meetings should include the functions listed in paragraph 24 of the Overarching Policy Strategy, provide guidance and advice on the organization of sessions of the Conference through the Bureau, and consider other regional perspectives, priorities and issues as described in reports of regional meetings prepared by the Secretariat. ]

## **X. Conduct of business**

### **Rule 24**

The President may declare a meeting of the session open and permit debate to proceed when the representatives of at least one-third of those participating in the session are present. The presence of two-thirds of the participants so participating shall be required for any consensus decision to be taken and the presence of two-thirds of the governmental participants so participating shall be required for any [vote][decision] to be taken.

### **Rule 25**

1. No one may speak at a meeting of the session without obtaining the permission of the President. Without prejudice to rules 26, 27, 28 and 30, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference may, on a proposal from the President or from any participant, limit the time allowed to each speaker and the number of times each participant 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 the speaker to order without delay.

### **Rule 26**

The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions reached by that subsidiary body.

### **Rule 27**

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

### **Rule 28**

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment to a proposal shall be decided upon before the matter is discussed or [a vote][decision] is taken on the proposal or amendment in question.

**Rule 29**

Proposals and amendments to proposals shall normally be introduced in writing by the participants and handed to the secretariat, which shall circulate copies to delegates. As a general rule, no proposal may be discussed or put to the vote at any session unless copies of it have been circulated to the participants at least 24 hours before the proposal is debated. The President may, however, permit the discussion and consideration of proposals, amendments to proposals or procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day.

**Rule 30**

1. Subject to rule 27, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the session;
- (b) To adjourn the session;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a) to (d) shall be granted to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to [a vote][decision].

**Rule 31**

A proposal or motion may be withdrawn by its proposer at any time before [voting][decision] on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other participant.

**Rule 32**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference [decides otherwise] [by [a two-thirds majority][consensus] of the governmental representatives present and voting decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to a vote].

**XI. Adoption of decisions****Rule 33**

1. The participants shall make every effort to reach agreement on all matters of substance and procedure by consensus. If all efforts by the participants at consensus have been exhausted, and no consensus reached, the decision shall, as a last resort, unless otherwise provided by the present rules of procedure, be taken:

- (a) On a matter of substance, [other than a financial matter,] by [consensus of the governmental participants][a two-thirds majority vote of the governmental participants present and voting]; and
- (b) On a matter of procedure, by a majority vote of the governmental participants present and voting.

2. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, the issue shall be decided by [consensus of the governmental participants] [a two-thirds majority of the governmental participants present and voting].

[2. Alt. If the question arises whether a matter is procedural or substantive, the President 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 governmental participants present and voting.]

3. For the purpose of paragraphs 1 and 2 above, government participants shall not include a regional economic integration organization.

**[Rule 33 bis**

[In the event that a participant wishes to explain its position in regard to a matter under consideration at a session of the Conference, such participant may include a statement of view in the report, or other appropriate documentation, resulting from the session of the Conference. Such statement should be a reasonable length.]

**Rule 34**

If two or more amendments to a proposal are moved, the Conference shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on until decisions have been made on all the amendments.

**Rule 35**

Voting on a single proposal shall normally be by show of hands. [A roll-call vote shall be taken if one is requested by any governmental participant. It shall be taken in the English alphabetical order of the names of the countries which the governmental participants represent, beginning with the country whose name is drawn by lot by the President.]

**Rule 36**

The vote of each governmental participant in a roll-call vote shall be recorded in the report of the session.

**Rule 37**

After the President has announced the beginning of voting, no participant shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit governmental participants to explain their votes, either before or after the voting, and may limit the time allowed for such explanations.

**Rule 38**

In the absence of consensus, elections shall be decided by secret ballot.

**Rule 39**

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the governmental participants 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 between three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results between 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 procedure set out in paragraph 1.

**XII. Public and private sessions****Rule 40**

The plenary sessions of the Conference shall be held in public unless the governmental participants decide otherwise.

**Rule 41**

The meetings of subsidiary bodies, other than those of any drafting group which may be set up, shall be held in public unless the governmental participants in the Conference decide otherwise.

### **XIII. Languages**

#### **Rule 42**

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

#### **Rule 43**

1. Statements made in one official language shall be interpreted into the other official languages.
2. A participant may speak in a language other than an official language if the participant provides for interpretation into one of the official languages.

#### **Rule 44**

Official documents of the Conference shall be drawn up in one of the official languages and translated into the other official languages.

### **XIV. Amendments to rules of procedure**

#### **Rule 45**

Amendments to these rules of procedure shall be adopted by consensus of the governmental participants.

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