



# General Assembly

Distr.: General  
10 December 2003

Original: English

---

**Ad Hoc Committee on the Elaboration  
of a Convention against Transnational  
Organized Crime**

Thirteenth session

Vienna, 26 January-6 February 2004

Item 3 of the provisional agenda\*

**Consideration of the draft rules of  
procedure for the Conference of the Parties  
to the United Nations Convention against  
Transnational Organized Crime**

## **Draft rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**

### **Note by the Secretariat**

1. Pursuant to article 32, paragraph 2, of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), the Conference of the Parties to the Convention shall adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of the article (including rules concerning payment of expenses incurred in carrying out those activities). In accordance with paragraph 10 of General Assembly resolution 55/25 of 15 November 2000, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will complete its tasks arising from the elaboration of the Organized Crime Convention by holding a meeting well before the convening of the first session of the Conference of the Parties, in order to prepare the draft text of the rules of procedure for the Conference of the Parties and other rules and mechanisms described in article 32 of the Convention, which will be communicated to the Conference of the Parties at its first session for consideration and action. The present document contains proposals for the draft rules of procedure, which the Secretariat is making in an effort to assist the Ad Hoc Committee in its consideration of the matter at its thirteenth session.

---

\* A/AC.254/40.



2. In preparing these proposals, the Secretariat used as an overall basis the rules of procedure of the General Assembly of the United Nations (A/520/Rev.15, as amended by the General Assembly in its resolutions 52/163, 55/14, 56/509 and 57/301). The Secretariat also drew on other precedents and on the rules of procedure of other bodies that are similar to the Conference of the Parties (Draft standard rules of procedure for United Nations conferences (A/40/611); rules of procedure for the Conference of the Contracting Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat of 1971 (Ramsar COP8 Doc.2); Rules of procedure for meetings of States Parties to the United Nations Convention of the Law of the Sea of 1982 (SPLOS/2/Rev.3 and Add.1, as amended by SPLOS/71 and SPLOS/86); rules of procedure for the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer of 1985 and Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987 (UNEP/OzL.Conv.1/5, annex I, and UNEP/OzL.Pro.1/5, annex I), draft rules of procedure of the Conference of the Parties and its Subsidiary Bodies to the United Nations Framework Convention on Climate Change of 1992 (FCCC/CP/1996/2) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change; rules of procedure for the Conference of the States Parties of the Organization for the Prohibition of Chemical Weapons of 1993 (C-I/3); rules of procedure of the Assembly of States Parties to the Rome Statute of the International Criminal Court of 1998 (ICC-ASP/1/3); and provisional rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders (A/CONF.187/2)).

3. In formulating its proposals, the Secretariat has attempted to modify the above-mentioned precedents in an effort to devise draft rules that are tailored to the nature and scope of the Convention and its Protocols and the special mandate and particular requirements of the Conference of the Parties. The Secretariat wishes to reiterate that it is submitting these proposals only as a basis for discussion by the Ad Hoc Committee at its thirteenth session and on the assumption that the proposals will be supplemented or updated by proposals and contributions that States may wish to make prior to or during that session.

# Draft rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

## Contents

	<i>Page</i>
I. General .....	
Rule 1. Use of terms .....	6
Rule 2. Scope of application .....	6
II. Sessions .....	7
Rule 3. Regular sessions .....	7
Rule 4. Special sessions .....	7
Rule 5. Notification of sessions .....	7
Rule 6. Place of sessions .....	7
Rule 7. Temporary adjournment of sessions .....	7
III. Agenda .....	8
Rule 8. Communication of the provisional agenda .....	8
Rule 9. Drawing up of the provisional agenda .....	8
Rule 10. Explanatory memorandum .....	8
Rule 11. Adoption of the agenda .....	8
IV. Representation of States Parties .....	8
Rule 12. Representation of States Parties .....	8
Rule 13. Alternate .....	9
V. Observers .....	9
Rule 14. Participation of signatories .....	9
Rule 15. Participation of non-signatories .....	9
Rule 16. Participation of entities and international and regional organizations .....	10
Rule 17. Participation of non-governmental organizations .....	10
VI. Credentials .....	11
Rule 18. Submission of credentials .....	11
Rule 19. Examination of credentials .....	11
Rule 20. Provisional admission to a session .....	11
Rule 21. Notification regarding participation of representatives of observers .....	11
VII. Officers .....	11
Rule 22. Election .....	11
Rule 23. Period of office .....	11
Rule 24. Acting President .....	12
Rule 25. Powers and duties of the Acting President .....	12

