



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
8th extraordinary session
Agenda item 3

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PREPARATIONS FOR THE ENTRY INTO FORCE OF THE SUPPLEMENTARY FUND PROTOCOL

Procedural matters

Note by the Director

Summary:	This document deals with issues relating to procedural matters which will have to be considered in connection with the setting up of the Supplementary Fund.
Action to be taken:	Give the Director instructions in respect of: <ul style="list-style-type: none">(a) the granting of observer status to States and organisations; and(b) the Rules of Procedure for the Supplementary Fund Assembly and the 1992 Fund Assembly.

1 Introduction

Article 16.2 of the Supplementary Fund Protocol provides that Articles 17 to 20 and 28 to 33 of the 1992 Fund Convention, which relate to the Fund Organisation and the administration thereof, shall apply to the Assembly, Secretariat and Director of the Supplementary Fund.

2 Observer Status

- 2.1 Under Article 16.2 of the Supplementary Fund Protocol and Article 18.10 of the 1992 Fund Convention, the Supplementary Fund Assembly shall determine which non-Contracting States and which inter-governmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies.

Non-contracting States to be invited as observers

- 2.2 According to Rule 4 of the Rules of Procedure of the 1992 Fund Assembly, the Director with the approval of the Chairman shall invite the following States to send observers to sessions of the Assembly:
- (a) States which have signed the 1992 Fund Convention or which have deposited the appropriate instrument in respect of that Convention, but for which that Convention is not yet in force;

- (b) States which have notified the 1992 Fund that they are considering accession to the 1992 Fund Convention;
 - (c) States which are Members of the 1971 Fund but not of the 1992 Fund; and
 - (d) States which would be invited to send observers to meetings of the Assembly of the 1971 Fund, in accordance with the latter's Rules of Procedure.
- 2.3 As regards the Supplementary Fund the corresponding Rule will have to be drafted differently to take account of the fact that a State cannot become a Party to the Supplementary Fund Protocol unless it is a Party to the 1992 Fund Convention, and there is therefore no provision corresponding to Rule 4(b) of the 1992 Fund Assembly's Rules of Procedure.

Inter-governmental and international non-governmental organisations to be invited as observers

- 2.4 According to Rule 5 of the Rules of Procedure of the 1992 Fund Assembly, the Director shall invite to be represented as observers at any session of the Assembly:
- (a) the 1971 Fund;
 - (b) the United Nations;
 - (c) the International Maritime Organization;
 - (d) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;
 - (e) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1992 Fund Convention.
- 2.5 The Director is of the view that the Rules of Procedure for the Supplementary Fund Assembly should be, *mutatis mutandis*, identical in this regard (see section 3).
- 2.6 Rule 5 is supplemented by Guidelines on relations between the 1992 Fund and intergovernmental organisations and international non-governmental organisations, which are set out at Annex I. Over the years the 1992 Fund Assembly has granted observer status to a number of such organisations.
- 2.7 The Director proposes that intergovernmental organisations and international non-governmental organisations which have been granted observer status in respect of the 1992 Fund should automatically have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decides otherwise. If this proposal were to be accepted there would be no need for any such Guidelines for the Supplementary Fund.

3 Rules of Procedure

- 3.1 As instructed by the Assembly at its 8th session in October 2003, the Director has prepared Draft Rules of Procedure for adoption by the Supplementary Fund Assembly at its first session.
- 3.2 The proposed Rules of Procedure for the Supplementary Fund Assembly are reproduced at Annex II and follow as closely as possible those of the 1992 Fund Assembly. Any differences between the two sets of Rules are indicated.
- 3.3 As regards the Rules of Procedure for the 1992 Fund Assembly, amendments are proposed to Rules 1, 5 and 14 by the addition of a new item in view of the co-existence of the 1992 Fund and

the Supplementary Fund. An adjustment is also proposed to Rule 4 to reflect the fact that, after the termination of the 1971 Fund Convention on 24 May 2002, there are no Members of the 1971 Fund. The Director considers that amendments should also be made to Rules 4(d) and 14(f) in view of the fact that the functions of the 1971 Fund Assembly have been taken over by the 1971 Fund Administrative Council.

