



INTERNATIONAL CONFERENCE ON
THE SUPPRESSION OF UNLAWFUL
ACTS AGAINST THE SAFETY OF
MARITIME NAVIGATION -
Agenda item 2

IMO

PROVISIONAL RULES OF PROCEDURE

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CHAPTER I - REPRESENTATION AND CREDENTIALS

Composition of Delegations

Rule 1

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

Alternates or Advisers

Rule 2

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

Submission of Credentials

Rule 3

- (a) The credentials of representatives and the names of any alternate representatives and advisers shall be transmitted to the Secretary-General of the International Maritime Organization before the opening of the Conference or not later than twenty-four hours after the opening of the Conference. The credentials shall be issued by the Head of State, or the Head of Government, or the Minister for Foreign Affairs, or any other person or authority specifically authorized for that purpose by any of them.
- (b) Any later change in the composition of the delegation shall as soon as possible be submitted to the Secretary-General of the Conference.

Credentials Committee

Rule 4

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of [five] members who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional Participation in the Conference

Rule 5

- (a) Pending a decision of the Conference upon their credentials, representatives shall be entitled provisionally to participate in the Conference.
- (b) Any representative to whose admission a State participating in the Conference has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Conference has given its decision.

CHAPTER II - OFFICERS

Election

Rule 6

The Conference shall elect a President, [five] Vice-Presidents who shall be designated as first, second, third, fourth and fifth Vice-Presidents and take precedence in that order, the Chairman of the Committee of the Whole provided for in rule 44 and the Chairman of the Drafting Committee established under rule 45. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

President

Rule 7

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each plenary meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate, and the suspension or the adjournment of the meeting.

Rule 8

The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 9

- (a) If the President is absent for a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place.
- [(b) If the President does not make an appointment, the first Vice-President shall take his place and in the absence of the first Vice-President the second Vice-President shall take his place, and so on.]

Rule 10

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

Replacement of the President

Rule 11

If at any time the President is unable to perform his functions for the remaining period of the Conference a new President shall be elected.

The President shall not vote

Rule 12

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

CHAPTER III - SECRETARIAT

Duties of the Secretary-General and the Secretariat

Rule 13

- (a) The Secretary-General of the International Maritime Organization shall be the Secretary-General of the Conference.
- (b) The Secretary-General shall appoint an Executive Secretary and a Deputy Executive Secretary of the Conference and shall provide and direct the staff required by the Conference and its Committees.
- (c) The Secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Conference; interpret speeches made at the meetings; prepare and circulate records of the public meetings; arrange for the custody and preservation of the documents in accordance with the decisions of the Conference; publish reports of the public meetings; distribute all documents of the Conference to the participating Governments and, generally, perform all other work which the Conference may require.

Statements by the Secretariat

Rule 14

The Secretary-General, the Executive Secretary, the Deputy Executive Secretary and any member of the Conference staff designated for that purpose may, at any time, make oral or written statements concerning any question under consideration.

CHAPTER IV - CONDUCT OF BUSINESS

Quorum

Rule 15

A quorum of the Conference shall be constituted by the representatives of a majority of the States participating in the Conference.

Speeches

Rule 16

No person may address the Conference without having previously obtained the permission of the President. Subject to rules [17, 18, 22] and [24], the President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 17

The Chairman or Rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.

Points of Order

Rule 18

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

Time-Limit on Speeches

Rule 19

The Conference may, on the proposal of the President, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a representative has spoken for his allotted time, the President shall call him to order without delay.

Closing of List of Speakers

Rule 20

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

Adjournment of Debate

Rule 21

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 immediately be put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of the 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 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. 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.

Suspension or Adjournment of the Meeting

Rule 23

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. The President may limit the time to be allowed to the speaker moving the suspension or adjournment.

Order of Procedural Motions

Rule 24

Subject to rule 18, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- (i) to suspend the meeting;
- (ii) to adjourn the meeting;
- (iii) to adjourn the debate on the question under discussion;
- (iv) for the closure of the debate on the question under discussion.

Basic Proposals

Rule 25

The basic proposals for discussion by the Conference shall consist of:

- (i) the draft articles and related proposals for a convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation as contained in document SUA/CONF/3
- (ii) the draft articles and related proposals for a protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf as contained in document SUA/CONF/4

Other Proposals and Amendments

Rule 26

Other proposals and amendments thereto shall normally be introduced in writing and handed to the Executive Secretary of the Conference who shall circulate copies to the delegations. As a general rule, no proposal or amendments shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President or Chairman of a Committee may, however, permit the discussion and consideration of amendments, even though these amendments and motions have not been circulated or have only been circulated the same day.

