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UNITED NATIONS CONFERENCE ON PROHIBITIONS
OR RESTRICTIONS OF USE OF CERTAIN CONVENTIONAL
WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY
INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS
Geneva, 10-28 September 1979
Item 2 (c) of the provisional agenda*

PROVISIONAL RULES OF PROCEDURE**

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* A/CONF.95/1.

** The Preparatory Conference, in paragraph 39 of its report to the Conference (A/CONF.95/3), recommended that the Conference adopt the provisional rules of procedure reproduced in the present document.

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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 representatives, alternate representatives and advisers as may be required.

Designated representatives

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, 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 by the head of State or Government, or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4

1. There shall be a Credentials Committee of five members appointed by the Conference on the proposal of the President.

2. The Credentials Committee shall examine the credentials of representatives and report to the Conference.

Provisional participation

Rule 5

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

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CHAPTER II

OFFICERS

Appointment

Rule 6

The Conference shall appoint a President, 11 Vice-Presidents and a Rapporteur as well as the Chairman of the Committee of the Whole provided for in rule 33 and the Chairman of the Drafting Committee provided for in rule 34. These officers shall be appointed so as to ensure the representative character of the General Committee provided for in rule 10.

Acting President

Rule 7

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

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

Replacement of the President

Rule 8

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

Participation of the President in decision-making

Rule 9

The President, or a Vice-President acting as President, shall not participate in making decisions, but may designate another member of his delegation to do so in his place.

CHAPTER III

GENERAL COMMITTEE

Composition

Rule 10

The General Committee shall consist of 15 members, comprising the President, the representatives of the 11 States appointed as Vice-Presidents, the Rapporteur, the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee.

Substitute members

Rule 11

1. In case of absence, the President or a Vice-President or the Rapporteur, may designate a member of his delegation as his substitute.

2. In case of absence, the Chairman of the Committee of the Whole or of the Drafting Committee shall designate another officer of the respective Committee or, if none is available, a member thereof as his substitute. However, such a substitute shall not have the right to participate in making decisions if he is of the same delegation as another member of the General Committee.

Chairman

Rule 12

The President or, in his absence, one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

Functions

Rule 13

In addition to carrying out other functions provided for in these rules, the General Committee shall assist the President in the general conduct of the business of the Conference and, subject to decisions of the Conference, shall ensure the co-ordination of its work.

CHAPTER IV

SECRETARIAT

Duties of the Secretary-GeneralRule 14

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

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 subsidiary organs.

Duties of the secretariatRule 15

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 instruments adopted by the Conference, including its Final Document, and all 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 records of the Conference in the Archives of the United Nations; and
- (g) Generally perform all other work required in connexion with the servicing of the Conference.

Statements by the secretariatRule 16

The Secretary-General or any member of the secretariat designated for that purpose may, subject to rule 20, make either oral or written statements concerning any question under consideration.

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CHAPTER V

CONDUCT OF BUSINESS

Quorum

Rule 17

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 18

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 such meeting, direct the discussions, accord the right to speak, put questions to the Conference for decision and announce such decisions. He 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 the representatives of each participant may speak on a question, the adjournment or 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.

Points of order

Rule 19

A representative may at any time raise a point of order, which shall be decided upon 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 Conference for decision immediately, and the President's ruling shall stand unless overruled by the Conference. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

SpeechesRule 20

1. No one may address the Conference without having previously obtained the permission of the President, who shall, subject to rules 19, 21 and 25 to 26, call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to speakers and the number of times the representatives of each participant may speak on a question; a motion to set such limits shall be put to the Conference for decision immediately. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

PrecedenceRule 21

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

Closing of the list of speakersRule 22

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. When there are no more speakers on the list, the President may declare the debate closed.

Right of replyRule 23

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 and preferably to deliver their statements at the end of the meeting at which this right is requested.

Suspension or adjournment of the meeting

Rule 24

A representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be put to the Conference for decision immediately.

Adjournment of debate

Rule 25

A representative may at any time 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 it shall be put to the Conference for decision immediately.

Closure of debate

Rule 26

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 a 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 Conference for decision immediately.

Order of motions

Rule 27

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

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate;
- (d) To close the debate.

Basic proposals

Rule 28

The draft proposals submitted to the Conference by its Preparatory

Conference 1/ shall constitute the basic proposals for consideration by the Conference.

Submission of other proposals and substantive amendments

Rule 29

Other proposals and substantive amendments shall normally be introduced in writing and handed to the Executive Secretary, who shall circulate copies to all delegations in the languages of the Conference. As a general rule, no proposal shall be discussed or put to a decision unless copies of it have been circulated to all delegations in their respective working languages 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.