- 3.4 The 1971 Fund Assembly's Rules of Procedure contain in Rule 41 provisions on the election of the Executive Committee in accordance with Articles 22 and 23 of the 1971 Fund Convention. As for the 1992 Fund, the provisions governing the election of the Executive Committee are contained in 1992 Fund Resolution N°3 adopted by the Assembly. In view of the close link between the 1992 Fund and the Supplementary Fund, it is proposed to re-number Rules 42-57 of the 1992 Fund Assembly's Rules of Procedure so as to obtain the same numbering in the Rules of Procedure for these two Organisations.
- 3.5 It is suggested that the amendments to the 1992 Fund Rules of Procedure should be made by the 1992 Fund Assembly at the same time as the Supplementary Fund's Rules of Procedure are adopted.

4 Action to be taken

The Assembly is invited

- (a) to take note of the information contained in this document; and
- (b) to give the Director such instructions as it deems appropriate in respect of:
 - (i) the granting of observer status to States and organisations; and
 - (ii) the Rules of Procedure for the Supplementary Fund Assembly and the 1992 Fund Assembly.

* * *

**GUIDELINES ON RELATIONS BETWEEN THE
INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992
(1992 FUND) AND INTERGOVERNMENTAL ORGANISATIONS
AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS**

A Intergovernmental organisations

- 1 The International Oil Pollution Compensation Fund 1971 will be invited to be represented at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies which may be established.
- 2 The United Nations and the International Maritime Organization and any other specialised agency of the United Nations whose interests and those of the 1992 Fund are of common concern, will be invited to be represented by observers at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies.
- 3 The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.
- 4 An agreement for co-operation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical co-operation.

B International non-governmental organisations

- 1 Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:
 - (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
 - (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and
 - (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.
- 2 Observer status may be granted on a provisional basis for a period normally not exceeding three years.

- 3 Observer status will be withdrawn if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with the same or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.
- 4 The Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.

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ANNEX II

Rules of Procedure

1992 Fund	Supplementary Fund
	Draft
<p style="text-align: center;">RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION</p> <p style="text-align: center;"><i>Definitions</i></p> <p style="text-align: center;">Rule 1</p> <p>For the purpose of these Rules:</p> <p>(a) "1992 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;</p> <p>(b) "Member" means a State for which the 1992 Fund Convention is in force;</p> <p>(c) "1992 Fund" means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;</p> <p>(d) "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;</p> <p>(e) "1971 Fund" means the International Oil Pollution Compensation Fund established under the 1971 Fund Convention;</p> <p>(f) <u>"Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.</u></p>	<p style="text-align: center;">RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL</p> <p style="text-align: center;"><i>Definitions</i></p> <p style="text-align: center;">Rule 1</p> <p>For the purpose of these Rules:</p> <p>(a) <u>"Supplementary Fund Protocol" means the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;</u></p> <p>(b) "Member" means a State for which the <u>Supplementary Fund Protocol</u> is in force;</p> <p>(c) <u>"Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention;</u></p> <p>(d) "1992 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;</p> <p>(e) "1992 Fund" means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;</p>
<p style="text-align: center;"><i>Sessions</i></p> <p style="text-align: center;">Rule 2</p> <p>Sessions of the Assembly shall be held in conformity with Article 19 of the 1992 Fund Convention. The Director shall inform Members of the opening date of each regular session at least sixty days in advance and of each extraordinary session at least thirty days in advance.</p>	<p style="text-align: center;"><i>Sessions</i></p> <p style="text-align: center;">Rule 2</p> <p>Sessions of the Assembly shall be held in conformity with <u>Article 16.2 of the Supplementary Fund Protocol and</u> Article 19 of the 1992 Fund Convention. The Director shall inform Members of the opening date of each regular session at least sixty days in advance and of each extraordinary session at least thirty days in advance.</p>
<p style="text-align: center;">Rule 3</p> <p>The Assembly shall hold its sessions in London (United Kingdom) unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chairman's approval, or any Member proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.</p>	<p style="text-align: center;">Rule 3</p> <p>The Assembly shall hold its sessions in London (United Kingdom) unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chairman's approval, or any Member proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.</p>

