

UNITED NATIONS CONFERENCE ON
TRADE AND DEVELOPMENT

Rules of Procedure
of the
Trade and Development Board



UNITED NATIONS

UNITED NATIONS CONFERENCE ON
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RULES OF PROCEDURE OF THE TRADE AND DEVELOPMENT BOARD 1/

I. Sessions

REGULAR SESSIONS

Rule 1

The Trade and Development Board shall normally hold one regular session in two parts in a year.

DATE OF OPENING OF REGULAR SESSIONS

Rule 2

Each regular session of the Board shall be held, subject to the provisions of rule 3, at a date fixed by the Board at a previous session, in order to enable the General Assembly to consider the report of the Board at the earliest opportunity.

Rule 3

The Secretary-General of the Conference is authorized, with the concurrence or on the initiative of the President of the Board or the Chairman of any of its subsidiary organs, to alter the dates of meetings when this is deemed to be in the interests of the work of the organization.

SPECIAL SESSIONS

Rule 4

1. Special sessions shall be held by decision of the Board, or at the request of:

- (a) A majority of the members of the Board;
- (b) The Conference;
- (c) The General Assembly.

2. A special session of the Board may be requested by five members of the Conference, whether or not they are members of the Board. A special session of the Board may also be requested by the Economic and Social Council. The Secretary-General of the Conference shall forthwith inform the President and all the members of the Board of the request, as well as of the approximate costs and relevant administrative considerations, and shall inquire whether or not they support the request for a special session. If within 10 days of the inquiry a majority of the members of the Board explicitly concur in the request, the Secretary-General of the Conference shall convene the Board accordingly.

DATE OF OPENING OF SPECIAL SESSIONS

Rule 5

Special sessions of the Board shall normally be convened within six weeks of the receipt by the Secretary-General of the Conference of a request for such a session, at a date and place fixed by the President in consultation with the Secretary-General of the United Nations, taking into account such observations as may have been made in the request for a special session.

NOTIFICATION OF DATE OF OPENING

Rule 6

The Secretary-General of the Conference shall communicate the date of the first meeting of each session to the members of the Conference, the Chairmen of the Committees, the President of the General Assembly, the President of the Economic and Social Council, the specialized agencies, the International Atomic Energy Agency (IAEA) and the intergovernmental bodies referred to in rule 78 and to the non-governmental organizations referred to in rule 79. Such notification shall be sent (a) in the case of a regular session, at least six weeks in advance, (b) in the case of a special session, at least 12 days in advance.

ADJOURNMENT OF SESSION

Rule 7

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

II. Agenda

DRAWING UP OF THE PROVISIONAL AGENDA

Rule 8

1. The Secretary-General of the Conference shall draw up and submit to the Board at each regular session the provisional agenda for the following regular session of the Board. The provisional agenda shall include all items proposed by:

- (a) The Board;
- (b) The Conference;
- (c) A subsidiary organ of the Board established under paragraph 23 of General Assembly resolution 1995 (XIX);
- (d) A member of the Conference;
- (e) The Secretary-General of the Conference;
- (f) The General Assembly;

(g) The Economic and Social Council;

(h) The regional commissions;

(i) A specialized agency, the IAEA or an intergovernmental body referred to in rule 78.

2. Items proposed under (d) and (i) above shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft resolution, which shall be submitted to the Secretary-General of the Conference at least seven weeks prior to the opening of the session.

3. Non-Governmental Organizations included in the list referred to in rule 79 may propose to the Bureau of the Board that the Bureau request the Secretary-General of the Conference to include items of special interest to the organizations in the provisional agenda of the Board. For the purposes of this rule, a member of the Bureau may designate, in case of absence, a member of his delegation as his substitute.

4. The Bureau, in considering a request from a non-governmental organization for the inclusion of an item in the provisional agenda of the Board, shall take into account:

(a) Whether or not the item can be considered appropriate for action by the Board;

(b) The extent to which it is considered that the item lends itself to early and constructive action by the Board; and

(c) The adequacy of the documentation submitted by the organization.

5. Any decision by the Bureau not to grant a request submitted by a non-governmental organization for the inclusion of an item in the provisional agenda of the Board shall be considered as final.

Rule 9

Before the Secretary-General of the Conference includes an item proposed by a specialized agency, the IAEA or an intergovernmental body in the provisional agenda, he shall carry out with the specialized agency, the IAEA or the intergovernmental body concerned such preliminary consultation as may be necessary.

COMMUNICATION OF THE PROVISIONAL AGENDA

Rule 10

After the Board has considered the provisional agenda for the following session, the provisional agenda, incorporating any amendments made by the Board, shall be communicated by the Secretary-General of the Conference to the members of the Conference, the Chairmen of the Committees of the Board, the President of the General Assembly, the President of the Economic and Social Council, the specialized agencies, the IAEA, the intergovernmental bodies referred to in rule 78 and the non-governmental organizations referred to in rule 79.

SUPPLEMENTARY ITEMS

Rule 11

The inclusion of supplementary items in the provisional agenda considered by the Board may be proposed by any authority entitled to propose items under paragraph 1 of rule 8. The request for inclusion of a supplementary item shall be accompanied by a supporting statement from the authority proposing it, except in the case of the Conference and the General Assembly, regarding the urgency of the consideration of the item. Such items shall be placed by the Secretary-General of the Conference on a supplementary list, which shall be communicated to the Board together with the supporting statements and such observations as the Secretary-General of the Conference may wish to make.

ADOPTION OF THE AGENDA

Rule 12

1. At the beginning of each regular session, subject to the provisions of rule 15 and after the election of officers when required under rule 18, the Board shall adopt its agenda for the session on the basis of the provisional agenda and the supplementary list referred to in rule 11.
2. A member of the Conference, a specialized agency, the IAEA or an intergovernmental body referred to in rule 78, which has requested the inclusion of an item in the provisional agenda or the supplementary list, shall be entitled to be heard by the Board on the inclusion of the item in the agenda for the session.
3. The Board shall normally include in its agenda for the session only items for which adequate documentation has been prepared.

ALLOCATION OF ITEMS

Rule 13

The Board may allocate items between the plenary meetings of the Board and sessional committees and working parties set up in accordance with rule 62, and may refer items without preliminary debate in the Board to:

- (a) One or more of its subsidiary organs, for examination and report at a subsequent session of the Board;
- (b) The Secretary-General of the Conference, for study and report at a subsequent session of the Board; or
- (c) The proposer of the item, for further information or documentation.

PROVISIONAL AGENDA FOR A SPECIAL SESSION

Rule 14

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session. It shall be communicated to the authorities mentioned in rule 10 at the same time as the notice convening the Board.

REVISION OF THE AGENDA

Rule 15

During a regular session, the Board may revise the agenda for the session by adding, deleting, deferring or amending items. Only urgent and important items shall be added to the agenda of the Board during the session.

III. Representation and credentials

Rule 16

Each member of the Board shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required.

Rule 17

1. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference before the first meeting which the representatives are to attend.

2. The Bureau of the Board shall examine the credentials and submit their report to the Board. This rule shall not, however, prevent a member from changing its representative, alternate representatives or advisers subsequently, subject to proper submission and examination of credentials, where needed.

IV. Officers

ELECTIONS

Rule 18 2/

At the commencement of the first meeting of each regular session, the Board shall elect a President, 10 Vice-Presidents and a Rapporteur from among its members. These officers shall constitute the Bureau of the Board. In electing the officers, due account shall be taken of the need to ensure an equitable geographical distribution.

Rule 19

1. Without prejudice to the principle of equitable geographical distribution as laid down in rule 18, the Bureau of the Board shall consist of 12 members, including 4 members from Group A, 4 members from Group B, 2 members from Group C and 2 members from Group D, referred to in the annex to General Assembly resolution 1995 (XIX) as amended. For the purposes of the application of this rule, due account shall be taken of the decisions of the Board regarding the association of new members of the Conference with the lists of States contained in the annex to General Assembly resolution 1995 (XIX) as amended.

2. The offices of President and Rapporteur of the Board shall be subject to rotation among the groups according to the cycles contained in annex I to these rules of procedure. No group (except Group A) shall hold the offices of both President and Rapporteur in any regular session cycle.

