

WHO FRAMEWORK  
**CONVENTION** ON  
TOBACCO CONTROL

**RULES OF PROCEDURE  
OF THE CONFERENCE  
OF THE PARTIES**

**2018  
edition**



**F C T C**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

Conference of the Parties to the WHO Framework Convention on Tobacco Control. Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The 2018 edition includes the amendments adopted by the eighth session of the Conference of the Parties on 1-6 October 2018.

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## **RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL<sup>1</sup>**

### APPLICABILITY

#### *Rule 1*

The sessions of the Conference of the Parties shall be governed by these Rules of Procedure. These Rules of Procedure shall apply mutatis mutandis to the Meeting of the Parties of any protocol if so provided in that protocol, or if the Meeting of the Parties to that protocol so decides.

### DEFINITIONS

#### *Rule 2*

For the purposes of these Rules:

1. “Convention” means the WHO Framework Convention on Tobacco Control, adopted at Geneva on 21 May 2003;
2. “Parties” means Parties to the Convention;
3. “Conference of the Parties” means the Conference of the Parties established by Article 23 of the Convention;
4. “session” means any regular or extraordinary session of the Conference of the Parties convened in accordance with Article 23 of the Convention and these Rules;
5. “regional economic integration organization” means an organization as defined in Article 1(b) of the Convention;
6. “President” means the President of the Conference of the Parties elected in accordance with Rule 21, paragraph 1 of these Rules;
7. “Secretariat” means the Secretariat established by Article 24, paragraph 1, of the Convention;
8. “subsidiary body” means any body established pursuant to Article 23, paragraph 5(f) of the Convention;
9. “Parties present and voting” means Parties present at the meeting in which voting takes place and casting a valid affirmative or negative vote. Parties abstaining from voting shall be considered as not voting;

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<sup>1</sup> Text adopted by the Conference of the Parties to the WHO Framework Convention on Tobacco Control at its first session (decision FCTC/COP1(8)), including amendments adopted at its seventh session (decision FCTC/COP7(28)).

10. “public” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rules 30 and 31, respectively, accredited media and members of the public;

11. “open” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations that have observer status pursuant to Rules 30 and 31, respectively;

12. “restricted” sessions or meetings means sessions or meetings held for a specific purpose and under exceptional circumstances that are open to attendance by Parties and essential Secretariat staff;

13. “Protocol” means the Protocol to Eliminate Illicit Trade in Tobacco Products, adopted on 12 November 2012 at the Fifth session of the Conference of the Parties to the WHO FCTC;

14. “Meeting of the Parties” means the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products established by Article 33 of the Protocol.

## SESSIONS

### *Rule 3*

The sessions of the Conference of the Parties shall be held at the seat of the Secretariat, unless the Conference of the Parties decides otherwise.

### *Rule 4*

1. Unless otherwise decided by the Conference of the Parties, the second and third regular sessions of the Conference of the Parties shall be held yearly; thereafter, regular sessions shall be held every two years.

2. At each regular session, the Conference of the Parties shall decide on the date and duration of the next regular session. The Conference of the Parties should endeavour not to hold such a session at a time which would make the attendance of a significant number of delegations difficult.

3. To the extent possible, regular sessions of the Conference of the Parties shall be held in the second half of a financial biennium.

4. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one third of the Parties.

5. Extraordinary sessions held at the written request of a Party shall take place not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 above.

*Rule 5*

The Secretariat shall notify all Parties of the dates and venue of regular and extraordinary sessions at least sixty days in advance.

AGENDA

*Rule 6*

In consultation with the Bureau, the Secretariat shall prepare the provisional agenda for each session.

*Rule 7*

The provisional agenda for each regular session shall include, as appropriate:

- (a) items arising from the Articles of the Convention, including those specified in its Article 23;
- (b) items the inclusion of which has been decided at a previous session;
- (c) items referred to in Rule 13;
- (d) the proposed budget and all questions pertaining to the accounts and financial arrangements;
- (e) the reports of the Parties, which shall be presented in accordance with the modalities approved by the Conference of the Parties;
- (f) reports from the subsidiary bodies; and
- (g) any other item relevant to the implementation of the Convention proposed by a Party and received by the Secretariat prior to circulation of the provisional agenda.