1992 Fund	Supplementary Fund
	Draft
Rule 4	Rule 4
<p>The Director with the approval of the Chairman shall invite:</p> <p>(a) States which have signed the 1992 Fund Convention or which have deposited the appropriate instrument in respect of that Convention, but for which that Convention is not yet in force;</p> <p>(b) States which have notified the 1992 Fund that they are considering accession to the 1992 Fund Convention;</p> <p>(c) States which <u>were</u> Members of the 1971 Fund but <u>are</u> not <u>Members</u> of the 1992 Fund; and</p> <p>(d) States which would be invited to send observers to meetings of the <u>Administrative Council</u> of the 1971 Fund, in accordance with the Rules of Procedure of that Fund</p> <p>to send observers to sessions of the Assembly.</p>	<p>The Director with the approval of the Chairman shall invite:</p> <p>(a) States which have signed <u>the Supplementary Fund Protocol</u> or which have deposited the appropriate instrument in respect of that <u>Protocol</u>, but for which that <u>Protocol</u> is not yet in force;</p> <p>(b) <u>Other</u> States which <u>are</u> Members of the <u>1992</u> Fund but not of the <u>Supplementary</u> Fund; and</p> <p>(c) States which would be invited to send observers to meetings of the Assembly of the <u>1992</u> Fund, in accordance with the Rules of Procedure of that Fund</p> <p>to send observers to sessions of the Assembly.</p>
Rule 5	Rule 5
<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <p>(a) the 1971 Fund;</p> <p>(b) <u>the Supplementary Fund</u></p> <p>(c) the United Nations;</p> <p>(d) the International Maritime Organization;</p> <p>(e) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;</p> <p>(f) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1992 Fund Convention.</p>	<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <p>(a) the <u>1992</u> Fund;</p> <p>(b) the United Nations;</p> <p>(c) the International Maritime Organization;</p> <p>(d) any other specialized agency of the United Nations whose interests and those of the <u>Supplementary</u> Fund are of common concern;</p> <p>(e) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with <u>Article 16.2 of the Supplementary Fund Protocol and</u> Article 18.10 of the 1992 Fund Convention.</p>
Rule 6	Rule 6
<p>Observers may, with the consent of the Assembly, participate without vote in the deliberations of the Assembly in matters of direct concern to them. They shall have access to non-confidential documents and to such other documents as the Director, with the approval of the Chairman, may decide.</p>	<p>Observers may, with the consent of the Assembly, participate without vote in the deliberations of the Assembly in matters of direct concern to them. They shall have access to non-confidential documents and to such other documents as the Director, with the approval of the Chairman, may decide</p>
Rule 7	Rule 7
<p>The Assembly may invite a representative of any other body or any individual to participate without voting in the discussion of any subject in which such a person may have a special interest or expertise.</p>	<p>The Assembly may invite a representative of any other body or any individual to participate without voting in the discussion of any subject in which such a person may have a special interest or expertise.</p>
<i>Delegations</i>	<i>Delegations</i>
Rule 8	Rule 8
<p>Each Member shall designate a representative, and may also designate alternates and such advisers and experts as may be required.</p> <p>Upon designation by a representative, the Chairman may allow any other member of the representative's delegation to speak on any particular point at any meeting of the Assembly.</p>	<p>Each Member shall designate a representative, and may also designate alternates and such advisers and experts as may be required.</p> <p>Upon designation by a representative, the Chairman may allow any other member of the representative's delegation to speak on any particular point at any meeting of the Assembly.</p>