TERMS OF OFFICE

Rule 20

The President, the Vice-Presidents and the Rapporteur shall hold office until their successors are elected. None of them may hold office if the member of the Conference of which he is a representative ceases to be a member of the Board.

ACTING PRESIDENT

Rule 21

If the President is absent from a meeting or any part thereof, he shall appoint a Vice-President to take his place.

REPLACEMENT OF THE PRESIDENT

Rule 22

If the President ceases to be a representative of a member of the Board or is incapacitated, or if the member of the Conference of which he is a representative ceases to be a member of the Board, a Vice-President from the same geographical group referred to in rule 19 shall take his place.

POWERS OF THE ACTING PRESIDENT

Rule 23

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

VOTING RIGHTS OF THE PRESIDENT

Rule 24

In the case of a member of the Board which is for the time being represented by the President, an alternate representative shall, at the discretion of the President, be permitted to participate in the proceedings and to vote in the Board. In such a case the President shall not exercise his right to vote.

V. Secretariat

DUTIES OF THE SECRETARY-GENERAL OF THE CONFERENCE

Rule 25

The Secretary-General of the Conference shall act in that capacity in all meetings of the Board and of its subsidiary organs. He may designate any officer of the secretariat to act as his representative.

Rule 26

The Secretary-General of the Conference shall direct the staff required by the Board and its subsidiary organs.

Rule 27

The Secretary-General of the Conference shall be responsible for keeping the members of the Board informed of any questions which may be brought before it for consideration.

Rule 28

The Secretary-General of the Conference, or his representative, may, subject to rule 34, make oral as well as written statements to the Board and its subsidiary organs concerning any question under consideration.

Rule 29

The Secretary-General of the Conference shall be responsible for all the necessary arrangements for meetings of the Board and of its subsidiary organs, including the preparation and distribution of documentation at least six weeks in advance of the sessions of the Board and its subsidiary organs.

DUTIES OF THE SECRETARIAT

Rule 30

The secretariat shall interpret speeches made at meetings; shall receive, translate and circulate the documents of the Board and its subsidiary organs; shall publish and circulate the records of the sessions, the resolutions, the reports and the relevant documentation of the Board. It shall have the custody of the documents in the archives of the Board and, generally, perform all other work which the Board may require.

ESTIMATES OF EXPENDITURES

Rule 31

Before any proposal which involves expenditure from United Nations funds is approved by the Board or by any of its subsidiary organs, the Secretary-General of the Conference shall circulate to all members of the Board or of the subsidiary organ concerned, as early as possible, a report from the Secretary-General of the United Nations, in terms of Financial Regulations 13.1 and 13.2, 3/ on the estimated costs involved as well as on the administrative and budgetary implications with reference to existing authorizations and appropriations in accordance with the provisions of paragraph 29 of General Assembly resolution 1995 (XIX).

VI. Preparation of sessions of the Conference

Rule 32 4/

The Board shall serve as a preparatory committee for future sessions of the Conference. To that end, it shall initiate the preparation of documents, including a provisional agenda, for consideration by the Conference, as well as make recommendations as to the appropriate date and place for its convening.

VII. Conduct of business

QUORUM

Rule 33

A majority of the members of the Board shall constitute a quorum.

POWERS OF THE PRESIDENT

Rule 34

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Board, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote, announce decisions and perform the functions and duties entrusted to him under section VIII of these rules of procedure. He shall rule on points of order and, subject to these rules, shall have control of the proceedings of the Board and over the maintenance of order at its meetings. The President may propose to the Board the limitation of the 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 or the closure of the debate. He may also propose the suspension or the adjournment of the meetings or of the debate on the question under discussion.

Rule 35

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

SPEECHES

Rule 36

No person may address the Board without having previously obtained the permission of the President. Subject to rules 37 and 38 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 37

The Chairman, Vice-Chairman or Rapporteur of a sessional committee or working party, or a designated representative of any subsidiary organ, may be accorded precedence in speaking for the purpose of explaining the conclusions arrived at by the committee, working party or subsidiary organ concerned and for the purpose of replying to questions.

POINTS OF ORDER

Rule 38

1. During the discussion of any matter, a representative may at any time 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 may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

2. A representative rising to a point of order may not speak on the substance of the matter under discussion.

TIME-LIMIT ON SPEECHES

Rule 39

The Board may limit the time allowed to each speaker and the number of times each representative may speak on any question, except on procedural questions, when the President shall limit each intervention to a maximum of five minutes. When the debate is limited and a representative exceeds his allotted time, the President shall call him to order without delay.

CLOSING OF LIST OF SPEAKERS

Rule 40

During the course of a debate the President may announce the list of speakers and, with the consent of the Board, declare the list closed. The President may, however, accord the right of reply to any member if, in his opinion, a speech delivered after he has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the President, with the consent of the Board, shall declare the debate closed.

ADJOURNMENT OF DEBATE

Rule 41

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, one representative may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

CLOSURE OF DEBATE

Rule 42

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 Board is in favour of the closure, the President shall declare the closure of the debate.

SUSPENSION OR ADJOURNMENT OF THE MEETING

Rule 43

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.

ORDER OF PROCEDURAL MOTIONS

Rule 44

Subject to rule 38, and regardless of the order in which they are submitted, the following motions 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 question under discussion;
- (d) For the closure of the debate on the question under discussion.

PROPOSALS AND AMENDMENTS

Rule 45

Proposals and amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to the members. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Board unless copies of it have been circulated to all members not later than the day preceding the meeting. Subject to the consent of the Board, the President may, however, permit the discussion and consideration of proposals or amendments, even though these proposals or amendments have not been circulated or have only been circulated the same day.

DECISIONS ON COMPETENCE

Rule 46

Subject to rule 44, any motion calling for a decision on the competence of the Board to adopt any proposal or any amendment submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

WITHDRAWAL OF MOTIONS

Rule 47

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. A motion thus withdrawn may be reintroduced by another member.

VIII. Procedures of conciliation

Rule 48

1. The procedures of conciliation shall be governed by paragraph 2 below, notwithstanding any provision of these rules of procedure which may be inconsistent therewith.

2. 5/ The procedures set forth in the present paragraph are designed to provide a process of conciliation to take place before voting and to provide an adequate basis for the adoption of recommendations with regard to proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries.

(a) Levels of conciliation

The process of conciliation within the meaning of the present paragraph may take place under the conditions stated with regard to proposals which are before the Conference, the Board or Committees of the Board. In the case of Committees of the Board, the process of conciliation shall apply only to those matters, if any, with respect to which a Committee has been authorized to submit, without further approval, recommendations for action.

(b) Request for conciliation

A request for conciliation within the meaning of the present paragraph may be made:

- (i) In the case of proposals before the Conference, by at least 10 members of the Conference;
- (ii) In the case of proposals before the Board, by at least five members of the Conference, whether or not they are members of the Board;
- (iii) In the case of proposals before Committees of the Board, by three members of the Committee.

The request for conciliation under the present paragraph shall be submitted, as appropriate, to the President of the Conference or to the President of the Board. In the case of a request relating to a proposal before a Committee of the Board, the Chairman of the Committee concerned shall submit the request to the President of the Board.

(c) Initiation of conciliation by a presiding officer

The process of conciliation within the meaning of the present paragraph may also be initiated whenever the President of the Conference, the President of the Board or the Chairman of the Committee concerned is satisfied that the required number of countries as specified in subparagraph (b) above are in favour of such conciliation. In cases where the process of conciliation is initiated at the level of a Committee, the Chairman of the Committee concerned shall refer the matter to the President of the Board for action to be taken in accordance with subparagraph (f) below.

(d) Time for request or initiation of conciliation

The request for conciliation (or the initiation of conciliation by the President of the Conference or the President of the Board, as the case may be) may be made only after the debate on the proposal has been concluded within the organ concerned and prior to the vote on that proposal. For the purposes of this provision, the presiding officer of the organ concerned shall, at the conclusion of the debate on any proposal, afford an appropriate interval for the submission of requests for conciliation before proceeding to the vote on the proposal in question. In the event that conciliation is requested or initiated, voting on the proposal in question shall be suspended and the procedures provided for below shall be followed.