	Rule 26. Replacement of the President .....	12
	Rule 27. General powers of the President .....	12
	Rule 28. The President shall remain under the authority of the Conference.....	13
	Rule 29. The President shall not vote.....	13
VIII.	Bureau.....	13
	Rule 30. Composition and functions .....	13
	Rule 31. Replacement of officers of the bureau .....	13
IX.	Secretariat.....	13
	Rule 32. Duties of the Secretary-General .....	13
	Rule 33. Duties of the secretariat .....	14
X.	Languages.....	14
	Rule 34. Official and working languages.....	14
	Rule 35. Interpretation of speeches made in the official languages.....	14
	Rule 36. Interpretation of speeches made in a language other than the official languages .....	14
	Rule 37. Languages of documents submitted by States Parties and observers .....	14
	Rule 38. Languages of recommendations and decisions.....	14
XI.	Records.....	15
	Rule 39. Sound recording of meetings.....	15
XII.	Public and private meetings .....	15
	Rule 40. General principles.....	15
XIII.	Conduct of business.....	15
	Rule 41. Quorum .....	15
	Rule 42. Speeches .....	15
	Rule 43. Precedence .....	16
	Rule 44. Statements by the secretariat .....	16
	Rule 45. Points of order.....	16
	Rule 46. Time-limit on speeches .....	16
	Rule 47. Closing of the list of speakers and right of reply .....	16
	Rule 48. Adjournment of debate.....	16
	Rule 49. Closure of debate .....	17
	Rule 50. Suspension or adjournment of the meeting.....	17
	Rule 51. Order of procedural motions .....	17
	Rule 52. Proposals and amendments .....	17
	Rule 53. Decisions on competence.....	18
	Rule 54. Withdrawal of proposals and motions.....	18
	Rule 55. Reconsideration of proposals and amendments .....	19

XIV.	Decision-making .....	18
	Rule 56. Consensus .....	18
	Rule 57. Voting rights .....	18
	Rule 58. Decisions on matters of substance .....	18
	Rule 59. Decisions on amendments to proposals relating to matters of substance .....	19
	Rule 60. Decisions on matters of procedure .....	19
	Rule 61. Decision whether the question is one of substance or not .....	19
	Rule 62. Amendments to the Convention .....	19
	Rule 63. Meaning of the phrase “States Parties present and voting” .....	19
	Rule 64. Method of voting .....	19
	Rule 65. Conduct during voting .....	20
	Rule 66. Explanation of vote or position .....	20
	Rule 67. Division of proposals and amendments .....	20
	Rule 68. Voting on amendments .....	20
	Rule 69. Voting on proposals .....	21
	Rule 70. Elections .....	21
	Rule 71. Equally divided votes .....	21
XV.	Budgetary and financial questions .....	21
	Rule 72. Preparation of the budget .....	21
	Rule 73. Adoption of the budget .....	21
	Rule 74. Financial Regulations and Rules .....	22
XVI.	Subsidiary bodies .....	22
	Rule 75. Establishment .....	22
	Rule 76. Rules of procedure for subsidiary bodies .....	22
	Rule 77. Dates of sessions of subsidiary bodies .....	22
	Rule 78. Agenda items of subsidiary bodies .....	22
	Rule 79. Officers of subsidiary bodies .....	22
XVII.	Protocols .....	23
	Rule 80. Decision-making on the Protocols .....	23
	Rule 81. Amendments to the Protocols .....	23
XVIII.	Interpretation and amendments .....	23
	Rule 82. Italicized headings .....	23
	Rule 83. Method of amendment .....	23
	Rule 84. Suspension of rules .....	23
	Rule 85. Overriding authority of the Convention .....	23
	Rule 86. Entry into force .....	23

## I. General

### *Rule 1* *Use of terms*

For the purposes of these rules:

(a) “Convention” shall mean the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000 (annex I);