1992 Fund	Supplementary Fund
	Draft
<p><i>Credentials</i></p> <p>Rule 9</p> <p>Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than the opening day of the Assembly. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or by an appropriate authority as determined by the Government and communicated to the Director.</p>	<p><i>Credentials</i></p> <p>Rule 9</p> <p>Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than the opening day of the Assembly. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or by an appropriate authority as determined by the Government and communicated to the Director.</p>
<p>Rule 10</p> <p>The Director shall examine the credentials of delegations and report to the Assembly without delay.</p>	<p>Rule 10</p> <p>The Director shall examine the credentials of delegations and report to the Assembly without delay.</p>
<p>Rule 11</p> <p>Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Assembly has given its decision on the report of the Director on credentials.</p>	<p>Rule 11</p> <p>Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Assembly has given its decision on the report of the Director on credentials.</p>
<p><i>Access to meetings by the public</i></p> <p>Rule 12</p> <p>Sessions of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting is held in private, any decisions taken shall be reflected in the Record of Decisions. Even if a meeting of the Assembly is held in public, the Assembly may exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the Assembly considers there is a risk that they may do so.</p> <p>Meetings of subsidiary bodies of the Assembly other than the Administrative Council and the Executive Committee shall be held in private unless the Assembly decides otherwise in any particular case.</p>	<p><i>Access to meetings by the public</i></p> <p>Rule 12</p> <p>Sessions of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting is held in private, any decisions taken shall be reflected in the Record of Decisions. Even if a meeting of the Assembly is held in public, the Assembly may exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the Assembly considers there is a risk that they may do so.</p> <p>Meetings of subsidiary bodies of the Assembly ^{<1>}shall be held in private unless the Assembly decides otherwise in any particular case.</p>
<p><i>Agenda</i></p> <p>Rule 13</p> <p>The provisional agenda of each session of the Assembly shall be prepared by the Director and submitted to the Chairman for approval prior to issue.</p>	<p><i>Agenda</i></p> <p>Rule 13</p> <p>The provisional agenda of each session of the Assembly shall be prepared by the Director and submitted to the Chairman for approval prior to issue.</p>

^{<1>} The words "other than the Administrative Council and the Executive Committee" have been deleted.

1992 Fund	Supplementary Fund
	Draft
<p>Rule 14</p> <p>The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of Article 18 of the 1992 Fund Convention:</p> <ul style="list-style-type: none"> (a) all items, the inclusion of which has been requested by the Assembly at a previous session; (b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly; (c) any item proposed by a Member of the 1992 Fund; (d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1992 Fund; (e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialized agencies of the United Nations; (f) any items, the inclusion of which has been requested by the <u>Administrative Council</u> of the 1971 Fund; (g) <u>any items, the inclusion of which has been requested by the Assembly of the Supplementary Fund.</u> 	<p>Rule 14</p> <p>The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of <u>Article 16.2 of the Supplementary Fund Protocol and</u> Article 18 of the 1992 Fund Convention:</p> <ul style="list-style-type: none"> (a) all items, the inclusion of which has been requested by the Assembly at a previous session; (b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly; (c) any item proposed by a Member of the <u>Supplementary</u> Fund; (d) any item on matters pertaining to the budget, accounts and financial arrangements of the <u>Supplementary</u> Fund; (e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialized agencies of the United Nations; (f) any items, the inclusion of which has been requested by the Assembly of the <u>1992</u> Fund.
<p>Rule 15</p> <p>The first item on the provisional agenda for each session shall be the adoption of the agenda.</p>	<p>Rule 15</p> <p>The first item on the provisional agenda for each session shall be the adoption of the agenda.</p>
<p>Rule 16</p> <p>Any item of the agenda of a session of the Assembly, consideration of which has not been completed at that session, shall be included in the agenda of the next session unless otherwise decided by the Assembly.</p>	<p>Rule 16</p> <p>Any item of the agenda of a session of the Assembly, consideration of which has not been completed at that session, shall be included in the agenda of the next session unless otherwise decided by the Assembly.</p>
<p>Rule 17</p> <p>The provisional agenda together with supporting documents for each session shall normally be communicated by the Director to the Members at least forty-five days before regular sessions and thirty days before extraordinary sessions.</p>	<p>Rule 17</p> <p>The provisional agenda together with supporting documents for each session shall normally be communicated by the Director to the Members at least forty-five days before regular sessions and thirty days before extraordinary sessions.</p>
<p>Rule 18</p> <p>The Director may, with the approval of the Chairman, include any other questions which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Members promptly.</p>	<p>Rule 18</p> <p>The Director may, with the approval of the Chairman, include any other questions which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Members promptly.</p>
<p>Rule 19</p> <p>The Director shall report to the Assembly on any administrative, financial and legal implications of all substantive agenda items submitted to the Assembly. Unless the Assembly decides otherwise, no such item shall be considered until the Assembly has been in possession of the Director's report for at least forty-eight hours.</p>	<p>Rule 19</p> <p>The Director shall report to the Assembly on any administrative, financial and legal implications of all substantive agenda items submitted to the Assembly. Unless the Assembly decides otherwise, no such item shall be considered until the Assembly has been in possession of the Director's report for at least forty-eight hours.</p>
<p><i>Chairman and Vice-Chairmen</i></p> <p>Rule 20</p> <p>The Assembly shall at the first meeting of each session elect a Chairman, a first Vice-Chairman and a second Vice-Chairman from among the representatives of its Members.</p>	<p><i>Chairman and Vice-Chairmen</i></p> <p>Rule 20</p> <p>The Assembly shall at the first meeting of each session elect a Chairman, a first Vice-Chairman and a second Vice-Chairman from among the representatives of its Members.</p>

