
Nairobi, 29 November – 3 December 2004
Item 5 of the provisional agenda

Annotated Draft Rules of Procedure

CHAPTER I. PARTICIPATION IN THE REVIEW CONFERENCE

Rule 1

Participation in the Review Conference

1. States Parties present at the Review Conference will be participants. Other States may participate in the Review Conference as observers.
2. Relevant international organizations or institutions and regional organizations may attend the Review Conference as observers.
3. The United Nations Secretary-General, the UNHCR, UNDP, UNICEF, WHO, WFP, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies, the Sovereign Order of Malta, the International Campaign to Ban Landmines, and the Geneva International Centre for Humanitarian Demining may attend the Review Conference as observers.
4. **Others that have received an invitation from the Coordinating Committee may attend the Review Conference as observers, subject to approval of the Review Conference. In issuing invitations to others to attend the Review Conference as observers, the Coordinating Committee shall take into consideration criteria such as whether the proposed observer is a non-profit entity and whether its purpose and activities are consistent with the object and purpose of the Convention.¹**

¹ The old text read, “*Others that have received an invitation from the Coordinating Committee of Co-Chairs may attend the Meeting of the States Parties as observers, subject to approval of the Meeting of States Parties*” The rationale for the proposed change is that at present, the Coordinating Committee has no guidance to use in determining how to respond to requests for observer status from various organizations and individuals. The addition to Rule 1.4 would see the States Parties give the Coordinating some general but flexible direction.

5. The plenary meetings of the Review Conference shall be held in public unless the Conference decides otherwise.²

CHAPTER II. REPRESENTATION

Rule 2

Designation of delegations

Each State or organization participating in the Review Conference shall designate a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Rule 3

Alternates and advisers

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 4

Submission of delegation information

The names of representatives and of alternate representatives and advisers that 48 hours before the opening of the Review Conference have not been submitted to the United Nations Under-Secretary-General for Disarmament Affairs shall be submitted to the **Executive Secretary** of the Review Conference 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**.³

² The intention behind this proposal is to move what had been Rule 38 to become new Rule 1.5 (*Rule 38 stated, "The plenary meetings of the Meeting of the States Parties shall be held in public unless the Meeting decides otherwise."*) While plenary meetings (i.e., all aspects) of Meetings of the States Parties have been held in public, this fact is often missed by those who wish to witness the proceedings without actually requesting formal observer status (complete with the right to speak and to be recorded in the list of participants.) If it is made clear that the Review Conference is held in public unless the Conference decides otherwise, fewer actors simply wanting to attend the Review Conference would request formal "observer" status. This in turn would reduce the need for the Coordinating Committee to make a judgment call on who shall and shall not receive an invitation to attend the meeting as an observer.

³ This proposal would see "Secretary-General" replaced with "Executive Secretary". The experience of Meetings of the States Parties has demonstrated that in practice, the Executive Secretary has assumed responsibility on behalf of the Under-Secretary-General for receiving information on the composition of delegations and for preparing a participants list.

CHAPTER III. OFFICERS

Rule 5 Elections

The Review Conference shall elect a President and 8 Vice-Presidents. The Review Conference may also elect such other officers as it deems necessary for the performance of its functions.

Rule 6 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 Review Conference, declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, have complete control of the proceedings and over the maintenance of order. The President may propose to the Review 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 Review Conference.

Rule 7 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 8 Replacement of the President

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

Rule 9
The President shall not vote

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

CHAPTER IV. SECRETARIAT OF THE MEETING OF THE
STATES PARTIES

Rule 10
Duties of the Secretary-General and of the Secretariat

1. The Secretary General, designated by States Parties, shall act in that capacity in all meetings. **He or she may designate another representative or official to replace him or her in case of absence.**
2. **The Secretary-General shall make all arrangements related to the Review Conference's opening ceremony and side events, ensure that logistical preparations are undertaken and generally provide support which the States Parties may require.**
3. States Parties may request the Secretary-General of the United Nations to appoint an official to act as Executive Secretary of the Review Conference. **He or she may designate another member of the Secretariat to replace him or her in case of absence.**
4. **The Executive Secretary shall provide and direct the staff required by the Review Conference and its committees. The Secretariat shall make all arrangements relating to meetings and provide necessary conference services as required by the States Parties, the President and the Secretary-General.⁴**

⁴ Previous rules did not accurately describe the Convention's unique division of labour between the Secretary-General and Executive Secretary. The proposed revision captures the reality of this division of labour based upon previous Meetings of the States Parties. Rule 10 had formerly read:

1. The Secretary General, designated by States Parties, shall act in that capacity in all meetings. He or she may designate another member of the Secretariat to replace him or her in case of absence.

2. The Secretary-General shall provide and direct the staff required by the Review Conference and its committees. The Secretariat shall make all arrangements relating to meetings and, generally, perform all other work, which the Review Conference may require.

3. States Parties may request the Secretary-General of the United Nations to appoint an official to act as Executive Secretary of the Meeting of States Parties.