(b) “Protocols” shall mean the Protocols supplementing the United Nations Convention against Transnational Organized Crime, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted by the General Assembly in its resolution 55/25 (annex II); the Protocol against the Smuggling of Migrants by Land, Air and Sea, adopted by the Assembly in its resolution 55/25 (annex III); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, adopted by the Assembly in its resolution 55/255 of 31 May 2001 (annex);

(c) “States Parties” shall mean States Parties bound by the Convention in accordance with its articles 36 and 38; “States Parties” shall also mean, where applicable, States Parties bound by one or more of the Protocols to the Convention in conformity with the relevant provisions of the Protocol or Protocols in question;

(d) “Conference” shall mean the Conference of the Parties to the Convention established in accordance with article 32 of the Convention;

(e) “Session” shall mean any session of the Conference convened in accordance with article 32 of the Convention and with the present rules;

(f) “Subsidiary body” shall mean any committee or working group that may be established by the Conference of the Parties, including such bodies established as may be necessary for the mechanisms pursuant to article 32, paragraph 3, and for the supplemental review mechanisms pursuant to article 32, paragraph 4;

(g) “Secretary-General” shall mean the Secretary-General of the United Nations;

(h) “Secretariat” shall mean the secretariat of the Conference in accordance with article 33 of the Convention;

(i) “Rules” shall mean the rules of procedure for the Conference of the Parties to the Convention;

(j) “Regional economic integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and the Protocols and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to “States Parties” under these rules shall apply to such organizations within the limits of their competence.

*Rule 2**Scope of application*

These rules of procedure shall apply to any session of the Conference convened in accordance with article 32 of the Convention.

## **II. Sessions**

*Rule 3**Regular sessions*

1. The Conference shall meet in regular sessions, which shall be held annually unless it decides otherwise.

2. The date of commencement and duration of each regular session shall be decided by the Conference at the previous session, on the recommendation of the bureau of the Conference made in consultation with the secretariat.

*Rule 4**Special sessions*

Special sessions of the Conference may be held at such times and with such duration as may be deemed necessary by the Conference.

*Rule 5**Notification of sessions*

The secretariat shall notify the States Parties, as well as the observers referred to in rules 14-16 ("Participation of signatories", "Participation of non-signatories" and "Participation of entities and international and regional organizations"), at least sixty days in advance of each session, of the opening date, place and expected duration thereof.

*Rule 6**Place of sessions*

The sessions of the Conference shall take place at the seat of the secretariat, unless the Conference decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the States Parties.

*Rule 7**Temporary adjournment of sessions*

The Conference may decide at any session to adjourn temporarily and resume its meetings at a later date.

### **III. Agenda**

#### *Rule 8*

##### *Communication of the provisional agenda*

The provisional agenda for a session shall be communicated by the secretariat to the States Parties, as well as the observers referred to in rules 14-16 (“Participation of signatories”, “Participation of non-signatories” and “Participation of entities and international and regional organizations”), at least sixty days in advance of the session, together with any supplementary documentation, if necessary.

#### *Rule 9*

##### *Drawing up of the provisional agenda*

1. The provisional agenda for a session shall be drawn up by the secretariat in consultation with the bureau.
2. The provisional agenda for a session shall include:
  - (a) Items arising from the provisions of the Convention and the Protocols;
  - (b) Items the inclusion of which has been decided at a previous session of the Conference;
  - (c) Items relating to the organization of the session;
  - (d) Items relating to voluntary contributions as provided for in articles 30 and 32 of the Convention;
  - (e) Any item proposed by any State Party, the bureau or the Secretary-General.

#### *Rule 10*

##### *Explanatory memorandum*

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft recommendation or decision.

#### *Rule 11*

##### *Adoption of the agenda*

At each session, the provisional agenda shall be submitted to the Conference for approval as soon as possible after the opening of the session.

### **IV. Representation of States Parties**

#### *Rule 12*

##### *Representation of States Parties*

Each State Party participating in a session shall be represented by one representative, who may be accompanied by alternate representatives and advisers as the State Party may require. The representative and all such alternate

representatives and advisers shall constitute the State Party's delegation to the Conference.

*Rule 13*  
*Alternate*

Each representative may designate any alternate in his or her delegation to act in his or her place during the Conference.