Decisions on Competence

Rule 27

Subject to rule 18, any motion calling for a decision on the competence of the 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.

Withdrawal of Motions

Rule 28

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any representative.

Reconsideration of Proposals

Rule 29

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

Invitation to Experts

Rule 30

The Conference may invite or admit to one or more of its meetings any person whose expertise it may consider useful in its work.

CHAPTER V - VOTING

Voting Rights

Rule 31

Each State represented at the Conference shall have one vote.

Required Majority

Rule 32

- (a) Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of representatives present and voting, and decisions on matters of procedure shall be taken by a simple majority of representatives present and voting.
- (b) 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 overruled by a two-thirds majority of the representatives present and voting.

Meaning of the expression
"Representatives present and voting"

Rule 33

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

Method of Voting

Rule 34

The Conference shall normally vote by show of hands. However, any representative may request a roll-call vote which shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The vote of each representative participating in any roll-call vote shall be inserted in the summary record of the meeting concerned.

Conduct during Voting

Rule 35

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. Except in the case of elections held by secret ballot, the President may permit representatives to explain their votes after the voting. The President may limit the time to be allowed for such explanations.

Division of Proposals and Amendments

Rule 36

- (a) Parts of a proposal or amendment thereto shall be voted on separately if the President, with the consent of the proposer, so decides or if a representative requests that the proposal or amendment thereto be divided and the proposer raises no objection. If the proposer objects to a request for division, permission to speak on the request shall be given first to the representative making the request to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the request to divide the proposal or amendment shall be put immediately to the vote.
- (b) Where parts of a proposal or amendment thereto have been voted on separately, those parts of a proposal which have been approved shall then be put to the vote as a whole.
- (c) If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Voting on Amendments

Rule 37

- (a) A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote.

- (b) If two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all 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.
- (c) The President shall, in all cases, determine which amendment is furthest removed in substance from a proposal or whether the adoption of an amendment necessarily implies the rejection of another amendment. An appeal against the President's 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.
- (d) If one or more amendments are adopted, the amended proposal shall then be voted upon.

Voting on Proposals

Rule 38

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.

Elections

Rule 39

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

Rule 40

Before the commencement of a secret ballot two scrutineers shall be appointed by the Conference, on the proposal of the President, from the delegations present. The scrutineers shall scrutinize the votes cast and report the results to the President indicating the number of votes cast including invalid votes, if any.

Rule 41

- (a) If, when one person or one delegation is to be elected, no candidate obtains on the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest numbers of votes shall be taken. If on the second ballot the votes are equally divided the President shall decide between the candidates by drawing lots.

- (b) In the case of a tie on the first ballot among three or more candidates obtaining the largest numbers of votes, a second ballot shall be held. If on such a second ballot a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to those two, shall continue in accordance with the preceding paragraph of this rule.

Rule 42

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining on 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 numbers of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after a 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 numbers of votes on 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 the places have been filled.

Equally Divided Votes

Rule 43

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

CHAPTER VI - COMMITTEES

Committee of the Whole

Rule 44

The Conference shall establish a Committee of the Whole. The Committee of the Whole may set up subsidiary bodies.

Drafting Committee

Rule 45

A Drafting Committee, composed of not more than [9] members, shall be appointed by the Conference on the proposal of the President. The Drafting Committee shall prepare drafts and give advice on drafting as requested by the Conference or by any of the Committees or subsidiary bodies. It shall also prepare the Final Act of the Conference. The Drafting Committee shall not alter the substance of texts submitted to it, but shall have the power to review and co-ordinate the drafting of all such texts. The Committee shall report as appropriate to the Conference or to any committee or subsidiary body.

Establishment of other Committees and
subsidiary bodies

Rule 46

In addition to the Committee of the Whole, the Credentials Committee and the Drafting Committee, the Conference may establish such other committees and subsidiary bodies as it deems necessary for the performance of its functions.

Representation on Committees and other
subsidiary bodies

Rule 47

Each State participating in the Conference shall be represented by one person on any committee and other subsidiary bodies to which that State may be appointed. It may assign to these committees or other subsidiary bodies such alternate representatives and advisers as may be required.

