Seventh Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Item 5(c) of the provisional agenda
Organization of the Review Conference: Draft rules of procedure

Draft rules of procedure of the Seventh Review Conference

Submitted by the Chairman-designate

I. Representation and credentials

A. Delegations of Parties to the Convention

Rule 1

1. Each State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (hereinafter "the Convention") may be represented at the Conference by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

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

B. Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

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C. Credentials Committee

Rule 3

The Conference shall establish a Credentials Committee composed of the Chairman, one Vice-Chairman elected in accordance with rule 5, and five members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

D. Provisional participation

Rule 4

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

II. Officers

A. Election

Rule 5

The Conference shall elect the following officers: a President and 20 Vice-Presidents as well as a Chairman and two Vice-Chairmen for the Committee of the Whole, a Chairman and a Vice-Chairman for the Drafting Committee and a Chairman and a Vice-Chairman for the Credentials Committee.

B. Acting President

Rule 6

1. If the President is 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 same powers and duties as the President.

C. Voting rights of the President

Rule 7

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

III. General Committee

A. Composition

Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, 20 Vice-Presidents, the Chairman of the Committee of the Whole, the

Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.

2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of the Committee of the Whole, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairmen or the Vice-Chairman, as appropriate, to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

B. Functions

Rule 9

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.

IV. Conference Secretariat

A. Duties of the Secretary-General of the Conference

Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and other appropriate bodies established under rule 34, and may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

B. Duties of the Secretariat

Rule 11

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

(a) interpret speeches made at meetings;

(b) receive, translate and circulate the documents of the Conference;

(c) publish and circulate any report of the Conference;

(d) make and arrange for the keeping of sound recordings and summary records of meetings;

(e) arrange for the custody of the documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depositary Governments; and

(f) generally perform all other work that the Conference may require.

C. Costs

Rule 12[1]

The costs of the Review Conference, including the session of the Preparatory Committee, will be met by the States Parties to the Convention participating in the Review Conference in accordance with the United Nations assessment scale pro-rated to take into account differences between the United Nations membership and the number of States Parties participating in the Conference. States which have signed but not yet ratified the Convention and which accept the invitation to take part in the Review Conference as provided by rule 44.1 will share in the costs to the extent of their respective rates of assessment under the United Nations scale. For States Parties or signatories which are not members of the United Nations the share will be determined on the basis of the similarly pro-rated scale in force for determining this share in the activities in which they take part.

V. Conduct of business

A. Quorum

Rule 13

A majority of the States Parties to the Convention participating in the Conference shall constitute a quorum.

B. General powers of the President

Rule 14

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, he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, 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 the representative of each State 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.

C. Points of order

Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the

[1] It is understood that all financial arrangements for the Review Conference do not constitute a precedent.

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.

D. Speeches

Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19-22, the President shall call upon speakers in the order in which they signify their desire to speak.

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

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. 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.

E. Precedence

Rule 17

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

F. Closing of list of speakers

Rule 18

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 the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

G. Right of reply

Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

H. Suspension or adjournment of the meeting

Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

I. Adjournment of debate

Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment after which the motion shall, subject to rule 23, be immediately put to the vote.

J. Closure of debate

Rule 22

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 motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

K. Order of motions

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.

L. Submission of proposals and substantive amendments

Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations.

M. Withdrawal of proposals and motions

Rule 25

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

N. Decision on competence

Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it, shall be decided upon before a decision is taken on the proposal in question.

O. Reconsideration of proposals

Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. When a proposal has been adopted or rejected by a majority or two-thirds vote, it may not be reconsidered unless the Conference, by a two-thirds majority of the members 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 immediately put to the vote.

VI. Voting and elections

A. Adoption of decisions

Rule 28

1. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.

2. The task of the Review Conference being to review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

3. If, notwithstanding the best efforts of delegates to achieve consensus, a matter of substance comes up for voting, the President shall defer the vote for 48 hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, providing that such majority shall include at least a majority of the States participating in the Conference.

5. 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 immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken in accordance with paragraphs 1 and 4 above, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

B. Voting rights

Rule 29

Every State Party to the Convention shall have one vote.

