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UNITED NATIONS CONFERENCE ON  
INTERNATIONAL COMMERCIAL  
ARBITRATION

DRAFT RULES OF PROCEDURE

Prepared by the Secretary-General

I. REPRESENTATION AND CREDENTIALS

Rule 1

Each State participating in the Conference shall be represented by plenipotentiary representatives, one of whom shall be the head of the Delegation, and such alternate representatives and advisers as may be required.

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary, if possible, not later than twenty-four hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs. The President and Vice-Presidents shall examine the credentials and report without delay to the Conference.

Rule 3

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

## II. PRESIDENT AND VICE-PRESIDENTS

### Rule 4

The Conference shall elect a President and two Vice-Presidents from among the heads of the Delegations.

The President shall preside at the meetings of the Conference.

If the President is absent from a meeting or any part thereof, a Vice-President designated by him shall preside in his place.

### Rule 5

The President, or Vice-President acting as President, shall participate in the proceedings of the Conference in that capacity. He shall not vote, but shall appoint another member of his delegation to vote in his place.

## III. SECRETARIAT

### Rule 6

The Executive Secretary of the Conference, appointed by the Secretary-General, shall provide and direct such staff as is required by the Conference. He shall be responsible for making all arrangements for the meetings of the Conference and generally perform all other work which the Conference may require. He may appoint a deputy to take his place at any meeting.

### Rule 7

The Executive Secretary or his deputy may, subject to Rule 9, make oral as well as written statements concerning any question under consideration.

## IV. CONDUCT OF BUSINESS

### Rule 8

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

Rule 9

In addition to exercising the powers conferred upon him elsewhere by and in these rules, the President shall declare the opening and closing of each plenary meeting of the Conference. He shall direct the discussions at such meetings, accord the right to speak, put questions to the vote, announce decisions, rule on points of order, and, subject to these rules of procedure, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 10

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

Rule 11

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

Rule 12

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken his allotted time, the President shall call him to order without delay.

Rule 13

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he had declared the list closed makes this desirable.

Rule 14

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 15

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

Rule 16

A representative may at any time move the closure of the debate on the item 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 the speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 17

Subject to rule 11, 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 item under discussion;
- (d) For the closure of the debate on the item under discussion.

Rule 18

Proposals and amendments shall normally be introduced in writing and handed to the Executive Secretary of the Conference, who shall circulate copies to the Delegations. As a general rule no proposal shall be discussed or put to the vote

meeting of the Conference unless copies of it have been circulated to all representatives not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments or motions as to procedure even though these amendments or motions have not been circulated or have only been circulated the same day.

Rule 19

Subject to rule 17, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it, shall be put to the vote before a vote is taken on the proposal in question.

Rule 20

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 which has thus been withdrawn may be reintroduced by any representative.

Rule 21

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 immediately put to the vote.

V. VOTING

Rule 22

Each Government represented at the Conference shall have one vote.

Rule 23

Decisions of the Conference shall be made by a majority of the representatives of States participating in the Conference present and voting.

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

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Rule 24

The Conference shall normally vote by show of hands but any representative may request a roll call. The roll call shall be taken in the English alphabetical order of the names of the States participating in the Conference beginning with the Delegation whose name is drawn by lot by the President.

Rule 25

After the President has announced the beginning of the vote, no representative shall interrupt the vote except on a point of order in connexion with the actual conduct of voting. Explanations of their votes by representatives may, however, be permitted by the President either before or after the voting. The President may limit the time to be allowed for such explanation.

Rule 26

A representative may move that parts of a proposal or of an amendment shall 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.

Rule 27

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

Rule 28

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

Rule 29

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

Rule 30

If, when one person or one Delegation is to be elected, no candidate obtains in the first ballot the majority required, 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.

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.

Rule 31

If a vote is equally divided upon matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

VI. LANGUAGES

Rule 32

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

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Rule 33

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

Rule 34

Speeches made in either of the other two official languages shall be interpreted into the three working languages.

Rule 35

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 working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

VII. RECORDS

Rule 36

Summary records of the plenary meetings of the Conference and of the meetings of its committees shall be kept by the Secretariat in the working languages. They shall be sent as soon as possible to all representatives who shall inform the Secretariat within three working days after the circulation of the summary record of any changes they wish to have made.

VIII. PUBLIC AND PRIVATE MEETINGS

Rule 37

The plenary meetings of the Conference and the meetings of its committees shall be held in public unless the body concerned decides that exceptional circumstances require that a particular meeting be held in private.

Rule 38

As a general rule the meetings of the sub-committees shall be held in private.

Rule 39

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

## IX. COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

Rule 40

The Conference may establish such committees, sub-committees and working parties as may be necessary for the performance of its function and define the terms of reference and composition of each committee.

Rule 41

Each committee and sub-committee shall elect its own officers.

Rule 42

So far as they are applicable, the rules of procedure of the Conference shall apply to the proceedings of the committees and sub-committees. A committee or a sub-committee may dispense with certain language interpretations.

## X. OBSERVERS FROM STATES NOT PARTICIPATING IN THE CONFERENCE

Rule 43

A State which has been invited to the Conference but which is not participating in it may appoint an observer to it. The name of the observer shall be communicated without delay to the Executive Secretary, if possible not later than twenty-four hours after the opening of the Conference. Such observers shall not have the right to vote, but may submit proposals which may be put to the vote at the request of a representative of a State participating in the Conference.

## XI. SPECIALIZED AGENCIES AND OTHER INTER-GOVERNMENTAL ORGANIZATIONS

Rule 44

Representatives of the specialized agencies and of other inter-governmental organizations invited to the Conference shall be authorized to participate in

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the proceedings of the Conference without the right to vote, and to submit proposals which may be put to the vote at the request of the representative of a State participating in the Conference.

## XII. NON-GOVERNMENTAL ORGANIZATIONS

### Rule 45

Non-governmental organizations invited to the Conference may designate authorized representatives to sit as observers at public meetings of the Conference and of its committees or sub-committees. They may submit written statements relevant to the work of the Conference on subjects in which the organization has a special competence, and such statements shall be circulated by the Executive Secretary in accordance with the procedures set out in paragraphs 22 and 23 of Economic and Social Council resolution 288 B (X) of 27 February 1950. The Conference or any of its organs may consult with the non-governmental organizations invited to the Conference and may authorize their representatives to make oral statements.

The Conference or any of its committees and sub-committees may invite other non-governmental organizations active in the field of international commercial arbitration to submit to it written or oral statements on matters of special interest to the Conference.

## XIII. AMENDMENTS

### Rule 46

These rules of procedure may be amended by a decision of the Conference.