*Rule 8*

For each regular session, the provisional agenda, together with other conference documents, shall be distributed in the official languages by the Secretariat to the Parties, and to observers invited to attend the session in accordance with Rules 29, 30 and 31, at least sixty days before the opening day of the session.

*Rule 9*

The Secretariat shall, in consultation with the Bureau, include in a supplementary provisional agenda any item proposed by a Party which reaches the Secretariat between the dispatch of the provisional agenda for a regular session and thirty days before the opening day of the session, provided that it falls within the scope of Rule 7 of the Rules of Procedure.

*Rule 10*

The Conference of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda for a regular session, the Conference of the Parties may decide to add, delete, defer or amend items.

*Rule 11*

The provisional agenda for each extraordinary session shall include only those items proposed for consideration by the Conference of the Parties at a regular session or in a Party's written request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the notification of the extraordinary session.

*Rule 12*

1. The Secretariat shall report to the Conference of the Parties on the administrative, financial and budgetary implications of all substantive agenda items submitted to the session, before they are considered by the Conference.

2. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report from the Secretariat on its administrative, financial and budgetary implications.

*Rule 13*

Any item on the agenda of a regular session, that has not been considered or completed at the session, shall automatically be included in the provisional agenda of the next regular session, unless otherwise decided by the Conference of the Parties.

SECRETARIAT

*Rule 14*

1. The Head of the Secretariat, or the representative of the Head of the Secretariat, shall act in that capacity in all sessions of the Conference of the Parties and of its subsidiary bodies.

2. The Head of the Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources, and shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

*Rule 15*

In addition to the functions specified in the Convention, in particular in Article 24, the Secretariat shall, in accordance with these Rules:

- (a) arrange for interpretation at the session;
- (b) collect, translate, reproduce and distribute the documents of the session;



- (c) publish and distribute the official documents of the session;
- (d) prepare and keep the records of the session;
- (e) arrange for the custody and safekeeping of the documents of the session;
- (f) prepare formal agendas, papers and summary records of intersessional meetings of the Bureau, to be made available to the Parties, in a timely manner; and
- (g) perform all other tasks that may be required by the Conference of the Parties.

## REPRESENTATION AND CREDENTIALS

### *Rule 16*

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

### *Rule 17*

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

### *Rule 18*

The credentials of representatives, as well as the names of alternates and advisers, shall be submitted to the Secretariat if possible no later than twenty-four hours after the opening of the session. Any subsequent change in the composition of the delegation shall also be submitted to the Secretariat. Credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs, the Minister of Health, or any other competent government authority or, in the case of a regional economic integration organization, by the competent authority of that organization.

### *Rule 19*

The Bureau shall examine the credentials and report thereon to the Conference of the Parties.

### *Rule 20*

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

## OFFICERS

### *Rule 21*

1. At the first regular session of the Conference of the Parties, a President and five Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the session. These officers shall constitute the Bureau of the Conference of the Parties. Each of the WHO regions shall be represented by one Bureau member. The President and Vice-Presidents shall remain in office until the closure of the second regular session of the Conference of the Parties, including for any intervening extraordinary session.
2. Before the end of the second and subsequent regular sessions of the Conference of the Parties, officers shall be elected from among the Parties to constitute the Bureau for the following session. These officers shall commence their term of office at the closure of the session and shall serve until the closure of the following regular session of the Conference of the Parties, including for any intervening extraordinary session.
3. The offices of the President and Rapporteur shall be subject to rotation among the WHO regions.
- 3bis. No Party shall be represented on the Bureau for more than two consecutive terms, unless the Parties of the relevant WHO region decide otherwise.
4. The President shall participate in sessions of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative to represent the Party in the sessions and to exercise its right to vote.
5. The Chairperson of a subsidiary body may be invited by the Bureau for a specific purpose.

### *Rule 22*

1. In addition to exercising the powers which are conferred upon him or her elsewhere by these Rules, the President shall declare the opening and closing of the session, preside over the meetings, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He or she shall rule on points of order and, subject to these Rules, shall control the proceedings and maintain order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation of the time to be allowed to each speaker and of the number of times a representative may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a meeting.
3. The President, in exercising the functions of that office, remains subject to the authority of the Conference of the Parties.

*Rule 23*

1. The President, if temporarily absent from a session or any part thereof, shall designate a Vice-President to act as President in his or her place. A Vice-President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the same powers and duties as the President.