(e) Subjects in regard to which conciliation is appropriate or excluded

The institution of the process of conciliation shall be automatic under the conditions stated in subparagraphs (b) and (c) above. The categories in (i) and (ii) below shall serve as guidelines:

- (i) Appropriate for conciliation shall be proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries in the following fields:

Economic plans or programmes or economic or social readjustments;

Trade, monetary or tariff policies, or balance of payments;

Policies of economic assistance or transfer of resources;

Levels of employment, income, revenue or investment;

Rights or obligations under international agreements or treaties.

- (ii) Proposals in the following fields shall not require conciliation:

Any procedural matter;

Any proposal for study or investigation, including such proposals related to the preparation of legal instruments in the field of trade;

Establishment of subsidiary bodies of the Board within the scope of its competence;

Recommendations and declarations of a general character not calling for specific action;

Proposals involving action proposed in pursuance of recommendations which were unanimously adopted by the Conference.

(f) Nomination of a conciliation committee

When a request for conciliation is made or initiated, the presiding officer of the organ concerned shall immediately inform the organ. The President of the Conference or the President of the Board shall, as soon as

possible, after consultation with the members of the organ concerned, nominate the members of a conciliation committee and submit the nominations for the approval of the Conference or the Board, as appropriate.

(g) Size and composition of the conciliation committee

The conciliation committee shall, as a rule, be small in size. Its members shall include countries especially interested in the matter with respect to which such conciliation was initiated and shall be selected on an equitable geographical basis.

(h) Procedure within the conciliation committee and submission of its report

The conciliation committee shall begin its work as soon as possible and it shall endeavour to reach agreement during the same session of the Conference or the Board. No vote shall take place in the conciliation committee. In the event that the conciliation committee is unable to conclude its work or fails to reach agreement at the same session of the Conference or the Board, it shall report to the next session of the Board or to the next session of the Conference, whichever meets earlier. However, the Conference may instruct the conciliation committee appointed by it to submit its report to the following session of the Conference in the event that the committee shall not have concluded its work or shall have failed to reach agreement during the same session of the Conference.

(i) Extension of the mandate of the conciliation committee

A proposal to continue a conciliation committee beyond the session at which it is required to report shall be decided by a simple majority.

(j) Report of the conciliation committee

The report of the conciliation committee shall indicate whether or not the committee was able to reach an agreement and whether or not the committee recommends a further period of conciliation. The report of the committee shall be made available to the members of the Conference.

(k) Action on the report of the conciliation committee

The report of the conciliation committee shall have priority on the agenda of the organ to which it is submitted. If the organ adopts a resolution on the proposal which was the subject of the report of the conciliation committee, that resolution shall refer explicitly to the report of the conciliation committee and to the conclusion reached by the conciliation committee in the following form, as appropriate:

"Noting the report of the Conciliation Committee appointed on (date) (document number),

"Noting also that the Conciliation Committee [was able to reach an agreement] [recommends a further period of conciliation] [was unable to reach agreement],"

(l) Reports of the Board and the Conference

The reports of the Board to the Conference and to the General Assembly and the reports of the Conference to the Assembly shall include, inter alia:

- (i) The texts of all recommendations, resolutions and declarations adopted by the Board or the Conference during the period covered by the report;
- (ii) In respect of recommendations and resolutions which are adopted after a process of conciliation, there shall also be included a record of the voting on each recommendation or resolution, together with the texts of the reports of the conciliation committees concerned. In the report, the record of voting and the texts of the reports shall normally follow the resolutions to which they pertain.

(m) Good offices of the Secretary-General of the Conference

The good offices of the Secretary-General of the Conference shall be utilized as fully as practicable in connection with the process of conciliation.

(n) Proposals involving changes in the fundamental provisions of the present resolution

A process of conciliation shall also be applied under the terms and conditions laid down above in regard to any proposal for a recommendation to the General Assembly which would involve changes in the fundamental provisions of the present resolution. Any question as to whether a particular provision shall be considered fundamental for the purposes of the present subparagraph shall be determined by a simple majority of the Conference or the Board.

IX. Voting

VOTING RIGHTS

Rule 49

Each member of the Board shall have one vote.

MAJORITY REQUIRED AND MEANING OF THE EXPRESSION
"MEMBERS PRESENT AND VOTING"

Rule 50

1. Decisions of the Board shall be made by a majority of the members present and voting.

2. For the purpose of these rules, the phrase "members present and voting" means members present and casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

METHOD OF VOTING

Rule 51

Subject to rule 57, the Board shall normally vote by show of hands, but any representative may request a roll-call, which shall then be taken in alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the President.

RECORDING OF ROLL-CALL

Rule 52

The vote of each member participating in a roll-call shall be inserted in the record.

CONDUCT DURING VOTING

Rule 53

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. The President may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment.

DIVISION OF PROPOSALS OR AMENDMENTS

Rule 54

A representative may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers 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.

VOTING ON AMENDMENTS

Rule 55

1. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Board 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 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. If no amendments are adopted, the proposal shall be put to the vote in its original form.

2. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of the proposal.

VOTING ON PROPOSALS

Rule 56

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

2. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

ELECTIONS

Rule 57

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

Rule 58

1. If, when one person or member only is to be elected, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie 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 59

1. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining a majority in the first ballot shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, 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, who shall number not more

than twice the places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.

3. If three restricted ballots are inconclusive, unrestricted ballots shall follow in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in the case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall not be more than twice the places remaining to be filled.

4. The following three ballots thereafter shall be unrestricted and so one, until all the places are filled.

EQUALLY DIVIDED VOTES

Rule 60

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

X. Sessional committees and working parties and subsidiary organs of the Board

Rule 61

The Board may establish such sessional committees and working parties and subsidiary organs as may be necessary for the effective discharge of its functions.

SESSIONAL COMMITTEES AND WORKING PARTIES

Rule 62

1. At each session, the Board may set up committees and working parties, from among its members, and refer to them any questions on the agenda for study and report. Unless the Board decides otherwise, members of such committees and working parties shall be nominated by the President in consultation with the other members of the Bureau and subject to the approval of the Board.

2. Sub-committees and subgroups of working parties shall be nominated by the Chairman of the committee or working party concerned, subject to the approval of the committee or working party.

3. The provisions of rules 33 to 47 and of rules 49 to 60 of these rules of procedure shall be applied in the proceedings of the committees, working parties and any sub-committees or subgroups set up by them.

Rule 63

Each sessional committee and working party shall elect its own officers, unless otherwise decided by the Board.

SUBSIDIARY ORGANS OF THE BOARD

Rule 64

1. The Board shall establish subsidiary organs in accordance with the provisions of paragraph 23 of General Assembly resolution 1995 (XIX).
2. Any State member of the Conference, whether or not that State is represented on the Board, may become a member of any subsidiary organ of the Board. In determining the size of the subsidiary organs and in electing their members, the Board shall take fully into account the desirability of including in the membership of these bodies member States with a special interest in the subject matter to be dealt with by them, as well as the need to ensure equitable geographical distribution.
3. The rules of procedure of subsidiary organs shall be those of the Board, as appropriate, subject to such modifications as the Board may decide upon in the light of proposals by the subsidiary organs concerned. Each subsidiary organ shall elect its own officers.
4. Each subsidiary organ, taking into consideration the dates of the sessions of the Board and bearing in mind the items referred to it by the Board, may adopt its own priorities within the framework of the work programme established by the Board and, in consultation with the Secretary-General of the Conference, meet as may be necessary.

XI. Languages and records

OFFICIAL AND WORKING LANGUAGES

Rule 65

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

INTERPRETATION FROM OFFICIAL LANGUAGES

Rule 66

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

INTERPRETATION FROM OTHER LANGUAGES

Rule 67

Any representative may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the official languages. Interpretation into the other official languages by an interpreter of the secretariat may be based on the interpretation given in the first official language.

