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on Trade and Development**

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**Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed  
Equitable Principles and Rules for the Control of Restrictive Business Practices**

Geneva, 8–12 November 2010

Item 3 of the provisional agenda

**Adoption of the rules of procedure**

**Provisional rules of procedure of the Conference**

## Draft provisional rules of procedure of the Conference

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## Draft provisional rules of procedure of the Conference

### Chapter I Representation and credentials

#### Rule 1 Participation

Participation in the Conference shall be open to:

- (a) All States;
- (b) Regional groupings of States which have competence in the area of restrictive business practices and have accepted the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;<sup>1</sup>and
- (c) Other participants and observers referred to in operative paragraph 4 of General Assembly resolution 33/153 of 20 December 1978.

#### Rule 2 Composition of delegations

Each delegation participating in the Conference shall consist of a head of delegation, and not more than two other accredited representatives, and such alternate representatives and advisers as may be required.

#### Rule 3 Alternates and advisers

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

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<sup>1</sup> Reference to regional groupings of States in this rule is based on the definition contained in section B, paragraph 8, of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. The draft rule does not confer on such regional groupings the right to vote.

Rule 4  
Submission of credentials

The credentials of representatives of States and the names of alternate representatives and advisers shall be submitted to the Secretary-General of UNCTAD, if possible not later than one week before the date fixed for the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Secretary-General of UNCTAD. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by the Permanent Mission to the United Nations of the State at Geneva upon the explicit authorization of the Head of State or Government or the Minister for Foreign Affairs.

Rule 5  
Credentials Committee

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its regular session. It shall examine the credentials of representatives and report to the Conference without delay.

Rule 6  
Provisional participation in the Conference

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

**Chapter II**  
**Officers**

Rule 7  
Elections

1. The Conference shall elect, with due regard to equitable geographical distribution:
  - (a) From among the representatives of participating States, the following officers: a President and a Rapporteur;
  - (b) From among the participating States: 17 Vice-Presidents.
2. The President, the 17 Vice-Presidents and the Rapporteur shall constitute the Bureau of the Conference.

Rule 8  
Term of office and replacement

1. Should the Conference hold more than one session, and unless the Conference decides otherwise, all officers shall serve for all sessions of the Conference.
2. If an officer resigns or ceases to be able to perform his functions or to be a representative of a participating State, the Conference shall, as soon as possible, elect a new officer. If the office thus vacated is that of the President, the other officers which constitute the Bureau shall select one of the Vice-Presidents to serve as Acting President until the new President has been elected.

Rule 9  
Absence of the President

1. If the President is to be absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.
2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 10  
Voting rights of the President

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

Rule 11  
Temporary President

At the opening of the Conference, the Secretary-General of UNCTAD or a member of the secretariat designated by him shall preside until the Conference has elected its President.

**Chapter III**  
**Secretariat**

Rule 12  
Direction by the Secretary-General of UNCTAD

On behalf of the Secretary-General of the United Nations, the Secretary-General of UNCTAD shall be responsible for all arrangements necessary for the carrying out of the work of the Conference. For that purpose he shall appoint such staff as may be required. The Secretary of the Conference shall act in that capacity at all meetings and shall be responsible for making all arrangements connected with such meetings.

Rule 13  
Administrative duties of the secretariat of the Conference

The secretariat of the Conference shall, in accordance with these rules and any pertinent directives of the General Assembly:

- (a) Interpret speeches made at meetings;
- (b) Make and arrange for the keeping of sound recordings of meetings;
- (c) Receive, translate and circulate the documents of the Conference;
- (d) Report the proceedings of the Conference in appropriate journals;
- (e) Publish and circulate any report or final act of the Conference;
- (f) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;
- (g) Generally perform all other work that the Conference may require in connection with its proceedings.

Rule 14  
Statements by the secretariat

The Secretary-General of the United Nations or the Secretary-General of UNCTAD, or any member of the secretariat designated by either of them for that purpose, may, subject to rule 17, make either oral or written statements concerning any question under consideration.

**Chapter IV**  
**Conduct of business**

Rule 15  
Quorum

The President may declare a meeting open and permit the debate to proceed when representatives of at least one-third of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Rule 16  
General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each such meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the



Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers, and on the number of times each representative may speak on a question, the adjournment or the closure of the debate, and the suspension or the adjournment of a meeting.

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

### Rule 17 Speeches

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 18, 19 and 22 to 24, the President shall call upon speakers in the order in which they signify their desire to speak.

2. All interventions shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to speakers and the number of times the representatives of each participant may speak on a question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the limitations specified in rule 21 shall be observed, and the President shall limit each intervention on a procedural question to a maximum of five minutes. When the debate is limited and a speaker exceeds the allocated time, the President shall call the speaker to order without delay.