Officers

Rule 48

Except in the cases of the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee, each committee or other subsidiary body shall elect its own officers. The Committee of the Whole shall elect two Vice-Chairmen who shall be designated as first and second Vice-Chairman and take precedence in that order. The Committee of the Whole may elect a Rapporteur.

Quorum

Rule 49

- (a) A quorum of the Drafting Committee or the Credentials Committee shall be constituted by the representatives of a majority of the States appointed to those Committees.
- (b) A quorum of the Committee of the Whole or other subsidiary body shall be constituted by the representatives of a majority of the States participating in the Conference.

Conduct of business and voting in Committees
and other subsidiary bodies

Rule 50

The rules relating to officers and conduct of business contained in chapters II, III, IV, V, VII and IX shall be applicable mutatis mutandis to the proceedings of committees and other subsidiary bodies, except that all decisions of committees or other subsidiary bodies shall be taken by a majority of the representatives present and voting. However, in the case of reconsideration of proposals or amendments in a committee or subsidiary body, the majority required shall be that established by rule 29.

CHAPTER VII - LANGUAGES AND RECORDS

Official and Working Languages

Rule 51

- (a) The official languages of the Conference shall be Arabic, Chinese, English, French, Russian and Spanish.
- (b) The working languages shall be English, French and Spanish.

Interpretation from official languages

Rule 52

Speeches made at the Conference, its committees and other subsidiary bodies in any of the official languages shall be interpreted into the other official languages.

Interpretation from other languages

Rule 53

Any representative may make a speech in a language other than an official language. In this case, that representative shall provide for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters provided by the Organization may be based on any such interpretation given in the first official language.

Summary Records

Rule 54

- (a) The Secretariat shall prepare summary records of the plenary meetings and of meetings of the Committee of the Whole. These summary records shall be distributed to the participants as soon as possible after the closing of the meeting to which they relate.
- (b) The participants shall, within three days after the circulation of the summary record, inform the Secretariat in writing of any changes to their own statements that they wish to have made.

Languages of Documents and Summary Records

Rule 55

Conference documents and summary records shall be made available in the working languages.

CHAPTER VIII - PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of Committees
and subsidiary bodies

Rule 56

The plenary meetings of the Conference and meetings of the Committee of the Whole shall be held in public unless the Conference decides otherwise. Meetings of other committees and other subsidiary bodies of the Conference shall be held in private unless the Conference decides otherwise.

Communiqués to the Press

Rule 57

At the close of any meeting a communiqué may be issued to the Press through the Executive Secretary.

CHAPTER IX - REPRESENTATIVES FROM THE UNITED NATIONS,
THE SPECIALIZED AGENCIES AND THE IAEA,
AND OBSERVERS FROM OTHER INTERGOVERNMENTAL
ORGANIZATIONS AND NON-GOVERNMENTAL BODIES

Rule 58

- (a) Representatives from the United Nations, its specialized agencies and the IAEA may participate, without the right to vote, in the deliberations of the Conference, its committees and other subsidiary bodies, upon the invitation of the President or Chairman as the case may be.
- (b) Observers of other intergovernmental organizations and non-governmental bodies invited to the Conference may, upon the invitation of the President or Chairman, as the case may be, take part without vote in the deliberations of the Conference, its committees or other subsidiary bodies on questions within the scope of their activities.

- (c) Experts invited or admitted to any meeting of the Conference, its committees or other subsidiary bodies in accordance with rule 30 may take part, without vote, in the deliberations of the Conference, its committees or other subsidiary bodies upon the invitation of the President or Chairman as the case may be.
- (d) Written statements submitted by invited Organizations and Experts may be distributed by the Secretariat to the delegations at the Conference.

CHAPTER X - AMENDMENTS TO THE RULES OF PROCEDURE

Rule 59

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

CHAPTER XI - SIGNATURE OF INSTRUMENTS

Rule 60

- (a) The Final Act resulting from the deliberation of the Conference shall be submitted for signature by the delegations.
 - (b) Full Powers shall be required of each Representative or Alternate Representative who signs any convention or other international instrument which may be drawn up and opened for signature by the Conference.
 - (c) Full Powers shall be issued either by the Head of State, or Head of Government, or the Minister for Foreign Affairs.
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