*Rule 24*

1. If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or perform the functions of that office, a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office. If no representative from the same Party can be identified, a representative of a Party from the same WHO region shall be designated.
2. If the President is unable to act during the intersessional period, one of the Vice-Presidents shall act in his or her place. The order in which the Vice-Presidents shall be requested to serve shall be determined by lot at the session at which the election takes place.

*Rule 24bis*

1. The intersessional meetings of the Bureau shall be attended by its members and essential staff of the Secretariat, unless the Conference of the Parties or the Bureau decides otherwise. Regional coordinators shall be allowed to observe the meetings of the Bureau.
2. Each officer of the Bureau may be accompanied during meetings of the Bureau by not more than one adviser; the President may be accompanied by additional advisers as necessary to support the exercise of his or her function.
3. Where an officer of the Bureau is unable to attend a meeting of the Bureau, an alternate of the same Party shall be designated by the Party concerned.
4. Should an officer of the Bureau fail to attend two consecutive meetings of the Bureau, that fact shall be reported by the Head of the Secretariat to the next session of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, that Party shall be deemed to have forfeited its right to have a representative serve on the Bureau.
5. Joint intersessional meetings of the Bureau of the Conference of the Parties and the Bureau of the Meeting of the Parties shall be held to deal with any matters for which a coordinated decision of both Bureaus or of the Conference of the Parties and the Meeting of the Parties is required.
6. The joint intersessional meetings of the Bureaus shall be held at the request of either the Bureau of the Conference of the Parties or the Bureau of the Meeting of the Parties, or when it is mandated by the Rules of Procedure of the Conference of the Parties or the Rules of Procedure of the Meeting of the Parties or by a decision of the Conference of the Parties or Meeting of the Parties.

*Rule 24ter*

1. In addition to the functions that the Conference of the Parties may assign to it from time to time, and in addition to those described in Rules 6, 9, 19 and 21–24, the functions of the Bureau shall include the following:

- (a) to make a recommendation, having consulted with the Bureau of the Meeting of the Parties, to the Director-General of WHO regarding the appointment of the Head of the Secretariat;
- (b) to facilitate the process for nominations to subsidiary bodies of the Conference of the Parties;
- (c) to provide guidance to the Convention Secretariat on implementation of the work plans and budgets adopted by the Conference of the Parties;
- (d) to provide guidance to the Secretariat, as necessary, in the preparation of reports, recommendations and draft decisions to be submitted to the Conference of the Parties;
- (e) to propose the date and venue of sessions of the Conference of the Parties and its subsidiary bodies;
- (f) to review the applications of nongovernmental organizations that apply for the status of observer to the Conference of the Parties and make recommendations in that regard to the Conference of the Parties;
- (g) to review the applications of international intergovernmental organizations that apply for the status of observer to the Conference of the Parties and make recommendations in that regard to the Conference of the Parties; and
- (h) to provide other guidance to the Secretariat as requested by the Conference of the Parties.

2. Officers of the Bureau, in collaboration with their respective regional coordinators, shall liaise and consult with the Parties of their respective regions between the sessions of the Conference of the Parties with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work.

*Rule 24quater*

1. At each regular session of the Conference of the Parties, the Parties in each WHO region shall elect a regional coordinator, whose term will extend to the closing of the next session of the COP.
2. The regional coordinator shall perform the following functions:
  - (a) liaise with the officer of the Bureau representing the region and facilitate consultations with the Parties in the region between the sessions of the Conference of the Parties with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work;

- (b) receive working documents or proposals of the Bureau and ensure that they are circulated to the Parties in the region;
  - (c) collect and send comments on such documents or proposals to the officer of the Bureau; and
  - (d) act as a channel for the exchange of information, including a copy of invitations to the meetings for the implementation of the Convention, and coordination of activities with other regional coordinators.
3. If an officer of the regional coordinator Party resigns or is otherwise unable to complete the assigned term of office or perform the functions of that office, a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office. If no representative from the same Party can be identified, a representative of a Party from the same WHO region shall be designated.
4. Where a regional coordinator is unable to attend a meeting, an alternate of the same Party shall be designated by the Party concerned.