LANGUAGE OF DOCUMENTS, RESOLUTIONS AND OTHER FORMAL DECISIONS

Rule 68

All documents, resolutions, recommendations and other formal decisions of the Board as well as its reports to the Conference and the General Assembly shall be made available in the official languages.

RECORDS OF PRIVATE MEETINGS

Rule 69

The records of private meetings of the Board shall be distributed promptly to the members of the Board and to any member of the Conference participating in the meeting. They shall be made available to other members of the Conference if the Board so decides. They may be made public at such time and under such conditions as the Board may decide.

RESOLUTIONS AND OTHER FORMAL DECISIONS

Rule 70

As soon as possible, the text of the resolutions, recommendations and other formal decisions adopted by the Board, its committees and other subsidiary bodies shall be distributed by the secretariat to all members of the Board and other participants in the session. The printed text of such resolutions, recommendations and other formal decisions, as well as of the reports of the Board to the Conference and the General Assembly shall be distributed as soon as possible after the close of the session to all the members of the Conference and to the specialized agencies, the IAEA and the intergovernmental bodies referred to in rule 78.

SOUND RECORDINGS OF MEETINGS

Rule 71

Sound recordings of the meetings of the Board and of its committees shall be kept by the secretariat in accordance with the practices of the United Nations.

XII. Public and private meetings

Rule 72

The meetings of the Board, its sessional committees and working parties and subsidiary organs shall be held in public unless the body concerned decides otherwise.

Rule 73

At the close of a private meeting, the Board or its subsidiary organs may decide to issue a communiqué through the Secretary-General of the Conference.

XIII. Participation of members of the Conference
not members of the Board

Rule 74

Any member of the Conference shall be entitled to participate in the deliberations of the Board on any item on its agenda of particular concern to that member, with all the rights and privileges of a Board member except the right to vote.

Rule 75

A subsidiary organ may invite any member of the Conference which is not one of its own members to participate in its deliberations on any matter of particular concern to that member. Any member thus invited shall not have the right to vote but may submit proposals, which may be put to the vote by request of any member of the subsidiary organ concerned.

XIV. Participation of specialized agencies, the IAEA
and other intergovernmental bodies

Rule 76

1. Representatives of specialized agencies, the IAEA and the intergovernmental bodies referred to in paragraphs 18 and 19 of General Assembly resolution 1995 (XIX) which are designated for this purpose by the Conference or the Board may participate, without the right to vote, in the deliberations of the Board and its subsidiary organs upon the invitation of the President or Chairman, as the case may be, on questions within the scope of their activities.

2. Written statements by specialized agencies, the IAEA and intergovernmental bodies referred to in paragraph 1 above, related to items on the agenda of the Board or its subsidiary organs, shall be circulated by the secretariat to the members of the Board or of the subsidiary organ concerned.

XV. Observers for non-governmental organizations

Rule 77

1. Non-governmental organizations concerned with matters of trade and of trade as related to development, referred to in paragraph 11 of General Assembly resolution 1995 (XIX), may designate representatives to sit as observers at public meetings of the Board, its sessional committees and subsidiary organs. The Secretary-General of the Conference, in consultation with the Bureau of the board, shall from time to time prepare a list of such organizations for the approval of the Board. Upon the invitation of the President or Chairman, as the case may be, and subject to the approval of the board or of the subsidiary organ concerned, non-governmental organizations may make oral statements on matters within the scope of their activities.

2. Written statements provided by non-governmental bodies referred to in paragraph 1 above, related to items on the agenda of the Board or of its subsidiary organs, shall be circulated by the secretariat to the members of the Board or the subsidiary organ concerned.

XVI. Amendments and suspensions of rules of procedure

Rule 78

Subject to rules 79 and 80, the rules contained in sections I to V, VII, and IX to XVI of these rules of procedure may be amended or suspended by the Board.

Rule 79

The rules referred to in rule 78 may not be amended until the Board has received a report on the proposed amendment from a committee or working party of the Board established for that purpose.

Rule 80

The rules referred to in rule 78 may be suspended by the Board provided that 24 hours' notice of the proposal for the suspension has been given. The notice may be waived if no member objects.

Notes

1/ By its resolution 1 (I) of 27 April 1965 the Board adopted its rules of procedure (TD/B/16). During its eighth session, at its 189th meeting on 7 February 1969, during its twelfth session, at its 329th meeting on 16 October 1972, during its twenty-ninth session, at its 652nd meeting on 21 September 1984 and during its thirty-third session, at its 699th meeting on 9 September 1986, the Board revised those rules (see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 16 (A/7616), part one, annex I, Other decisions, and Official Records of the General Assembly, Twenty-seventh Session, supplement No. 15 (A/8715/Rev.1), part one, annex I, Other decisions and Official Records of the General Assembly, Supplement No. 15 (A/39/15), part two, B. Decisions and Official Records of the General Assembly, Supplement No. 15 (A/41/15), part two, A. Decisions). The present revised edition of the rules of procedure also incorporates a number of minor editorial changes. It replaces TD/B/16/Rev.3 and any revision, amendment or corrigendum issued thereto.

2/ The following interpretative note is appended to rule 18:

The Trade and Development Board at its thirty-third session agreed that it would be desirable for the Board to identify, before the end of each regular session, the person to be elected as President at its next regular session, so as to enable the person concerned to participate in an advisory capacity in the preparatory work for the regular session in which he would serve as President. Should it prove impossible, however, to designate a President at that time, it could be done subsequently through consultations.

3/ These Regulations read as follows:

FINANCIAL REGULATIONS AND RULES OF THE UNITED NATIONS

Article XIII. Resolutions involving expenditures

Regulation 13.1: No council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal.

Regulation 13.2: Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations, unless the Secretary-General certifies that provision can be made under the conditions of the resolution of the General Assembly relating to unforeseen and extraordinary expenses.

4/ The text of this rule is identical to that of paragraph 21 of General Assembly resolution 1995 (XIX).

5/ The text of this paragraph is identical to that of paragraph 25 of General Assembly resolution 1995 (XIX) and therefore contains, inter alia, provisions which specifically apply to the proceedings of the Conference.

Annex I

Rotation of groups in the election of President
and Rapporteur of the Board

As from the first regular session in 1980, the following rotation of Groups, by regular session cycle, shall be observed in the election of the President of the Board:

- States in Group D;
- African States in Group A;
- States in Group B;
- Asian States plus Yugoslavia in Group A;
- States in Group C;
- States in Group B.

As from the first regular session in 1980, the following rotation of Groups, by regular session cycle, shall be observed in the election of the Rapporteur of the Board:

- African States in Group A;
- States in Group D;
- States in Group C;
- Asian States plus Yugoslavia in Group A;
- States in Group B.

At no regular session shall representatives of States from any one of the five categories mentioned above be elected for the offices of both President and Rapporteur. At the regular sessions at which, in accordance with the established system of rotation, both the President and the Rapporteur would belong to the same Group, that Group shall postpone presentation of a candidate for the office of Rapporteur, and the Group next in line shall hold the post of Rapporteur.

Annex II

Improvement of the institutional machinery and methods of work a/

1. The Board considered that, in the light of the experience gained over the past four years, there was a case for reviewing the institutional machinery of the United Nations Conference on Trade and Development and its methods of work. The Board undertook its review within the framework of General Assembly resolution 1995 (XIX) of 30 December 1964 and with the common objective of enhancing the capacity of UNCTAD to achieve positive results.
2. The Board recognized that the task of negotiation, including exploration, consultation and agreement on solutions, is a single process. It noted that, since UNCTAD was created four years ago, a large number of problems had been explored in considerable detail and that this had shown the need for concrete solutions to these problems. It reiterated its view that the achievement of solutions was and remained the primary objective of UNCTAD. While the procedures for reaching agreement on a given problem were bound to differ, the Board welcomed the fact that in respect of some problems, the processes of exploration and consultation in UNCTAD had already resulted in a willingness on the part of Governments to support agreed recommendations and, in some cases, to enter into negotiations leading towards the "adoption of multilateral legal instruments". b/
3. The Board urged that the search for solutions to problems of international trade be vigorously pursued especially with a view to accelerating economic development. It believed that, in this connection, the deliberations of UNCTAD would continue to be of value in influencing all member Governments to follow policies in harmony with the requirements of trade and development.
4. The Board considers that the institutional machinery of UNCTAD and its methods of work should be kept under review in the light of the effectiveness of this decision.