1992 Fund	Supplementary Fund
	Draft
Rule 21 At the opening of each session of the Assembly, the representative of the delegation from which the Chairman of the previous session was elected shall preside until the Assembly has elected a Chairman for the session.	Rule 21 At the opening of each session of the Assembly, the representative of the delegation from which the Chairman of the previous session was elected shall preside until the Assembly has elected a Chairman for the session.
Rule 22 If the Chairman is absent from a meeting, or any part thereof or, for any reason, is unable to carry out his duties, one of the Vice-Chairmen shall act as Chairman.	Rule 22 If the Chairman is absent from a meeting, or any part thereof or, for any reason, is unable to carry out his duties, one of the Vice-Chairmen shall act as Chairman.
Rule 23 A Chairman or a Vice-Chairman acting as Chairman shall not vote but he may appoint another member of his delegation to act as the representative of his Government.	Rule 23 A Chairman or a Vice-Chairman acting as Chairman shall not vote but he may appoint another member of his delegation to act as the representative of his Government.
<i>Subsidiary Bodies</i> Rule 24 The Assembly may establish, in accordance with Article 18.9 of the 1992 Fund Convention, such temporary or permanent subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure so far as they are applicable, unless the Assembly decides otherwise.	<i>Subsidiary Bodies</i> Rule 24 The Assembly may establish, in accordance with <u>Article 16.2 of the Supplementary Fund Protocol and</u> Article 18.9 of the 1992 Fund Convention, such temporary or permanent subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure so far as they are applicable, unless the Assembly decides otherwise.
<i>Secretariat</i> Rule 25 The Director shall act as Secretary of the Assembly and of its subsidiary bodies and shall be responsible for making the necessary arrangements for their meetings. He may delegate his functions to another member of the Secretariat.	<i>Secretariat</i> Rule 25 The Director shall act as Secretary of the Assembly and of its subsidiary bodies and shall be responsible for making the necessary arrangements for their meetings. He may delegate his functions to another member of the Secretariat.
Rule 26 The Director or another member of the Secretariat designated by him for the purpose may make either oral or written statements concerning any question under consideration.	Rule 26 The Director or another member of the Secretariat designated by him for the purpose may make either oral or written statements concerning any question under consideration.
Rule 27 The Secretariat shall prepare a Record of Decisions of each session of the Assembly.	Rule 27 The Secretariat shall prepare a Record of Decisions of each session of the Assembly.
Rule 28 It shall be the duty of the Secretariat to receive, translate and circulate to Members all reports and other documents of the Assembly and its subsidiary bodies. Non-confidential documents shall also be circulated to observers.	Rule 28 It shall be the duty of the Secretariat to receive, translate and circulate to Members all reports and other documents of the Assembly and its subsidiary bodies. Non-confidential documents shall also be circulated to observers.
<i>Languages</i> Rule 29 The official and working languages of the 1992 Fund are English, French and Spanish.	<i>Languages</i> Rule 29 The official and working languages of the <u>Supplementary Fund</u> are English, French and Spanish.
Rule 30 Speeches at the Assembly and its subsidiary bodies shall be made in one of the official languages and will be interpreted into the other official language. Another language may be used if the speaker provides interpretation into one of the official languages.	Rule 30 Speeches at the Assembly and its subsidiary bodies shall be made in one of the official languages and will be interpreted into the other official language. Another language may be used if the speaker provides interpretation into one of the official languages.