## COMMITTEES OF THE CONFERENCE OF THE PARTIES

### *Rule 24quinquies*

1. The committees of the Conference of the Parties shall be:
- (a) Committee A, generally entrusted with work on treaty instruments and technical matters;
  - (b) Committee B, generally entrusted with work on reporting, implementation assistance, international cooperation and institutional and budgetary matters.

In addition to these two committees, the Conference of the Parties may establish other committees as it may consider necessary.

2. Each delegation shall be entitled to be represented on each committee by one or more of its representatives and advisers.
3. At the beginning of each session, the plenary, at the recommendation of the Bureau, shall allocate items of the agenda to the two committees in such a way that they thematically group the issues and ensuring a proper balance in the work. Thereafter, the Bureau, at the recommendation of the chairpersons of the committees, may make adjustments as required.
4. Each committee shall elect a Chairperson and two vice-Chairpersons, with due regard to representation from each WHO region. The Bureau shall facilitate the process for nominations in this respect.
5. The Chairpersons shall have, in relation to the meetings of the committee concerned, the same powers and duties as the President of the Conference of the Parties in relation to plenary meetings.

6. The meetings of the committees shall be held in public unless the committee concerned decides that they shall be open or restricted. This rule shall be implemented in accordance with Article 5.3 of the Convention.
7. Subject to any decision of the Conference of the Parties, the procedure governing the conduct of business and voting by the committees shall conform *mutatis mutandis* to the rules relative to the conduct of business and voting in plenary meetings.
8. Each committee may establish such drafting groups as it considers necessary. The Chairperson of each drafting group shall apply the rules applicable to committees to the work of such drafting groups only insofar as he or she considers it advisable with a view to expediting the dispatch of business.

## SUBSIDIARY BODIES

### *Rule 25*

1. In accordance with Article 23.5(f) of the Convention, the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objective of the Convention.
2. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body, including its mandate, objectives, duration and budget, and may authorize the President, upon the request of the Chairperson of a subsidiary body, to make appropriate adjustments in the allocation of work.
3. Except as provided in Rules 26-28, these Rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

### *Rule 26*

When a subsidiary body is not open ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum. When the subsidiary body is open ended, one quarter of the Parties shall constitute a quorum.

### *Rule 27*

1. The Conference of the Parties shall decide the dates and venue of the sessions of the subsidiary bodies, with due regard for the desirability of holding such sessions in parallel with the sessions of the Conference of the Parties.
2. Sessions or meetings of subsidiary bodies shall be open, unless the Conference of the Parties or the subsidiary body concerned decides that they shall be public or restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.

*Rule 28*

1. Unless the Conference of the Parties decides otherwise, the Chairperson of a subsidiary body shall be elected by that subsidiary body. Each subsidiary body shall elect its own officers with due regard for the principle of equitable geographical representation, balanced representation of developing and developed countries and gender balance. Officers shall not serve for more than two consecutive terms.
2. Neither the Chairperson of the subsidiary body, nor the Vice-Chairperson while chairing, shall vote, unless they are the only members of their respective delegations. In that case, they may exercise the right to vote in accordance with Rule 49.1.

OBSERVERS

*Rule 29*

1. Any Member State of WHO which is not a Party to the Convention, any Associate Member of WHO, or any other State which is not a Party to the Convention but which is a Member of the United Nations, or its specialized agencies or of the International Atomic Energy Agency, and any regional economic integration organization, as defined in Article 1(b) of the Convention, which is not a Party to the Convention, may attend the public or open sessions of the Conference of the Parties or meetings of its subsidiary bodies as an observer.
2. Observers under this Rule may participate without the right to vote in the public or open meetings of the Conference of the Parties and its subsidiary bodies and may speak only after the Parties. Regional economic integration organizations may speak only on matters within their competency.

*Rule 30*

1. Any international intergovernmental organization may apply, in accordance with its internal rules, to the Secretariat for observer status, which may be granted by the Conference of the Parties, based on the report from the Secretariat, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. Such applications, duly endorsed by the governing body of the organization concerned, should be submitted to the Secretariat not later than ninety days before the opening of the session.
2. Observers under this Rule may participate without the right to vote in public or open meetings of the Conference of the Parties and its subsidiary bodies and may speak after the observers referred to in Rule 29.