The UNCTAD machinery

5. The Conference, the Board, the main Committees and their subsidiary bodies should together form a coherent network, within which the process of purposeful and continuous intergovernmental co-operation and consultation within UNCTAD should proceed, with a view to reaching a greater measure of agreement on problems before it.

a/ Board decision 45 (VII) of 21 September 1968. The text is annexed to the rules of procedure of the Board pursuant to the decision taken at its 189th meeting on 7 February 1969.

b/ See General Assembly resolution 1995 (XIX), para. 3 (e).

Future sessions of the Conference

6. The more effective the permanent machinery is in carrying out the above-mentioned process, the more the Conference will be able to concentrate on its tasks as set out in paragraphs 3 and 30 of General Assembly resolution 1995 (XIX), and, in particular, on reviewing recent developments and long-term trends, on acting on such recommendations as are made to it by the permanent machinery and on setting new guidelines for the work of the permanent machinery in ensuing years.

7. It is desirable that sessions of the Conference should be shortened to remain within the limits of three to four weeks. It should concentrate on issues of fundamental importance so as to attract the attendance of Ministers and should, in so far as possible, be limited to those issues which are mature for settlement or for which further directives are required. The agenda, which must in any case be drawn up on the basis of preparatory discussions in the permanent machinery, should be prepared with these considerations in mind.

8. A short preparatory meeting before each session may be useful to deal with all organizational and formal matters, including elections.

The Trade and Development Board

9. When the Conference is not in session, the Board is authorized, and therefore invited, to carry out fully the functions that fall within the competence of the Conference, in accordance with paragraph 14 of General Assembly resolution 1995 (XIX) and resolution 19 (II) of the Board.

10. The Board should normally hold one regular session a year. In order to strengthen the effectiveness of the machinery of UNCTAD, the Board should increasingly devote itself to the development of agreed solutions. The Board may consider holding sessions at a high political level in order to consider matters of greater importance; such sessions would need to be well prepared in advance.

11. When a special session of the Board is requested by five members of UNCTAD in accordance with rule 4, paragraph 2, of the rules of procedure, the Board considers that such a special session should be held within the minimum periods of time provided for in rule 4, paragraph 2, and rule 6 of the rules of procedure.

12. Whenever the Board or the Committees are discussing a matter of specific interest to a particular member State, whether a member or non-member of the Board or of the Committee concerned, that State should be accorded full facilities to participate in the discussions at all levels and to be consulted at all levels, in accordance with the provisions of paragraph 10 of General Assembly resolution 1995 (XIX) and of rule 76 of the rules of procedure of the Board. The composition and terms of reference of the Board or of the Committees need not be altered in this respect.

13. Sessional Committees of the Board, if established, should concentrate on the consideration of the recommendations which are formulated in the main Committees, and the resolution of differences which appear in the Committees.

The main Committees of the Board

14. The main Committees should normally meet once a year, */ well before the Board's session to allow sufficient time for Governments to consider carefully the Committee's recommendations before the Board meets, it being understood that the session of the Committee on Shipping should normally be held not earlier than March of each year. Normally the duration of the Committee sessions should not exceed two weeks.

15. The terms of reference and the rules of procedure of the Committee on Manufactures and of the Committee on Invisibles and Financing related to Trade should be brought in line with the terms of reference and rules of procedure of the other two main Committees of the Board so as to enable them to set up, without further approval by the Board, intergovernmental groups on matters which fall within their competence. These groups would report to the Committees, which would review and make recommendations on the basis of their specialized work.

UNCTAD/GATT relations

16. On the basis of General Assembly resolution 1995 (XIX) and in order to facilitate the harmonious development of the activities of UNCTAD and the General Agreement on Tariffs and Trade (GATT) and to ensure that the results of those activities are complementary, the Secretary-General of UNCTAD should maintain regular contact and consultation with the Director-General of GATT, in order to compare current or planned work programmes with a view, wherever possible, to avoiding duplication and exploring further possibilities of joint or co-ordinated action by UNCTAD and GATT.

17. Member States should be kept informed of these consultations in order to give such directives as may appear necessary.

Documentation

18. All background documentation should be as concise as possible and should be completed and sent to member Governments in all official languages at least six weeks before the dates of the meetings at which they are to be considered. It will be desirable if summary records are provided only for the plenary meetings of the Board and of the main Committees. **/

*/ The Trade and Development Board, at the first part of its twelfth session, amended the rules of procedure of the main Committees to provide that they shall normally meet twice in regular session between any two sessions of the Conference, pursuant to the recommendation contained in paragraph 11 (a) of Conference resolution 80 (III). At the first part of its thirty-fourth session the Trade and Development Board, in its resolution 352 (XXXIV) of 20 November 1987, reaffirmed its decision that main Committees shall normally hold two regular sessions between sessions of the Conference. The normal duration of such sessions should be seven working days.

**/ By its decision 302 (XXIX) of 21 September 1984 the Trade and Development Board decided to dispense henceforth with summary records for its plenary meetings.

The secretariat

19. The Secretary-General of UNCTAD should take the necessary initiative and be appropriately represented at all stages of the discussions and negotiations.

20. In reviewing the effectiveness of the institutional arrangements of UNCTAD (Conference, Board, subsidiary bodies, secretariat), the question of the appointment of a Deputy should be considered in order to enable the Secretary-General of UNCTAD to concentrate on substantive matters, including consultations with Governments to stimulate their political will.

21. More intensive contacts of the Secretary-General of UNCTAD with countries, and among the various groups of countries would help to bring about greater effectiveness in the work of the permanent machinery.

22. Further to the provisions of resolution 16 (II) of the Conference, the Secretary-General of UNCTAD is authorized to arrange intergovernmental consultations in the field of commodities after having taken into account the views of any commodity group concerned, consulted with interested Governments and ensured that the necessary preparatory work has been done.

23. The Secretary-General of UNCTAD is authorized, with the concurrence or on the initiative of the President of the Board or the Chairman of any of its subsidiary organs, to alter the dates of meetings when this is deemed to be in the interests of the work of the organization.

24. Further, in order to establish closer contact between the UNCTAD secretariat and the Governments of member States and in order that Governments and public opinion may have a better understanding of the problems dealt with by UNCTAD, the public information activities of UNCTAD should be reviewed.

25. Since Geneva is the headquarters of UNCTAD, all meetings of the Conference and its organs should normally be held in the Palais des Nations.

Relationship of UNCTAD to the United Nations Development Programme

26. The Board recommends to the General Assembly that it designate UNCTAD as a participating organization of the United Nations Development Programme. c/

173rd plenary meeting,
21 September 1968

c/ For the text of the draft resolution, see Board resolution 44 (VII) of 21 September 1968.

Annex III

Arrangements for the participation of non-governmental
organizations in the activities of the United Nations
Conference on Trade and Development a/

I. CRITERIA TO BE APPLIED IN THE ESTABLISHMENT OF THE LIST OF
NON-GOVERNMENTAL ORGANIZATIONS PROVIDED FOR IN RULE 79 OF
THE RULES OF PROCEDURE OF THE TRADE AND DEVELOPMENT BOARD

1. The organization shall be concerned with matters of trade and of trade as related to development. In this connection the organization shall provide the necessary evidence that it is concerned with matters falling within the terms of the functions which devolve upon the United Nations Conference on Trade and Development (UNCTAD) under General Assembly resolution 1995 (XIX) of 30 December 1964.

2. In considering an application from a non-governmental organization under rule 79 of the rules of procedure the Secretary-General of the Conference and the Bureau of the Board shall be guided by the principle that relationship arrangements are to be made, on the one hand, for the purpose of enabling the Board and/or its subsidiary bodies to secure information or advice from organizations having special competence in the subjects for which relationship arrangements are made, and, on the other hand, to enable organizations which represent important elements of public opinion to express their views. Therefore, the participation of each organization in the activities of UNCTAD should involve only the subjects for which that organization has a special competence or in which it has special interest.