1992 Fund	Supplementary Fund
	Draft
<p>Rule 31</p> <p>All reports of the Assembly and its subsidiary bodies and all supporting documents to agenda items of the Assembly and its subsidiary bodies shall be issued in the official languages.</p>	<p>Rule 31</p> <p>All reports of the Assembly and its subsidiary bodies and all supporting documents to agenda items of the Assembly and its subsidiary bodies shall be issued in the official languages.</p>
<p><i>Voting</i></p> <p>Rule 32</p> <p>Subject to Article 33 of the 1992 Fund Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections shall be determined, and reports, resolutions and recommendations shall be adopted, by a majority of the Members present and voting.</p>	<p><i>Voting</i></p> <p>Rule 32</p> <p>Subject to <u>Article 16.2 of the Supplementary Fund Protocol and Article 33</u> of the 1992 Fund Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections shall be determined, and reports, resolutions and recommendations shall be adopted, by a majority of the Members present and voting.</p>
<p>Rule 33</p> <p>Each Member shall have one vote. For the purposes of these Rules and in accordance with Article 32 of the 1992 Fund Convention:</p> <p>(a) the phrase "Members present" means Members present at the meeting at the time of the vote;</p> <p>(b) the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting.</p>	<p>Rule 33</p> <p>Each Member shall have one vote. For the purposes of these Rules and in accordance with <u>Article 16.2 of the Supplementary Fund Protocol and Article 32</u> of the 1992 Fund Convention:</p> <p>(a) the phrase "Members present" means Members present at the meeting at the time of the vote;</p> <p>(b) the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting.</p>
<p>Rule 34</p> <p>The Assembly shall normally vote by show of hands. However, any Member may request a roll-call which shall be taken in the alphabetical order of the names of the Members in English, beginning with the Member whose name is drawn by lot by the Chairman.</p>	<p>Rule 34</p> <p>The Assembly shall normally vote by show of hands. However, any Member may request a roll-call which shall be taken in the alphabetical order of the names of the Members in English, beginning with the Member whose name is drawn by lot by the Chairman.</p>
<p>Rule 35</p> <p>The vote of each Member participating in any roll-call shall be inserted in the Record of Decisions of the session.</p>	<p>Rule 35</p> <p>The vote of each Member participating in any roll-call shall be inserted in the Record of Decisions of the session.</p>
<p>Rule 36</p> <p>If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.</p>	<p>Rule 36</p> <p>If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.</p>
<p>Rule 37</p> <p>Elections shall be decided by secret ballot unless the Assembly decides otherwise.</p>	<p>Rule 37</p> <p>Elections shall be decided by secret ballot unless the Assembly decides otherwise.</p>
<p>Rule 38</p> <p>In a secret ballot two scrutineers shall, on the proposal of the Chairman, be appointed by the Assembly from the Members present and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.</p>	<p>Rule 38</p> <p>In a secret ballot two scrutineers shall, on the proposal of the Chairman, be appointed by the Assembly from the Members present and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.</p>
<p>Rule 39</p> <p>If one person or Member only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes save where the Assembly decides otherwise. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting, when, if another tie results, the Chairman shall decide between the candidates by drawing lots.</p>	<p>Rule 39</p> <p>If one person or Member only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes save where the Assembly decides otherwise. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting, when, if another tie results, the Chairman shall decide between the candidates by drawing lots.</p>