## **V. Observers**

*Rule 14*  
*Participation of signatories*

1. Subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention in accordance with its article 36, paragraphs 1 and 2, shall be entitled to participate as an observer in the deliberations of the Conference.

2. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such signatory States and regional economic integration organizations shall:

- (a) Attend meetings of the Conference other than those designated private meetings;
- (b) Deliver statements at such meetings;
- (c) Receive the documents of the Conference; and
- (d) Submit their views in writing to the Conference.

*Rule 15*  
*Participation of non-signatories*

1. Any other State or regional economic integration organization that has not signed the Convention in accordance with its article 36, paragraphs 1 and 2, may apply to the bureau for observer status, which shall be accorded on the decision of the Conference.

2. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such non-signatory States and regional economic integration organizations may:

- (a) Attend meetings of the Conference other than those designated private meetings;
- (b) Deliver statements at such meetings;
- (c) Receive the documents of the Conference; and
- (d) Submit their views in writing to the Conference.

*Rule 16**Participation of entities and international and regional organizations*

1. Subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices shall be entitled to participate as observers in the deliberations of the Conference.

2. Subject to prior written notification to the Secretary-General, representatives of international and regional organizations other than the organizations referred to in paragraph 1 of this rule shall be entitled to participate as observers in sessions of the Conference on matters of common interest to them and to the Conference. Other entities and international and regional organizations may be invited to participate as observers by the Conference on the recommendation of the bureau.

3. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such entities and international and regional organizations may:

- (a) Attend meetings of the Conference other than those designated private meetings;
- (b) Deliver statements at such meetings;
- (c) Receive the documents of the Conference; and
- (d) Submit their views in writing to the Conference.

*Rule 17**Participation of non-governmental organizations*

1. Representatives of non-governmental organizations having consultative status with the Economic and Social Council of the United Nations whose activities are relevant to the activities of the Conference may apply to the bureau for observer status, which shall be accorded on the decision of the Conference. Other non-governmental organizations may be invited to participate as observers by the Conference on the recommendation of the bureau.

2. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such non-governmental organizations may:

- (a) Attend meetings of the Conference other than those designated private meetings;
- (b) Upon the invitation of the President and subject to the approval of the Conference, make oral statements through a limited number of representatives on questions relating to their activities at such meetings; and
- (c) Receive the documents of the Conference.

## VI. Credentials

### *Rule 18*

#### *Submission of credentials*

1. The credentials of representatives of each State Party and the names of the persons constituting the State Party's delegation shall be submitted to the secretariat if possible not later than twenty-four hours in advance of the opening of the session.
2. Any later change in the composition of the delegation shall also be submitted to the secretariat.
3. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them, or, in the case of a regional economic integration organization, by the competent authority of that organization.

### *Rule 19*

#### *Examination of credentials*

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

### *Rule 20*

#### *Provisional admission to a session*

Pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State Party to whose admission another State Party has made objection shall be seated provisionally with the same rights as other representatives of States Parties until the bureau has reported and the Conference has given its decision.

### *Rule 21*

#### *Notification regarding participation of representatives of observers*

The names of designated representatives of observers and of alternates and advisers who accompany them shall be submitted to the secretariat.

## VII. Officers

### *Rule 22*

#### *Election*

1. At the opening of each session, a President shall be elected from among the representatives of the States Parties that are present at the session.
2. Eight Vice-Presidents and a Rapporteur shall also be elected from among the representatives of the States Parties that are present at the session.
3. The President, the Vice-Presidents and the Rapporteur shall serve as the officers of the session.

4. In electing the officers of the session, each of the five regional groups shall be represented by two officers, one of whom shall be from among the representatives of the States that are Parties to the Convention and all Protocols that have entered into force by the opening of the session. The offices of the President and Rapporteur of the Conference shall normally be subject to rotation among the five regional groups.

*Rule 23*  
*Period of office*

The President, the Vice-Presidents and the Rapporteur shall hold office until their successors are elected at the next session.

*Rule 24*  
*Acting President*

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

2. When the Conference considers matters pertaining solely to a Protocol to the Convention, the President, in the event that he or she is the representative of a State not party to the Protocol in question, shall designate one of the Vice-Presidents who is the representative of a State that is party to the Protocol in question to take his or her place.