3. The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations.

4. The organization shall undertake to support the work of UNCTAD and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities.

5. The organization shall be of recognized standing and shall represent a substantial proportion of the organized persons within the particular field in which it operates. To meet this requirement, a group of organizations may be represented by a joint committee or other body authorized to carry on consultations for the group as a whole. It is understood that when a minority opinion develops on a particular point within such a liaison committee, it will be presented to UNCTAD along with the opinion of the majority.

6. The organization shall have an established headquarters with an executive officer. It shall have a conference, convention or other policy-making body. In submitting its application under rule 79, the organization shall indicate the name of the executive officer, or of its authorized representative who shall be in charge of maintaining liaison with the Secretary-General of UNCTAD.

a/ Board decision 43 (VII) of 20 September 1968, replacing Board decision 14 (II) of 7 September 1965.

7. The organization shall have authority to speak for its members through its authorized representatives. Evidence of this authority shall be presented, if requested.

8. The organization shall be international in its structure, with members who exercise voting rights in relation to the policies or action of the international organizations. Any international organization which is not established by intergovernmental agreement shall be considered as a non-governmental organization for the purposes of rule 79.

9. An international organization which is a member of a committee or of a group composed of international organizations which has already been included in the list provided for in rule 79 shall not normally be included in the list.

10. In considering the inclusion of a non-governmental organization in the list provided for under rule 79, the Secretary-General of UNCTAD and the Bureau of the Board will take into account whether or not the field of activity of the organization is wholly or mainly within the field of a specialized agency or an intergovernmental organization of those referred to in paragraph 18 of General Assembly resolution 1995 (XIX).

11. In including a non-governmental organization in the list provided for in rule 79 regard shall be had to the nature and scope of its activities and to the assistance that may be expected by UNCTAD in carrying out the functions set out in General Assembly resolution 1995 (XIX).

12. In establishing the list provided for in rule 79, the Board shall distinguish between:

(a) Organizations which exercise functions, and have a basic interest, in most of the activities of the Board and which would, therefore, be entitled to the rights provided for in rule 79 of the Board at meetings of the Board, and under rule 78 of the Committees at meetings of all the Committees (to be known as organizations in the General Category); and

(b) Organizations which have a special competence in, and are concerned with, specific matters falling within the terms of reference of one or two Committees or of the Board itself and which would, therefore, be entitled to the rights provided for in rule 78 of the rules of procedure of the Committees concerned, and, when the Board has these specific matters under consideration, the rights provided under rule 79 of the Board (to be known as organizations in the Special Category).

II. PROCEDURES TO BE APPLIED BY THE BUREAU IN DISCHARGING ITS FUNCTIONS UNDER RULE 79 OF THE RULES OF PROCEDURE OF THE BOARD

1. The Bureau shall meet upon the recommendation of the Secretary-General of UNCTAD whenever matters falling within the terms of rule 79 must be considered. Whenever possible, the Secretary-General of UNCTAD shall also consult the members of the Bureau by mail.

2. The Bureau shall consider the applications which have been submitted to the Secretary-General of UNCTAD by non-governmental organizations as well as the explanatory memoranda and other documentation that the organizations may

have attached to their applications. In this connection, due account shall be taken of the recommendations and explanatory notes submitted by the Secretary-General regarding each application.

3. Upon the basis of the documentation submitted under paragraph 2 above and of the criteria for the establishment of relationship arrangements with non-governmental organizations, the Bureau shall then give advice to the Secretary-General of UNCTAD as to which non-governmental organizations should be included in the list provided for in rule 79. If required, the matter shall be put to the vote and decided by majority vote of the members of the Bureau present and voting. Any recommendation of the Bureau against the inclusion of a non-governmental organization in the list shall be considered as final.

III. ARRANGEMENTS FOR THE ASSOCIATION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS WITH THE ACTIVITIES OF UNCTAD (THE REGISTER)

National non-governmental organizations of recognized standing which are deemed to have a significant contribution to make to the work of UNCTAD may be entered by the Secretary-General of UNCTAD in a Register established for that purpose. Entry in the Register of a national organization shall be subject to prior consultation with the member State concerned.

IV. SECRETARIAT RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

The Secretary-General of UNCTAD shall be authorized, within the means at his disposal, to offer to non-governmental organizations which are included in the list provided for in rule 79 (i.e. non-governmental organizations in the General and Special Categories) and to non-governmental organizations entered in the Register referred to in part III above, the following facilities:

1. Distribution of such documents of the Board and its subsidiary organs as shall in the judgement of the Secretary-General of UNCTAD be appropriate.
2. Access to the press documentation of UNCTAD, and, periodically, to such other public information material relating to the activities of UNCTAD as may be considered appropriate.
3. Arrangements for informal discussions of matters of special interest to groups or organizations.

V. APPLICATION OF RULE 79 OF THE BOARD AND RULE 78 OF THE COMMITTEES OF THE BOARD

For the purposes of applying rule 79 of the Board and rule 78 of the Committees of the Board only non-governmental organizations admitted to either the General or the Special Category provided for in part I, paragraph 12, above, shall be deemed to be included in the list referred to in those rules and, consequently, to be entitled to the rights set out therein.

172nd plenary meeting,
20 September 1968.

APPENDIX

Establishment of the United Nations Conference on Trade and Development
as an organ of the General Assembly

GENERAL ASSEMBLY RESOLUTION 1995 (XIX) OF 30 DECEMBER 1964, AS AMENDED
BY GENERAL ASSEMBLY RESOLUTION 2904 (XXVII) OF 26 SEPTEMBER 1972,
GENERAL ASSEMBLY RESOLUTIONS 31/2 A OF 29 SEPTEMBER 1976 AND 31/2 B
OF 21 DECEMBER 1976, AND GENERAL ASSEMBLY RESOLUTION 34/3
OF 4 OCTOBER 1979

The General Assembly

Convinced that sustained efforts are necessary to raise the standards of living in all countries and to accelerate the economic growth of the developing countries,

Considering that international trade is an important instrument for economic development,

Recognizing that the United Nations Conference on Trade and Development has provided a unique opportunity to make a comprehensive review of the problems of trade and of trade in relation to economic development, particularly those problems affecting the developing countries,

Convinced that adequate and effectively functioning organizational arrangements are essential if the full contribution of international trade to the accelerated economic growth of the developing countries is to be successfully realized through the formulation and implementation of the necessary policies,

Taking into account that the operation of existing international institutions was examined by the United Nations Conference on Trade and Development, which recognized both their contributions and their limitations in dealing with all the problems of trade and related problems of development,

Believing that all States participating in the United Nations Conference on Trade and Development should make the most effective use of institutions and arrangements to which they are or may become parties,

Convinced that, at the same time, there should be a further review of both the present and the proposed institutional arrangements, in the light of the experience of their work and activities,

Taking note of the widespread desire among developing countries for a comprehensive trade organization,

Recognizing that further institutional arrangements are necessary in order to continue the work initiated by the Conference and to implement its recommendations and conclusions,

I

Establishes the United Nations Conference on Trade and Development as an organ of the General Assembly in accordance with the provisions set forth in section II below;

II

1. The members of the United Nations Conference on Trade and Development (hereinafter referred to as the Conference) shall be those States which are Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

2. The Conference shall normally be convened at intervals of not more than four years. The General Assembly shall determine the date and location of the sessions of the Conference, taking into account the recommendations of the Conference or of the Trade and Development Board, established under paragraph 4 below.

3. The principal functions of the Conference shall be:

(a) To promote international trade, especially with a view to accelerating economic development, particularly trade between countries at different stages of development, between developing countries and between countries with different systems of economic and social organization, taking into account the functions performed by existing international organizations;

(b) To formulate principles and policies on international trade and related problems of economic development;

(c) To make proposals for putting the said principles and policies into effect and to take such other steps within its competence as may be relevant to this end, having regard to differences in economic systems and stages of development;

(d) Generally, to review and facilitate the co-ordination of activities of other institutions within the United Nations system in the field of international trade and related problems of economic development, and in this regard to co-operate with the General Assembly and the Economic and Social Council with respect to the performance of their responsibilities for co-ordination under the Charter of the United Nations;

(e) To initiate action, where appropriate, in co-operation with the competent organs of the United Nations for the negotiation and adoption of multilateral legal instruments in the field of trade, with due regard to the adequacy of existing organs of negotiation and without duplication of their activities;

(f) To be available as a centre for harmonizing the trade and related development policies of Governments and regional economic groupings in pursuance of Article 1 of the Charter;

(g) To deal with any other matters within the scope of its competence.