CHAPTER V. DECISION-MAKING

Rule 11 Promotion of general agreement

The Review Conference shall make every effort to reach general agreement on matters of substance.

Rule 12 Voting rights

Each State Party participating at the Review Conference shall have one vote.

Rule 13 Quorum

The presence of representatives of **50** of the participating States Parties shall be required for any decision to be taken.⁵

Rule 14 Majority required

1. Decisions of the Review Conference on all matters of substance shall be taken by a two-thirds majority of the representatives of States Parties present and voting.
2. Decisions of the Review Conference on matters of procedure shall be taken by a majority of the representatives of States Parties present and voting.
3. If the question arises whether a matter is one of procedure or of substance, the President of the Review Conference 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 of States Parties present and voting.

Rule 15 Special procedures

Decisions concerning destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention shall be made according to the provisions of that Article.⁶

⁵ Rule 10 previously read “30” instead of “50”. A quorum of 30 participating States Parties was set back when there were dramatically fewer States Parties to the Convention than there are today.

⁶ Rule 15 previously read, “*Decisions concerning destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention and facilitation and clarification of compliance in accordance with Article 8 of the Convention shall be made according to the provisions of those Articles.*” The phrase “*and facilitation and clarification of compliance in accordance with Article 8 of the Convention*” has been removed in

Rule 16

Meaning of the expression "representatives of States Parties present and voting"

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

Rule 17

Method of voting

The Review 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 Review Conference, beginning with the delegation whose name is drawn by lot by the President.

Rule 18

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 19

Explanation of vote

The President may permit representatives to explain their votes. The President may limit the time to be allowed for such explanations.

Rule 20

Elections

All elections shall be held by secret ballot unless, in the absence of any objection, the Review Conference decides to proceed without taking a vote on an agreed candidate.

the proposed rule because whereas Article 11 states that Meetings of the States Parties shall be mandated to consider "submissions of States Parties under Article 8", Article 12, which describes the purpose and mandate of Review Conferences does not.

Rule 21

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 22

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots 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 the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, 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.

Rule 23 Equally divided votes

If a vote is equally divided on matters other than elections, the proposal, amendment or motion shall be regarded as rejected.

Rule 24 General rights of observers

Observers:

- (a) May not participate in decision-making;
- (b) May not make any procedural motion or request, raise points of order or appeal against a ruling of the President.

CHAPTER VI. CONDUCT OF BUSINESS

Rule 25 Speeches

No one may address the Review Conference without having previously obtained the permission of the President. Subject to rules 26, and 29 to 31, 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 such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 26 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 27 Closing of list of speakers

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

Rule 28 Right of reply

The right of reply may be accorded by the President to any representative if a speech delivered after the list of speakers has been closed makes this desirable.

Rule 29 Adjournment of debate

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

Rule 30
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 wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 31
Suspension or adjournment of the meeting

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

Rule 32
Order of motions

Subject to rule 26, 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 33
Competence of the Review Conference

The Review Conference may address any matter with regard to the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction such as:

- **the operation and status of the Convention, actions necessary to ensure its ongoing successful operation and conclusions related to its implementation;**

- **the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11 of the Convention;**
- **submissions of States Parties as provided for in Article 5 of the Convention; and,**
- **any other matter the Review Conference decides to address.⁷**

Rule 34
Decisions on competence

Subject to rule 26, any motion calling for a decision on the competence of the Review Conference to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

CHAPTER VII. SUBORDINATE BODIES

Rule 35
Subordinate bodies

The Review Conference may establish committees, working groups or other subordinate bodies as appropriate.

⁷ Given that the purpose of a Review Conference as stated in Article 12 is different than that of a Meeting of the States Parties as stated in Article 11, the rule pertaining to the competence of the meeting needs to be updated. Rule 33 previously stated: *“The Review Conference may address any matter with regard to the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction such as:*

- *requests for extension of the deadline for completing destruction of anti-personnel mines in accordance with Article 5 of the Convention;*
- *matters related to international cooperation and assistance, as set out in Article 6 of the Convention;*
- *matters related to the reports submitted under the provisions of Article 7 of the Convention;*
- *matters related to facilitation and clarification of compliance in accordance with Article 8 of the Convention;*
- *settlement of disputes in accordance with Article 10 of the Convention;*
- *matters related to the operation of the Convention, as set out in Article 11 of the Convention;*
- *matters related to the development of technologies to clear anti-personnel mines, as set out in Article 11 of the Convention.”*

CHAPTER VIII. LANGUAGES AND RECORDS

Rule 36 Languages of the Review Conference

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

Rule 37 Interpretation

1. Speeches made in a language of the Review Conference shall be interpreted into the other such languages in the plenary sessions.
2. A representative may speak in a language other than a language of the Review Conference if the delegation concerned provides for interpretation into a language of the Review Conference.

CHAPTER IX. AMENDMENTS TO THE RULES OF PROCEDURE

Rule 38 Method of amendment

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