*Rule 25*  
*Powers and duties of the Acting President*

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

*Rule 26*  
*Replacement of the President*

If the President is unable to perform his or her functions, the officers shall select a new President from among the Vice-Presidents.

*Rule 27*  
*General powers of the President*

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He or she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under

discussion. He or she shall also invite the representatives to observe one minute of silence dedicated to prayer or meditation.

*Rule 28*

*The President shall remain under the authority of the Conference*

The President, in the exercise of his or her functions, shall remain under the authority of the Conference.

*Rule 29*

*The President shall not vote*

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

## **VIII. Bureau**

*Rule 30*

*Composition and functions*

The President, the Vice-Presidents and the Rapporteur shall constitute the bureau of the Conference, which shall meet as necessary during the session to review the progress of work and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members. The bureau shall assist the President in the general conduct of work that falls within the competence of the President and perform such other functions as foreseen by these rules. The Chairperson of any subsidiary body may be invited to attend meetings of the bureau.

*Rule 31*

*Replacement of officers of the bureau*

If an officer of the bureau other than the President resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same State Party shall be named by the State Party concerned to replace the said officer for the remainder of that officer's mandate.

## **IX. Secretariat**

*Rule 32*

*Duties of the Secretary-General*

The Secretary-General shall act in that capacity in all meetings of the Conference and its subsidiary bodies. He or she may designate a member of the secretariat to act in his or her place at those meetings.

*Rule 33*

*Duties of the secretariat*

1. In addition to the functions specified in article 33 of the Convention, the secretariat shall receive, translate, reproduce and distribute documents, reports and

decisions of the Conference and any subsidiary bodies that may be established by the Conference; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Conference; distribute all documents of the Conference; and, generally, perform all other work that the Conference may require.

2. The secretariat shall perform the functions foreseen in paragraph 1 above, as well as such other functions as may be required by any subsidiary body that the Conference may establish.

## **X. Languages**

### *Rule 34*

#### *Official and working languages*

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Conference and any subsidiary body that the Conference may establish.

### *Rule 35*

#### *Interpretation of speeches made in the official languages*

Speeches made in any of the six official languages of the Conference shall be interpreted into the other five languages.

### *Rule 36*

#### *Interpretation of speeches made in a language other than the official languages*

Any representatives may make a speech in a language other than the official languages of the Conference. In that case, he or she shall provide for interpretation into one of the languages of the Conference. Interpretation into the other languages of the Conference by the interpreters of the secretariat may be based on the interpretation given in the first such language.

### *Rule 37*

#### *Languages of documents submitted by States Parties and observers*

All documents submitted by States Parties and observers to the secretariat shall be in one of the official languages of the Conference.

### *Rule 38*

#### *Languages of recommendations and decisions*

All recommendations, decisions and other documents shall be published in the official languages of the Conference.

---

## **XI. Records**

### *Rule 39*

#### *Sound recording of meetings*

Sound recordings of the meetings of the Conference shall be made by the secretariat. Such recordings shall also be made of the proceedings of subsidiary bodies when the Conference so decides.

## **XII. Public and private meetings**

### *Rule 40*

#### *General principles*

1. The meetings of the Conference shall be held in public unless the Conference decides that exceptional circumstances require that the meetings be held in private.

2. As a general rule, meetings of the bureau and of subsidiary bodies with limited membership shall be held in private unless the body concerned decides otherwise.

3. Meetings of subsidiary bodies with general membership shall be held in public unless the body concerned decides otherwise.

4. Decisions of the Conference taken at a private meeting shall be announced at the following public meeting. At the close of a private meeting of any subsidiary body, the Chairperson may issue a communiqué through the secretariat.

## **XIII. Conduct of business**

### *Rule 41*

#### *Quorum*

1. The President may declare a meeting of the Conference open and permit the debate to proceed when at least one third of the States Parties participating in the session are present.

2. The presence of a majority of the States Parties shall be required for any decision to be taken.

### *Rule 42*

#### *Speeches*

No representative may address the Conference without having previously obtained the permission of the President. Subject to rule 43 ("Precedence"), the President shall call upon speakers in the order they signify their desire to speak. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

*Rule 43*  
*Precedence*

The Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body.