TRADE AND DEVELOPMENT BOARD

Composition

4. A permanent organ of the Conference, the Trade and Development Board (hereinafter referred to as the Board), shall be established as part of the United Nations machinery in the economic field.

5. Membership of the Board shall be open to all members of the Conference. Those members of the Conference wishing to become members of the Board shall communicate their intention to do so, in writing, to the Secretary-General of the Conference.

6. The lists of States contained in the annex shall be reviewed periodically by the Conference in the light of changes in membership of the Conference and other factors.

7. The Secretary-General of the Conference shall bring the communications referred to in paragraph 5 above to the attention of the President of the Board who, at the commencement of the following regular, special or resumed session of the Board, or during such session as the case may be, shall announce the membership of the Board. Membership of the Board shall be for an indefinite period, subject to the provisions of paragraph 8 below.

8. Any member of the Board wishing to relinquish its membership shall inform the Secretary-General of the Conference, in writing, of its intention to do so. The Secretary-General of the Conference shall bring such communications to the attention of the President of the Board who, at the commencement of the following regular, special or resumed session, or during such session as the case may be, shall announce the revised membership of the Board.

9. Each member of the Board shall have one representative with such alternates and advisers as may be required.

10. Any member of the Conference shall be entitled to participate in the deliberations of the Board on any item on its agenda of particular concern to that member, with all the rights and privileges of a Board member except the right to vote.

11. The Board may make arrangements for representatives of the intergovernmental bodies referred to in paragraphs 18 and 19 below to participate, without vote, in its deliberations and in those of the subsidiary bodies and working groups established by it. Such participation may also be offered to non-governmental organizations concerned with matters of trade and of trade as related to development.

12. The Board shall adopt its own rules of procedure.

13. The Board shall meet as required in accordance with its rules. It shall normally meet twice in any particular year.

Functions

14. When the Conference is not in session, the Board shall carry out the functions that fall within the competence of the Conference.

15. In particular, the Board shall keep under review and take appropriate action within its competence for the implementation of the recommendations, declarations, resolutions and other decisions of the Conference and to ensure the continuity of its work.

16. The Board may make or initiate studies and reports in the field of trade and related problems of development.

17. The Board may request the Secretary-General of the United Nations to prepare such reports, studies or other documents as it may deem appropriate.

18. The Board shall, as required, make arrangements to obtain reports from and establish links with intergovernmental bodies whose activities are relevant to its functions. In order to avoid duplication it shall avail itself, whenever possible, of the relevant reports made to the Economic and Social Council and other United Nations bodies.

19. The Board shall establish close and continuous links with the regional economic commissions of the United Nations and it may establish such links with other relevant regional intergovernmental bodies.

20. In its relations with organs and agencies within the United Nations system, the Board shall act in conformity with the responsibilities of the Economic and Social Council under the Charter, particularly those of co-ordination, and with the relationship agreements with the agencies concerned.

21. The Board shall serve as a preparatory committee for future sessions of the Conference. To that end, it shall initiate the preparation of documents, including a provisional agenda, for consideration by the Conference, as well as make recommendations as to the appropriate date and place for its convening.

22. The Board shall report to the Conference and it shall also report annually on its activities to the General Assembly through the Economic and Social Council. The Council may transmit to the Assembly such comments on the reports as it may deem necessary.

23. The Board shall establish such subsidiary organs as may be necessary to the effective discharge of its functions. It shall establish, in particular, the following committees:

(a) A committee on commodities which, inter alia, will carry out the functions which are now performed by the Commission on International Commodity Trade and the Interim Co-ordinating Committee for International Commodity Arrangements;

(b) A committee on manufactures;

(c) A committee on invisibles and financing related to trade. The Board shall give special consideration to the appropriate institutional means for dealing with problems of shipping, and shall take into account the recommendations contained in annexes A.IV.21 and A.IV.22 of the Final Act of the Conference. a/

a/ See Proceedings of the United Nations Conference on Trade and Development, Vol. I, Final Act and Report (United Nations publication, Sales No. 64.II.B.11).

The terms of reference of the latter two subsidiary bodies and other subsidiary organs established by the Board shall be adopted after consultation with the appropriate organs of the United Nations and shall take fully into account the desirability of avoiding duplication and overlapping of responsibilities. In determining the size of the subsidiary organs and in electing their members, the Board shall take fully into account the desirability of including in the membership of these bodies member States with a special interest in the subject-matter to be dealt with by them. It may include any State member of the Conference, whether or not that State is represented on the Board. The Board will determine the terms of reference and rules of procedure of its subsidiary organs.

VOTING

24. Each State represented at the Conference shall have one vote. Decisions of the Conference on matters of substance shall be taken by a two-thirds majority of the representatives present and voting. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting. Decisions of the Board shall be taken by a simple majority of the representatives present and voting.

PROCEDURES

25. The procedures set forth in the present paragraph are designed to provide a process of conciliation to take place before voting and to provide an adequate basis for the adoption of recommendations with regard to proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries.

(a) Levels of conciliation

The process of conciliation within the meaning of the present paragraph may take place under the conditions stated with regard to proposals which are before the Conference, the Board or Committees of the Board. In the case of Committees of the Board, the process of conciliation shall apply only to those matters, if any, with respect to which a Committee has been authorized to submit, without further approval, recommendations for action.

(b) Request for conciliation

A request for conciliation within the meaning of the present paragraph may be made:

- (i) In the case of proposals before the Conference, by at least 10 members of the Conference;
- (ii) In the case of proposals before the Board, by at least five members of the Conference, whether or not they are members of the Board;
- (iii) In the case of proposals before Committees of the Board, by three members of the Committee.

The request for conciliation under the present paragraph shall be submitted, as appropriate, to the President of the Conference or to the President of the Board. In the case of a request relating to a proposal before a Committee of the Board, the Chairman of the Committee concerned shall submit the request to the President of the Board.

(c) Initiation of conciliation by a presiding officer

The process of conciliation within the meaning of the present paragraph may also be initiated whenever the President of the Conference, the President of the Board or the Chairman of the Committee concerned is satisfied that the required number of countries as specified in subparagraph (b) above are in favour of such conciliation. In cases where the process of conciliation is initiated at the level of a Committee, the Chairman of the Committee concerned shall refer the matter to the President of the Board for action to be taken in accordance with subparagraph (f) below.

(d) Time for request or initiation of conciliation

The request for conciliation (or the initiation of conciliation by the President of the Conference or the President of the Board, as the case may be) may be made only after the debate on the proposal has been concluded within the organ concerned and prior to the vote on that proposal. For the purposes of this provision, the presiding officer of the organ concerned shall, at the conclusion of the debate on any proposal, afford an appropriate interval for the submission of requests for conciliation before proceeding to the vote on the proposal in question. In the event that conciliation is requested or initiated, voting on the proposal in question shall be suspended and the procedures provided for below shall be followed.

(e) Subjects in regard to which conciliation is appropriate or excluded

The institution of the process of conciliation shall be automatic under the conditions stated in subparagraphs (b) and (c) above. The categories in (i) and (ii) below shall serve as guidelines:

- (i) Appropriate for conciliation shall be proposals of a specific nature for action substantially affecting the economic or financial interests of particular countries in the following fields:

Economic plans or programmes or economic or social readjustments;

Trade, monetary or tariff policies, or balance of payments;

Policies of economic assistance or transfer of resources;

Levels of employment, income, revenue or investment;

Rights or obligations under international agreements or treaties.

- (ii) Proposals in the following fields shall not require conciliation:

Any procedural matter;

Any proposal for study or investigation, including such proposals related to the preparation of legal instruments in the field of trade;

Establishment of subsidiary bodies of the Board within the scope of its competence;

Recommendations and declarations of a general character not calling for specific action;

Proposals involving action proposed in pursuance of recommendations which were unanimously adopted by the Conference.

