

21 February 2008

**DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A
CLUSTER MUNITIONS CONVENTION**

DUBLIN MAY 2008

DRAFT RULES OF PROCEDURE

CHAPTER I

Participation

*Rule 1
Participation*

1. States that have subscribed to the Wellington Declaration of 22 February 2008, on that date or subsequently, shall be invited to participate in the Conference. Other States that have been invited by the Government of Ireland may attend the Conference as observers.
2. The Secretary-General of the United Nations, the International Committee of the Red Cross, the United Nations Development Programme and other relevant United Nations programmes and agencies, the International Federation of Red Cross and Red Crescent Societies, regional intergovernmental organisations and the Cluster Munition Coalition may attend the Conference as observers.
3. Other organisations that have been invited by the Government of Ireland may attend the Conference as observers.

CHAPTER II

Representation and credentials

*Rule 2
Composition of delegations*

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

*Rule 3
Alternates and advisers*

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 4
Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted early to the Executive Secretary of the Conference and, 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. The Executive Secretary shall report to the Conference on the submission of credentials if it so requests.

Rule 5

If an objection is raised against the participation of a delegation, such objection shall be considered by the General Committee, whose report thereon shall be submitted to the Conference.

Rule 6

Pending a decision of the Conference regarding an objection against the participation of a delegation, the latter shall be entitled to participate provisionally in the Conference with the same rights as other participating delegations.

CHAPTER III

Officers

Rule 7
Elections

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

Rule 8
General powers of the President

1. In addition to exercising the powers conferred upon him or her 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 discussion, ensure observance of these rules, accord the right to speak, promote the achievement of general agreement, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall 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 or her functions, remains under the authority of the Conference.

Rule 9
Acting President

1. If the President finds it necessary to be absent from a meeting or any part thereof he or she shall designate a Vice-President to take his or her place.
2. A Vice-President acting as President shall have the powers and duties of the President.

Rule 10
Replacement of the President

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

Rule 11
Voting rights of the President

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

CHAPTER IV

General Committee

Rule 12
Composition

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

Rule 13
Substitute members

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

Rule 14
Functions

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall

ensure the coordination of its work. It shall also exercise the powers conferred upon it by rule 36.

CHAPTER V

Secretariat

Rule 15

Duties of the Secretary-General

1. The Secretary-General, designated by the Government of Ireland, shall act in that capacity in all meetings of the Conference and its subsidiary bodies.
2. The Secretary-General may designate a member of the Secretariat to act in his or her place at these meetings.
3. 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 bodies.

Rule 16

Duties of the secretariat

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

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

Rule 17

Statements by the secretariat

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

CHAPTER VI

Opening of the Conference

Rule 18

Temporary President

The Secretary-General shall open the first meeting of the Conference and preside until the Conference has elected its President.

Rule 19
Decisions concerning organisation

At its first meeting the Conference shall move to:

- (a) Elect its President;
- (b) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;
- (c) Adopt its rules of procedure, the draft of which shall, until such adoption, be the provisional rules of procedure of the Conference;
- (d) Elect its other officers; and
- (e) Decide on the organisation of its work.

CHAPTER VII

Conduct of business

Rule 20
Quorum

The presence of representatives of twenty five participating States shall be required for any decision to be taken.

Rule 21
Speeches

No one may address the Conference without having previously obtained the permission of the President. Subject to rules 22, 23 and 26 to 28, 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 speakers. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Rule 22
Precedence

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

Rule 23
Points of order

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

Rule 24
Closing of the list of speakers

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Rule 25
Right of reply

Notwithstanding rule 24, the President may accord the right of reply to any representative who requests it.

Rule 26
Adjournment of debate

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 adjournment, after which the motion shall, subject to rule 29, be put immediately to the vote.

Rule 27
Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two speakers opposing the closure, after which the motion shall, subject to rule 29, be put immediately to the vote.

Rule 28
Suspension or adjournment of the meeting

Subject to rule 40, a representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall, subject to rule 29, be put immediately to the vote.

Rule 29
Order of motions

Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

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

Rule 30
Basic proposal

The draft Cluster Munitions Convention, considered at the Conference that took place at Wellington 18-22 February 2008, shall constitute the basic proposal for consideration by the Conference.

Rule 31
Other proposals

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

Rule 32
Withdrawal of proposals and motions

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

Rule 33
Decisions on competence

Subject to rules 23 and 29, 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 put to the vote before the matter is discussed or a decision is taken on the proposal in question.

Rule 34
Reconsideration of proposals

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put immediately to the vote.

Rule 35
Invitation to Technical Advisers

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

CHAPTER VIII

Decision-Making

Rule 36

General agreement

1. The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.
2. If, in the consideration of any matter of substance, all feasible efforts to reach general agreement have failed, the President of the Conference shall consult the General Committee and recommend the steps to be taken, which may include the matter being put to the vote.

Rule 37

Voting rights

Each State participating in the Conference shall have one vote.

Rule 38

Majority required

1. Subject to rule 36, 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 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.
4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Rule 39

Meaning of the expression "representatives present and voting"

For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Rule 40

Method of voting

Except as provided in rule 47, 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. The name of each State shall be called in all roll-calls and its representative shall reply “yes”, “no” or “abstention”.

Rule 41
Conduct during voting

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

Rule 42
Explanation of vote

Representatives may make brief statements, consisting solely of explanations of their votes, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 43
Division of proposals

A representative may move that parts of a proposal be decided on separately. If a representative objects, a decision shall be taken on the motion for division. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision 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.

Rule 44
Amendments

1. A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal.
2. Unless specified otherwise, the word “proposal” in these rules shall be considered as including amendments.

Rule 45
Decisions on amendments

When an amendment is moved to a proposal, the amendment shall be decided on first. When two or more amendments are moved to a proposal, the Conference shall first decide 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 decided on. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall

not be put to a decision. If one or more amendments are adopted, a decision shall then be taken on the amended proposal.

Rule 46

Decisions on proposals

1. If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, decide on the proposals in the order in which they were submitted. The Conference may, after each decision on a proposal, decide whether to take a decision on the next proposal.
2. Revised proposals shall be decided on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.
3. A motion requiring that no decision be taken on a proposal shall be put to a decision before a decision is taken on the proposal in question.

Rule 47

Elections

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

Rule 48

Elections – one elective place to be filled

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 49

Elections – two or more elective places to be filled

1. When two 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 of the representatives present and voting 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, 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 candidates who obtained the greatest number of votes in the third unrestricted ballot, 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.

CHAPTER IX

Subsidiary Bodies

Rule 50 Committee of the Whole

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

Rule 51 Other Subsidiary Bodies

The Conference may establish such other committees and working groups as it considers necessary.

Rule 52 Officers

Except as otherwise provided in rule 7, each subsidiary body shall elect its own officers.

Rule 53 Officers, conduct of business and voting

The rules contained in chapters III, VII and VIII (except rule 36) above shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary bodies, except that:

- (a) The Chairman of the General Committee may exercise the right to vote; and
- (b) Decisions shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal shall require the majority established by rule 34.

CHAPTER X

Languages and records

Rule 54

Languages of the Conference

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

Rule 55

Interpretation

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

Rule 56

Languages of official documents

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

Rule 57

Sound recordings of meetings

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 XI

Public and private meetings

Rule 58

Plenary meetings and meetings of the Committee of the Whole

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. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

Rule 59

Meetings of other subsidiary bodies

As a general rule, meetings of other subsidiary bodies shall be held in private.

CHAPTER XII

Amendments to the Rules of Procedure

Rule 60 *Method of amendment*

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