*Rule 44*  
*Statements by the secretariat*

The Secretary-General, or a member of the secretariat designated by him or her as his or her representative, may at any time make either oral or written statements to the Conference concerning any question under consideration by it.

*Rule 45*  
*Points of order*

During the discussion of any matter, a representative of a State Party may rise to a point of order and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative of a State Party may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the States Parties present and voting. A representative of a State Party rising to a point of order may not speak on the substance of the matter under discussion.

*Rule 46*  
*Time-limit on speeches*

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of States Parties may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his or her allotted time, the President shall call him or her to order without delay.

*Rule 47*  
*Closing of the list of speakers and right of reply*

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. He or she may, however, accord the right of reply to any representative if a speech delivered after he or she has declared the list closed makes this desirable.

*Rule 48*  
*Adjournment of debate*

During the discussion of any matter, a representative of a State Party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives of States Parties may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

*Rule 49*  
*Closure of debate*

A representative of a State Party may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two representatives of States Parties opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

*Rule 50*  
*Suspension or adjournment of the meeting*

During the discussion of any matter, a representative of a State Party may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

*Rule 51*  
*Order of procedural motions*

Subject to rule 45 ("Points of order"), the procedural motions indicated below shall have precedence in the following 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 on the item under discussion;
- (d) To close the debate on the item under discussion.

*Rule 52*  
*Proposals and amendments*

1. Without prejudice to paragraph 2 of this rule, proposals and amendments shall normally be submitted in writing to the secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or considered for decision at any meeting of the Conference unless copies of it have been circulated to all States Parties in all the official languages of the Conference not later than one day in advance of the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

2. Proposals of amendments to the Convention and the Protocols thereto shall be communicated to the States Parties by the Secretary-General at least six months in advance of the session at which they are proposed for consideration and subsequent adoption.

*Rule 53**Decisions on competence*

Subject to rule 51 (“Order of procedural motions”), any motion by a State Party calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

*Rule 54**Withdrawal of proposals and motions*

Any proposal or motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative of a State Party.

*Rule 55**Reconsideration of proposals and amendments*

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

## **XIV. Decision-making**

*Rule 56**Consensus*

Every effort shall be made to reach decisions in the Conference by consensus. If consensus cannot be reached, decisions shall be taken by vote.

*Rule 57**Voting rights*

1. Except as provided for in paragraph 2 of this rule, each State Party shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

*Rule 58**Decisions on matters of substance*

Subject to rule 56 (“Consensus”), and except as otherwise provided in the Convention and the Protocols and as reflected in these rules, decisions on matters of substance must be approved by a two-thirds majority of the States Parties present and voting.

*Rule 59**Decisions on amendments to proposals relating to matters of substance*

Decisions of the Conference on amendments to proposals relating to matters of substance shall be made by a two-thirds majority of the States Parties present and voting.

*Rule 60**Decisions on matters of procedure*

Subject to rule 56 (“Consensus”) and except as otherwise provided in these rules, decisions on matters of procedure shall be taken by a simple majority of the States Parties present and voting.

*Rule 61**Decision whether the question is one of substance or not*

When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for a decision on matters of substance.

*Rule 62**Amendments to the Convention*

Amendments to the Convention proposed pursuant to article 39, paragraph 1, of the Convention on which consensus cannot be reached shall be adopted by the Conference by a two-thirds majority of the States Parties present and voting.

*Rule 63**Meaning of the phrase “States Parties present and voting”*

For the purposes of these rules, the phrase “States Parties present and voting” means States Parties casting an affirmative or negative vote. States Parties that abstain from voting are considered as not voting.

*Rule 64**Method of voting*

1. The Conference shall normally vote by show of hands or by standing, but a representative of any State Party may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States Parties, beginning with the State Party whose name is drawn by lot by the President. The name of each State Party shall be called in any roll-call and one of its representatives shall reply “yes”, “no” or “abstention”. The result of the voting shall be inserted in the record in the English alphabetical order of the names of the States Parties.

2. When the Conference votes by mechanical or electronic means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of any State Party may request a recorded vote. In the case of a recorded vote, the Conference shall, unless a representative of a State Party requests otherwise, dispense with the procedure of

calling out the names of the States Parties; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

*Rule 65*

*Conduct during voting*

After the President has announced the commencement of voting, no representative shall interrupt the voting, except that representatives of States Parties may interrupt on a point of order in connection with the actual conduct of the voting.