### Rule 18 Precedence

The Chairman or the presiding officer of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

### Rule 19 Points of order

Subject to rule 36, a representative may at any time raise a point of order, which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 20  
Closing of list of speakers

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall, with the consent of the Conference, declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 23.

Rule 21  
Right of reply

1. Notwithstanding rule 20, the President shall accord the right of reply to the delegation of any State participating in the Conference that requests it. Other delegations may be granted the opportunity to make a reply.

2. Replies made pursuant to the present rule:

(a) Shall be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner;

(b) Shall be limited to two per item for any delegation at a given meeting, the first of which is not to exceed five minutes and the second three minutes.

Rule 22  
Adjournment of debate

A representative may at any time move a motion for the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 25, be immediately put to vote.

Rule 23  
Closure of debate

A representative may at any time move a motion for the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion for the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall, subject to rule 25, be immediately put to the vote.

Rule 24  
Suspension or adjournment of the meeting

Subject to rule 36, a representative may at any time move a motion for the suspension or the adjournment of the meeting. No discussion on such a motion shall be permitted and it shall, subject to rule 25, be immediately put to the vote.

Rule 25  
Order of motions

Subject to rule 19, the motions indicated below shall have precedence in the following order over all proposals or other motions before the Conference:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

Rule 26  
Proposals

1. The basic proposals for consideration by the Conference shall be those submitted, pursuant to section G, paragraph 6, of the Set, by the Intergovernmental Group of Experts on Restrictive Business Practices for the improvement and further development of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

2. Other proposals shall be those submitted at the Conference, in accordance with rule 27.

Rule 27  
Other proposals and substantive amendments

Other proposals and substantive amendments shall normally be submitted in writing to the Secretary of the Conference, who shall circulate copies to all delegations, in the languages of the Conference. Unless the Conference decides otherwise, no substantive proposals shall be discussed or put to the vote at any meeting of the Conference, unless copies of them have been circulated to all delegations not later than the day preceding the meeting.

Rule 28  
Decisions on competence

Subject to rule 19, any motion calling for a decision on the competence of the Conference to consider any matter, or to adopt a proposal, or an amendment submitted to it, shall be put to the vote before the matter is considered or a vote is taken on the proposal or amendment in question.

Rule 29  
Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its sponsor, at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative with its original priority, provided he does so promptly and it has not been substantially changed.

Rule 30  
Consideration of programme budget implications

Before the Conference takes a decision or makes a recommendation, the implementation of which might have programme budget implications for the United Nations, it shall receive and consider a report from the secretariat on such implications.

Rule 31  
Reconsideration of proposals

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

**Chapter V**  
**Decision-making**

Rule 32  
Consensus

1. The Conference shall endeavour to ensure that all its substantive decisions are taken by consensus.
2. Notwithstanding any measures that may be taken in compliance with paragraph 1, a proposal before the Conference shall be voted on if a representative so requests.

Rule 33  
Voting rights

Each State participating in the Conference shall have one vote.

Rule 34  
Majority required

1. Subject to paragraph 1 of rule 32, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.
3. If the question arises whether a matter is one of procedure or of substance, it shall be decided by the Conference by a majority of the representatives present and voting.
4. If the vote is equally divided on a decision requiring a majority of the representatives present and voting, the proposal or motion shall be regarded as rejected.
5. For the purpose of these rules, the phrase “representatives present and voting” means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

### Rule 35 Method of voting

1. Except as provided in rule 42, the Conference 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 States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each such State shall be called in all roll-calls, and its representative shall reply “yes”, “no” or “abstention”.
2. The vote of each State participating in a roll-call shall be inserted in any record of or report of the Conference.

### Rule 36 Conduct during voting

After the President has announced the commencement of a vote, the voting shall not be interrupted until the result of the vote has been announced, except on a point of order in connection with the process of voting.

### Rule 37 Explanation of vote or position

1. Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced, or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, unless it has been amended.

2. When the same matter is considered successively in several organs of the Conference, the representatives of States should, as far as possible, explain their votes in one such organ, unless these votes differ.

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

### Rule 38 Division of proposals

A representative may move that parts of a proposal shall be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion for division is carried, those parts of the proposal which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

### Rule 39 Amendments

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

### Rule 40 Order of voting on amendments

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 Conference shall vote first 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.

2. When the Conference decides, in accordance with rule 38, to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 1.

### Rule 41 Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

### Rule 42 Elections

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

2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

### Rule 43 Balloting

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, who obtain in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. From such ballots the candidates obtaining the least number of votes in the previous ballot may be eliminated on the proposal of the President.