*Rule 31*

1. Nongovernmental organizations which participated in the Intergovernmental Negotiating Body on the WHO Framework Convention on Tobacco Control and in the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control are accredited as observers to the Conference of the Parties.
2. Other international and regional nongovernmental organizations whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status, which may be granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. Such applications should be submitted to the Secretariat not later than ninety days before the opening of the session.
3. The Conference of the Parties shall review the accreditation of each nongovernmental organization at any of its regular sessions and thus determine the desirability of maintaining its observer status.
4. Observers under this Rule may participate without the right to vote in public or open meetings of the Conference of the Parties and of its subsidiary bodies and may speak after the observers referred to in Rules 29 and 30.

CONDUCT OF BUSINESS

*Rule 32*

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides that they shall be open or restricted. Unless the Parties decide otherwise, accredited media shall be entitled to attend the open sessions of the Conference of the Parties. This rule shall be implemented in accordance with Article 5.3 of the Convention.

*Rule 33*

Proposals and amendments to proposals shall normally be introduced by the Parties in writing, in one of the official languages, and handed to the Secretariat, which shall circulate copies to delegations. Proposals and amendments shall not be considered if they have been circulated less than three days before the meeting in all official languages of the Conference of the Parties. The Conference of the Parties may, however, permit the discussion and consideration of proposals, amendments to proposals or procedural motions, even though such proposals, amendments to proposals or motions have not been circulated, or have only been circulated the same day.

*Rule 34*

1. A majority of the States Parties shall constitute a quorum for the conduct of business at plenary meetings of the Conference of the Parties. The presence of two thirds of the States Parties shall be required for any decision to be taken.



2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with Article 32.2 of the Convention.

*Rule 35*

1. No representative may address a session without having previously obtained the permission of the President. Subject to Rules 36, 38 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

2. 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. The President may, however, accord the right of reply to any representative if a speech delivered after the list has been closed makes this desirable.

3. The Conference of the Parties may, on a proposal by the President or by any Party, limit the time allowed to each speaker and the number of times a representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against the proposal to set such limits. When a limit has been set, and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

*Rule 36*

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

2. The Head of the Secretariat or any member of the Secretariat designated by him or her may upon the invitation of the President make either oral or written statements concerning any question under consideration in order to provide information and clarification or explanation.

*Rule 37*

The right of reply shall be accorded by the President to any representative who requests it. Representatives should in exercising this right attempt to be as brief as possible and preferably deliver their statements at the end of the meeting at which this right is requested.

*Rule 38*

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with these Rules. A representative may appeal against the ruling of the President. Such appeal shall immediately be put to the vote and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative raising a point of order may not speak on the substance of the matter under discussion.

*Rule 39*

1. 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 immediately be put to the vote.
2. For the purpose of these Rules, “suspension of the meeting” means the temporary postponement of the business of the meeting and “adjournment of the meeting” the termination of all business until another meeting is convened.

*Rule 40*

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

*Rule 41*

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 the wish to speak. If request is made for permission to speak against closure, it may be accorded to not more than two speakers, after which the motion shall immediately be put to the vote. If the Conference of the Parties decides in favour of closure, the President shall declare the debate closed. The Conference of the Parties shall thereafter vote only on proposals moved before the closure.

*Rule 42*

The following motions shall have precedence in the order indicated below over all other proposals or motions, except a point of order:

- (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 43*

Subject to Rule 42, any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter, or to adopt a proposal or an amendment to a proposal submitted to it, shall be put to the vote before a vote is taken on the proposal or amendment in question.

*Rule 44*

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker. 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 the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*Rule 45*

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal, and then on the amendment next 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.
2. If one or more amendments are adopted, the amended proposal shall then be voted upon. If an amendment to a proposal has been accepted by the original proposer, such an amendment shall be deemed to be an integral part of the original proposal and no separate vote shall be required thereon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.
3. A motion which constitutes a substitution for a proposal shall be considered as a proposal.

*Rule 46*

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

*Rule 47*

A proposal or motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any Party.

*Rule 48*

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the proposer, to one speaker in favour of and two speakers opposing the motion, after which it shall immediately be put to a vote. The correction of a clerical or arithmetical error in any document concerning a proposal which has already been adopted shall not be considered as requiring the reopening of the debate on such a proposal by a two thirds majority vote.