(f) Nomination of a conciliation committee

When a request for conciliation is made or initiated, the presiding officer of the organ concerned shall immediately inform the organ. The President of the Conference or the President of the Board shall, as soon as possible, after consultation with the members of the organ concerned, nominate the members of a conciliation committee and submit the nominations for the approval of the Conference or the Board, as appropriate.

(g) Size and composition of the conciliation committee

The conciliation committee shall, as a rule, be small in size. Its members shall include countries especially interested in the matter with respect to which such conciliation was initiated and shall be selected on an equitable geographical basis.

(h) Procedure within the conciliation committee and submission of its report

The conciliation committee shall begin its work as soon as possible and it shall endeavour to reach agreement during the same session of the Conference or the Board. No vote shall take place in the conciliation committee. In the event that the conciliation committee is unable to conclude its work or fails to reach agreement at the same session of the Conference or the Board, it shall report to the next session of the Board or to the next session of the Conference, whichever meets earlier. However, the Conference may instruct the conciliation committee appointed by it to submit its report to the following session of the Conference in the event that the committee shall not have concluded its work or shall have failed to reach agreement during the same session of the Conference.

(i) Extension of the mandate of the conciliation committee

A proposal to continue a conciliation committee beyond the session at which it is required to report shall be decided by a simple majority.

(j) Report of the conciliation committee

The report of the conciliation committee shall indicate whether or not the committee was able to reach an agreement and whether or not the committee recommends a further period of conciliation. The report of the committee shall be made available to the members of the Conference.

(k) Action on the report of the conciliation committee

The report of the conciliation committee shall have priority on the agenda of the organ to which it is submitted. If the organ adopts a resolution on the proposal which was the subject of the report of the conciliation committee, that resolution shall refer explicitly to the report of the conciliation committee and to the conclusion reached by the conciliation committee in the following form, as appropriate:

"Noting the report of the Conciliation Committee appointed on (date) (document number),

"Noting also that the Conciliation Committee [was able to reach an agreement] [recommends a further period of conciliation] [was unable to reach agreement],"

(l) Reports of the Board and the Conference

The reports of the Board to the Conference and to the General Assembly and the reports of the Conference to the Assembly shall include, inter alia:

- (i) The texts of all recommendations, resolutions and declarations adopted by the Board or the Conference during the period covered by the report;
- (ii) In respect of recommendations and resolutions which are adopted after a process of conciliation, there shall also be included a record of the voting on each recommendation or resolution, together with the texts of the reports of the conciliation committees concerned. In the report, the record of voting and the texts of the reports shall normally follow the resolution to which they pertain.

(m) Good offices of the Secretary-General of the Conference

The good offices of the Secretary-General of the Conference shall be utilized as fully as practicable in connection with the process of conciliation.

(n) Proposals involving changes in the fundamental provisions of the present resolution

A process of conciliation shall also be applied under the terms and conditions laid down above in regard to any proposal for a recommendation to the General Assembly which would involve changes in the fundamental provisions of the present resolution. Any question as to whether a particular provision shall be considered fundamental for the purposes of the present subparagraph shall be determined by a simple majority of the Conference or the Board.

SECRETARIAT

26. Arrangements shall be made, in accordance with Article 101 of the Charter, for the immediate establishment of an adequate, permanent and full-time secretariat within the United Nations Secretariat for the proper servicing of the Conference, the Board and its subsidiary bodies.

27. The secretariat shall be headed by the Secretary-General of the Conference, who shall be appointed by the Secretary-General of the United Nations and confirmed by the General Assembly.

28. Adequate arrangements shall be made by the Secretary-General of the United Nations for close co-operation and co-ordination between the secretariat of the Conference and the Department of Economic and Social Affairs, including the secretariats of the regional economic commissions and other appropriate units of the United Nations Secretariat as well as with the secretariats of the specialized agencies.

FINANCIAL ARRANGEMENTS

29. The expenses of the Conference, its subsidiary bodies and secretariat shall be borne by the regular budget of the United Nations, which shall include a separate budgetary provision for such expenses. In accordance with the practice followed by the United Nations in similar cases, arrangements shall be made for assessments on States not members of the United Nations which participate in the Conference.

FUTURE INSTITUTIONAL ARRANGEMENTS

30. The Conference will review, in the light of experience, the effectiveness and further evolution of institutional arrangements with a view to recommending such changes and improvements as might be necessary.

31. To this end it will study all relevant subjects, including matters relating to the establishment of a comprehensive organization based on the entire membership of the United Nations system of organizations to deal with trade and with trade in relation to development.

32. The General Assembly expresses its intention to seek advice from the Conference before making changes in the fundamental provisions of the present resolution.

ANNEX

Lists of States referred to in paragraph 6 a/

A

| | |
|------------------------------------------|----------------------------------|
| Afghanistan | Lao People's Democratic Republic |
| Algeria | Lebanon |
| Angola | Lesotho |
| Bahrain | Liberia |
| Bangladesh | Libyan Arab Jamahiriya |
| Benin | Madagascar |
| Bhutan | Malawi |
| Botswana | Malaysia |
| Brunei Darussalam | Maldives |
| Burkina Faso | Mali |
| Burma | Mauritania |
| Burundi | Mauritius |
| Cameroon | Mongolia |
| Cape Verde | Morocco |
| Central African Republic | Mozambique |
| Chad | Namibia |
| China | Nepal |
| Comoros | Niger |
| Congo | Nigeria |
| Côte d'Ivoire | Oman |
| Democratic Kampuchea | Pakistan |
| Democratic People's Republic of Korea | Papua New Guinea |
| Democratic Yemen | Philippines |
| Djibouti | Qatar |
| Egypt | Republic of Korea |
| Equatorial Guinea | Rwanda |
| Ethiopia | Samoa |
| Fiji | Sao Tome and Principe |
| Gabon | Saudi Arabia |
| Gambia | Senegal |
| Ghana | Seychelles |
| Guinea | Sierra Leone |
| Guinea-Bissau | Singapore |
| India | Solomon Islands |
| Indonesia | Somalia |
| Iran, Islamic Republic of | South Africa |
| Iraq | Sri Lanka |
| Israel | Sudan |
| Jordan | Swaziland |
| Kenya | Syrian Arab Republic |
| Kuwait | Thailand |
| | Togo |

a/ As revised by the Conference at its sixth and seventh sessions in pursuance of paragraph 6 of General Assembly resolution 1995 (XIX).

Tonqa
Tunisia
Uqanda
United Arab Emirates
United Republic of Tanzania
Vanuatu

Viet Nam
Yemen
Yugoslavia
Zaire
Zambia
Zimbabwe

B

Australia
Austria
Belgium
Canada
Cyprus
Denmark
Finland
France
Germany, Federal Republic of
Greece
Holy See
Iceland
Ireland
Italy
Japan
Liechtenstein

Luxembourg
Malta
Monaco
Netherlands
New Zealand
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
Turkey
United Kingdom of Great Britain
and Northern Ireland
United States of America

C

Antigua and Barbuda
Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada

Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

D

Albania
Bulgaria
Byelorussian Soviet Socialist
Republic
Czechoslovakia
German Democratic Republic
Hungary

Poland
Romania
Ukrainian Soviet Socialist
Republic
Union of Soviet Socialist
Republics

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CORRIGENDUM

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July 1989
Geneva

RULES OF PROCEDURE OF THE TRADE AND DEVELOPMENT BOARD

Corrigendum

1. In the rules indicated below, for rule 78 and rule 79, read rule 76 and rule 77 respectively:
Page 2: rule 6
Page 3: rule 8, paragraph 1 (i); paragraph 3; rule 10
Page 4: rule 12, paragraph 2
Page 19: rule 70
2. Throughout Annex III, references to rule 78 and rule 79, should read rule 76 and rule 77 respectively.
3. Page 11, rule 48, paragraph 2, the footnote indicator 5/ should be at the end of the paragraph
4. Page 25, paragraph 12, for rule 76 read rule 74.

GE.89-55826

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