## **Chapter VI** **Subsidiary bodies**

### Rule 44 Negotiating Group and subsidiary bodies

1. The Conference shall establish a Negotiating Group.

2. The Conference may establish such other subsidiary bodies as it deems necessary.

Rule 45  
Officers

The President of the Conference, in addition to the duties described elsewhere in these rules, shall be the Chairman of the Negotiating Group. Other subsidiary bodies shall elect their own officers as may be required.

Rule 46  
Applicable rules

The rules contained in chapters II, III, IV, V and X shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary bodies, except as these may otherwise provide and except that:

(a) The Chairman of a subsidiary body other than the Negotiating Group may exercise the right to vote;

(b) The Chairman of the Negotiating Group or of another subsidiary body may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The Chairman of any subsidiary body of limited membership may do so when representatives of a majority of its members are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

(c) Decisions of subsidiary bodies shall be taken by a majority of the representatives present and voting

**Chapter VII**  
**Languages**

Rule 47  
Languages of the Conference

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

Rule 48  
Interpretation

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

2. A representative may speak in a language other than a language of the Conference. In this case the delegation concerned shall provide for interpretation into one of the languages of the Conference. Interpretation into the other languages of the Conference by



the interpreters of the secretariat may be based on the interpretation given in the first such language.

Rule 49  
Languages of the official documents

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

**Chapter VIII**  
**Records and reports**

Rule 50  
Records of meetings

1. There shall be neither verbatim nor summary records of meetings.
  
2. Statements made at the Conference shall not be reproduced *in extenso* either as separate documents or as an integral part of or attached to any report of a subsidiary body or of the Conference, unless, in exceptional cases, they are of a technical nature and served or are to serve as bases for discussion, and a decision to reproduce them has been taken by the Conference or the body concerned.

Rule 51  
Sound recordings

Sound recordings of plenary meetings of the Conference, of the meetings of the Negotiating Group and of any other subsidiary bodies, as appropriate, shall be made and kept in accordance with the practice of the United Nations.

Rule 52  
Report or Final Act of the Conference

1. The Conference may recommend to the General Assembly the adoption of amendments to the Set of Principles and Rules. The Conference may approve a Final Act. The Conference shall, subject to the provisions of rule 50, paragraph 2, adopt a report on its proceedings. The draft of such report shall be prepared by the Rapporteur of the Conference, who may be assisted by “friends” designated by regional groups.
  
2. The draft of any Final Act shall be prepared by the secretariat and submitted by it, through the President, to the Conference.

## **Chapter IX Public and private meetings**

### Rule 53 Plenary

The plenary meeting of the Conference shall be held in public unless the Conference decides otherwise.

### Rule 54 Subsidiary bodies

Meetings of subsidiary bodies shall be held in private, unless the Conference or the subsidiary body concerned decides otherwise.

### Rule 55 Communiqués on private meetings

At the close of a private meeting, the Conference or the subsidiary body concerned may issue a communiqué to the press through the secretariat of the Conference.

## **Chapter X Other participants and observers**

### Rule 56 Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference, and, as appropriate, its subsidiary bodies.

### Rule 57 Representatives of the specialized and related agencies

Representatives designated by the specialized and related agencies may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, its subsidiary bodies, on questions within the scope of their activities.

### Rule 58

#### Representatives of other intergovernmental organizations

Representatives designated by other intergovernmental organizations invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, its subsidiary bodies, on questions within the scope of their activities.

### Rule 59

#### Representatives of interested United Nations organs

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference and, as appropriate, its subsidiary bodies, on questions within the scope of their activities.

### Rule 60

#### Representatives of non-governmental organizations

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference.

2. Upon the invitation of the presiding officer of the Conference body concerned, and subject to the approval of that body, such observers may make oral statements on questions in which they have a special competence.

### Rule 61

#### Written statements

Written statements related to the work of the Conference, submitted by the designated representatives or observers referred to in rules 56 to 60, shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization is on a subject in which it has a special competence and is related to the work of the Conference.

## **Chapter XI**

### **Amendment and suspension of the rules of procedure**

#### Rule 62

##### Method of amendment

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

Rule 63  
Method of suspension

Any of these rules may be suspended by a decision of the Conference, provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no representative objects; subsidiary bodies may by unanimous consent waive rules pertaining to them. Any suspension shall be limited to a specific and stated purpose, and to the period required to achieve it.

Rule 64  
Other procedural matters

Any procedural matter not covered by these rules shall be settled in accordance with the rules and practices of the General Assembly.