C. Meaning of the phrase "representatives present and voting"

Rule 30

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

D. Elections

Rule 31

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

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. 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 the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held, if a tie again results in the special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

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 the majority required 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, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be

restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the number of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. Other appropriate bodies of the Conference

Rule 34

The Conference may establish appropriate bodies. As a general rule each State Party to the Convention participating in the Conference may be represented in those bodies unless otherwise decided.

A. Committee of the Whole

Rule 35

The Conference shall establish a Committee of the Whole to consider in detail the substantive issues relevant to the Convention with a view to facilitating the work of the Conference.

B. Drafting Committee

Rule 36

1. The Conference shall establish a Drafting Committee composed of representatives of the same States which are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference. It shall also, without reopening substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference.

2. Representatives of delegations proposing texts referred to the Drafting Committee in conformity with paragraph 1 of this rule shall be entitled to participate, at their request, in the discussion of those texts in the Drafting Committee.

3. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

VIII. Officers and procedures

Rule 37

The rules relating to officers, the Conference Secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, *mutatis mutandis*, to the proceedings of committees and other appropriate bodies, except that:

(a) unless otherwise decided, any body established under rule 34 shall elect a chairman and such other officers as it may require;

(b) the Chairmen of the General Committee, the Committee of the Whole, the Drafting Committee and the Credentials Committee and the chairmen of bodies established under rule 34 may vote in their capacity as representatives of their States;

(c) a majority of the representatives on the General Committee, the Committee of the Whole, the Drafting Committee or the Credentials Committee shall constitute a quorum; the same may apply to any body established under rule 34 if the Conference so desires.

IX. Languages and records

A. Languages of the Conference

Rule 38

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

B. Interpretation

Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

C. Language of official documents

Rule 40

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

D. Sound recordings of meetings

Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided, no such recordings shall be made of the meetings of any other appropriate body established under rule 34.

E. Summary records

Rule 42

1. Summary Records of the plenary meetings of the Conference, excluding that part of those meetings devoted to consideration of agenda item 10 (a), general debate, shall be prepared by the Secretariat. Such records shall be produced in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit corrections on summaries of their own interventions to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.

2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

X. Public and private meetings

Rule 43

1. The plenary meetings of the Conference shall be held in public unless otherwise decided.

2. Meetings of the Committees and any other appropriate body established under rule 34 shall be held in private.

XI. Participation and attendance

Rule 44

1. Signatories

Any State signatory to the Convention which has not yet ratified it shall be entitled to participate, without taking part in the adoption of decisions, whether by consensus or by vote, in the deliberations of the Conference, subject to prior written notification to the Secretary-General of the Conference. This means that any of those signatory States shall be entitled to attend meetings of the Conference; to address plenary meetings; to receive the document of the Conference and to submit its views in writing to the Conference, which shall be considered as Conference documents.

2. Observers

(a) Any other State which, in accordance with article XIV of the Convention, has the right to become a Party thereto but which has neither signed nor ratified it may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference.[2] Such a State shall be entitled to appoint officials to attend

[2] It is understood that any such decision will be in accordance with the practice of the United Nations General Assembly.

meetings of the Plenary other than those designated closed meetings, and to receive documents of the Conference. An Observer State shall also be entitled to submit documents to the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations[3] to participate as an Observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly, and all international conferences convened under the auspices of other organs of the United Nations, may apply to the Secretary-General of the Conference for Observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the Plenary and of the Committee of the Whole other than those designated closed meetings, and to receive documents of the Conference. An Observer organization shall also be entitled to submit documents to the participants in the Conference.

3. The United Nations

The Secretary-General of the United Nations or his representative or representatives shall be entitled to attend meetings of the Plenary and any other appropriate body established under rule 34 and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

4. Specialized agencies and regional intergovernmental organizations

The specialized agencies as well as regional intergovernmental organizations may apply to the Secretary-General of the Conference for Observer Agency status which will be accorded on the decision of the Conference. An Observer Agency shall be entitled to appoint officials to attend meetings of the Plenary other than those designated closed meetings and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as Conference documents.

5. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the Plenary will be entitled upon request to receive the documents of the Conference.

[3] Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 3280 (XXIX) of 10 December 1974.