## VOTING

### *Rule 49*

1. Each Party shall have one vote, except as provided for in paragraph 2.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

### *Rule 50*

1. Decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 23.4 of the Convention.
2. For all other decisions, the Conference of the Parties shall make every effort to reach agreement by consensus.
3. If all efforts to reach consensus on decisions referred to in paragraph 2 have been exhausted and no agreement has been reached, the Conference of the Parties shall proceed as a last resort as follows:
  - (a) decisions on substantive matters shall be taken by a three fourths majority vote of the Parties present and voting, unless otherwise provided by the Convention, or by these Rules;
  - (b) decisions on procedural matters shall be taken by a majority vote of the Parties present and voting.
4. The President shall rule on any question of whether a matter is procedural or substantive. Any appeal against this ruling shall immediately be put to the vote. The President's ruling shall stand unless overruled by a majority of the Parties present and voting.

### *Rule 51*

1. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken at the request of any Party. The roll-call shall be taken in the English alphabetical order of the names of the Parties. The name of the Party to vote first shall be determined by lot.
2. The Conference of the Parties may vote on any matter by secret ballot if it has previously so decided by a majority of the Parties present and voting, provided that no secret ballot may be taken on budgetary questions. A decision under this Rule whether or not to vote by secret ballot may only be taken by a show of hands; if the Conference of the Parties has decided to vote on a particular question by secret ballot, no other mode of voting may be requested or decided upon.
3. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call.

4. The vote of each Party participating in a roll-call or recorded vote shall be included in the records of the session.

*Rule 52*

1. 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.
2. After the voting has been completed, the President may permit Parties to make a brief statement, consisting solely of an explanation of vote. A sponsor of a proposal shall not speak in explanation of vote thereon, except if it has been amended. The President may limit the time to be allowed for such explanations.

*Rule 53*

Elections shall be held by secret ballot, except that, in the absence of any objection, the Conference of the Parties may decide to proceed without taking a ballot on an agreed candidate or list of candidates. Where a ballot is required, two tellers appointed by the President from among the delegations present shall assist in the counting of votes.

*Rule 54*

1. When only one person or one Party is to be elected and no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be elected.
3. If the number of candidates obtaining such majority is less than the number of persons or Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Party.
4. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

*Rule 55*

In an election each representative, unless he or she abstains, shall vote for that number of candidates equal to the number of elective places to be filled. Any ballot paper on which there are more or fewer names than there are elective places to be filled shall be null and void.

*Rule 56*

If during an election one or more elective places cannot be filled by reason of an equal number of votes having been obtained by two or more candidates, a ballot shall be held among such candidates to determine which of them will be elected. This procedure may be repeated if necessary.

LANGUAGES AND RECORDS

*Rule 57*

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

*Rule 58*

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the Secretariat may be based on the interpretation given in the first such language.

*Rule 59*

All official documents of the Conference of the Parties shall be made available in all the working languages.

*Rule 60*

Verbatim records of plenary meetings of the Conference of the Parties and reports of each session of the Conference of the Parties and each session of its subsidiary bodies shall be made in the six working languages. Reports shall reflect the proceedings and incorporate any decisions and resolutions and shall be prepared by the Rapporteur with the support of the Secretariat, and provisionally adopted before the close of the session.

*Rule 61*

Recordings of the meetings of the Conference of the Parties, and, whenever possible, of the subsidiary bodies, shall be kept by the Secretariat.

*Rule 62*

The provisional version of the reports referred to in Rule 60 shall be sent as soon as possible to delegations, who shall inform the Secretariat in writing not later than fifteen days after the date of receipt of any corrections they wish to have made.

*Rule 63*

As soon as possible after the close of a public or open session or meeting, the Secretariat shall transmit the report to all Parties and observers. The reports of restricted meetings shall be transmitted to participants only.

*Rule 64*

The reports of all public and open sessions or meetings and verbatim records of plenary meetings of the Conference of the Parties shall be published.

*Rule 65*

The Head of the Secretariat shall issue in the working languages for the convenience of participating delegations, in the form of a daily *Journal* of the session, a summary account of the proceedings of plenary meetings, and of public meetings of committees and subcommittees.

AMENDMENT OF RULES OF PROCEDURE

*Rule 66*

These Rules of Procedure may be amended by consensus by the Conference of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

*Rule 67*

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