*Rule 66*

*Explanation of vote or position*

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

2. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

*Rule 67*

*Division of proposals and amendments*

A representative of a State Party may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be first voted upon. Permission to speak on the motion for division shall be given only to two representatives of States Parties in favour and two representatives against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*Rule 68*

*Voting on amendments*

1. When an amendment to a proposal is moved, the amendment shall be voted first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

*Rule 69*  
*Voting on proposals*

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

*Rule 70*  
*Elections*

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates. There shall be no nominations.

2. When one 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 cast and the largest number of votes shall be elected.

3. 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.

*Rule 71*  
*Equally divided votes*

If a vote is equally divided, the President shall give additional time for reconsideration of the issue before the proposal is once again put to the vote. In case the vote is still equally divided, the proposal voted upon shall be considered rejected.

## **XV. Budgetary and financial questions**

*Rule 72*  
*Preparation of the budget*

The secretariat shall prepare a budget for the financing of activities of the Conference related to technical cooperation undertaken in accordance with articles 29-32 of the Convention, article 10 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, article 14 of the Protocol against the Smuggling of Migrants by Land, Air and Sea and article 14 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, and communicate it to the States Parties at least sixty days in advance of the opening of the regular session at which the budget is to be adopted.

*Rule 73*  
*Adoption of the budget*

The Conference shall consider and decide on the budget prepared pursuant to rule 72 ("Preparation of a budget").

*Rule 74*  
*Financial Regulations and Rules*

The Financial Regulations and Rules of the United Nations<sup>1</sup> shall govern, mutatis mutandis, the financial administration of the budget approved by the Conference.

## **XVI. Subsidiary bodies**

*Rule 75*  
*Establishment*

The Conference may establish such subsidiary bodies as it deems necessary for the achievement of its purposes in accordance with article 32 of the Convention.

*Rule 76*  
*Rules of procedure for subsidiary bodies*

Unless otherwise decided by the Conference, these rules shall apply, mutatis mutandis, to the proceedings of subsidiary bodies, except that the Chairperson of a subsidiary body may exercise the right of vote.

*Rule 77*  
*Dates of sessions of subsidiary bodies*

The Conference shall decide on the dates of the sessions of the subsidiary bodies, taking note of the desirability of holding such sessions in conjunction with the sessions of the Conference.

*Rule 78*  
*Agenda items of subsidiary bodies*

Subject to article 32 of the Convention, the Conference shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairperson of a subsidiary body, to adjust the allocation of work.

*Rule 79*  
*Officers of subsidiary bodies*

Unless the Conference decides otherwise, the Chairperson, Vice-Chairperson and Rapporteur of any subsidiary body shall be elected by that subsidiary body from among the representatives of the States Parties present at the session. The Chairpersons, Vice-Chairpersons and Rapporteurs of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

---

<sup>1</sup> ST/SGB/2003/7.

## **XVII. Protocols**

### *Rule 80*

#### *Decision-making on the Protocols*

When the Conference undertakes deliberations concerning a Protocol, any recommendation or decision pertaining solely to the Protocol shall be taken only by the States Parties to that Protocol present and voting.

### *Rule 81*

#### *Amendments to the Protocols*

Amendments to the Protocols proposed pursuant to article 18, paragraph 1, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, article 23, paragraph 1, of the Protocol against the Smuggling of Migrants by Land, Air and Sea and article 19, paragraph 1, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition on which consensus cannot be reached shall be adopted by a two-thirds majority of the States Parties to the respective Protocol present and voting.

## **XVIII. Interpretation and amendments**

### *Rule 82*

#### *Italicized headings*

The italicized headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

### *Rule 83*

#### *Method of amendment*

These rules may be amended by a decision of the Conference taken by a two-thirds majority of the States Parties present and voting.

### *Rule 84*

#### *Suspension of rules*

Any of these rules may be suspended, subject to the provisions of the Convention, by a decision of the Conference taken by a two-thirds majority of the States Parties present and voting.

### *Rule 85*

#### *Overriding authority of the Convention*

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

### *Rule 86*

#### *Entry into force*

These rules shall enter into force immediately after their adoption.