Withdrawal of proposals and motions

Rule 30

A proposal or motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 31

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed or a decision is taken on the proposal in question.

Reconsideration

Rule 32

When a proposal or motion has been adopted or rejected, it may not be reconsidered unless the Conference takes a decision to that effect. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the matter shall be put to the Conference for decision immediately.

1/ A/CONF.95/3, annexes I-IV.

CHAPTER VI

SUBSIDIARY ORGANS

Committee of the Whole

Rule 33

There shall be a single Committee of the Whole, which shall receive its assignments from the Conference and report to it.

Drafting Committee

Rule 34

1. The Conference shall establish a Drafting Committee consisting of 10 members, including its Chairman who shall be appointed by the Conference pursuant to rule 6. The other members shall be appointed by the Conference on the proposal of the President. The Rapporteur shall participate ex officio, without the right to participate in making decisions, 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 to the Conference or to the Committee of the Whole.

3. Without prejudice to paragraph 1 of this rule, the sponsor or a representative of the group of sponsors of a proposal shall be invited to the appropriate meetings of the Drafting Committee and may participate, without the right to participate in making decisions, in the discussion at the discretion of the Chairman, in case the Conference or the Committee of the Whole decides to refer that proposal to the Drafting Committee without taking a decision thereon.

Working groups

Rule 35

The Conference and the Committee of the Whole may establish working groups.

Officers

Rule 36

1. Each subsidiary organ shall have a chairman and such other officers as it considers necessary.

2. Except as otherwise provided for in rule 6, each subsidiary organ shall appoint its own officers.

Applicable rules

Rule 37

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

(a) The chairmen of subsidiary organs other than the Committee of the Whole may participate in making decisions;

(b) A majority of the representatives on any subsidiary organ of limited membership shall constitute a quorum.

CHAPTER VII

LANGUAGES AND RECORDS

Languages of the Conference

Rule 38

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

Interpretation

Rule 39

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 if he provides for interpretation into one such language. Interpretation into the other such languages by interpreters of the secretariat may be based on the interpretation given in the first such language.

Languages of official documents

Rule 40

Official documents and all instruments adopted by the Conference, including its Final Document, shall be made available in the languages of the Conference.

Records and sound recordings of meetings

Rule 41

1. Summary records of the plenary meetings of the Conference and of the meetings of the Committee of the Whole, shall be prepared and circulated as soon as possible in all the languages of the Conference, to all representatives, who shall inform the secretariat, within five working days after such circulation, of any corrections they wish to have made.

2. The secretariat shall make sound recordings of meetings of the Conference and of the Committee of the Whole. Such recordings shall be made of meetings of other subsidiary organs when the body concerned or the organ that established it so decides.

CHAPTER VIII

PUBLIC AND PRIVATE MEETINGS

Plenary and committees

Rule 42

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

Working groups

Rule 43

As a general rule, meetings of working groups shall be held in private.

CHAPTER IX

OTHER PARTICIPANTS AND OBSERVERS

Representatives of the United Nations Council for Namibia

Rule 44

Representatives designated by the United Nations Council for Namibia may participate in the deliberations of the Conference and its subsidiary organs.

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 an observer capacity

Rule 45

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 in the deliberations of the Conference and, as appropriate, in its subsidiary organs.

Representatives of national liberation movements

Rule 46

Representatives designated by national liberation movements invited to the Preparatory Conference may participate as observers in the deliberations of the Conference and, as appropriate, in its subsidiary organs.

Representatives of United Nations organs, of related agencies and of other intergovernmental organizations

Rule 47

Representatives designated by organs of the United Nations, by specialized or other related agencies and by other intergovernmental organizations invited to the Conference may participate as observers in its deliberations and, as appropriate, in its subsidiary organs.

International Committee of the Red Cross

Rule 48

Representatives designated by the International Committee of the Red Cross may participate as observers in the deliberations of the Conference and, as appropriate, in its subsidiary organs in order, in particular, that the Conference may avail itself of the relevant expertise of the International Committee of the Red Cross.

Representatives of non-governmental organizations

Rule 49

1. Non-governmental organizations invited to the Conference may designate

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representatives to sit as observers at meetings of the Conference and, as appropriate, at meetings of its 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 50

Written statements submitted by the designated representatives referred to in rules 44 to 49 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 X

AMENDMENT OR SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 51

These rules may be amended by a decision of the Conference upon recommendation of the General Committee.

Method of suspension

Rule 52

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