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<p>Rule 40</p> <p>(a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under Rule 32 in the first ballot shall be declared elected.</p> <p>(b) If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.</p> <p>(c) If the number of candidates obtaining the requisite majority is less than the number of persons or Members to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall all be placed on the list.</p> <p>(d) If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the Chairman shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.</p> <p>(e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.</p>	<p>Rule 40</p> <p>(a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under Rule 32 in the first ballot shall be declared elected.</p> <p>(b) If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.</p> <p>(c) If the number of candidates obtaining the requisite majority is less than the number of persons or Members to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall all be placed on the list.</p> <p>(d) If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the Chairman shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.</p> <p>(e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.</p>
<p><i>Conduct of Business</i></p> <p>Rule [42] <u>41</u>^{<2>}</p> <p>A majority of the Members shall constitute a quorum for the meetings of the Assembly.</p>	<p><i>Conduct of Business</i></p> <p>Rule 41</p> <p>A majority of the Members shall constitute a quorum for the meetings of the Assembly.</p>
<p>Rule [43] <u>42</u></p> <p>In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, he shall determine the hours of meetings and may adjourn meetings. He shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.</p>	<p>Rule 42</p> <p>In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, he shall determine the hours of meetings and may adjourn meetings. He shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.</p>
<p>Rule [44] <u>43</u></p> <p>Proposals and amendments shall normally be introduced in writing and handed to the Director who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments or of motions as to procedure even though these amendments and motions have not been circulated or have been circulated only the same day.</p>	<p>Rule 43</p> <p>Proposals and amendments shall normally be introduced in writing and handed to the Director who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments or of motions as to procedure even though these amendments and motions have not been circulated or have been circulated only the same day.</p>
<p>Rule [45] <u>44</u></p> <p>The Assembly may on the proposal of the Chairman limit the time to be allowed to each speaker on any particular subject under discussion.</p>	<p>Rule 44</p> <p>The Assembly may on the proposal of the Chairman limit the time to be allowed to each speaker on any particular subject under discussion.</p>

<2> The Rules of Procedure of the 1992 Fund do not contain any Rule 31 (cf paragraph 3.4 of document 92FUND/A/ES.8/2/1).

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<p align="center">Rule [46] <u>45</u></p> <p>During the discussions of any matter a representative of a Member may rise to a point of order and the point of order shall be decided immediately by the Chairman, in accordance with these Rules of Procedure. A representative of a Member may appeal against the ruling of the Chairman. The appeal shall be put to the vote immediately and the Chairman's ruling shall stand unless overruled by a majority of the Members present and voting.</p> <p>A representative rising to a point of order may not speak on the substance of the matter under discussion.</p>	<p align="center">Rule 45</p> <p>During the discussions of any matter a representative of a Member may rise to a point of order and the point of order shall be decided immediately by the Chairman, in accordance with these Rules of Procedure. A representative of a Member may appeal against the ruling of the Chairman. The appeal shall be put to the vote immediately and the Chairman's ruling shall stand unless overruled by a majority of the Members present and voting.</p> <p>A representative rising to a point of order may not speak on the substance of the matter under discussion.</p>
<p align="center">Rule [47] <u>46</u></p> <p>Subject to the provisions of Rule 43 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:</p> <p>(a) to suspend a meeting;</p> <p>(b) to adjourn a meeting;</p> <p>(c) to adjourn the debate on the question under discussion; and</p> <p>(d) to close the debate on the question under discussion.</p> <p>Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.</p>	<p align="center">Rule 46</p> <p>Subject to the provisions of Rule 43 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:</p> <p>(a) to suspend a meeting;</p> <p>(b) to adjourn a meeting;</p> <p>(c) to adjourn the debate on the question under discussion; and</p> <p>(d) to close the debate on the question under discussion.</p> <p>Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.</p>
<p align="center">Rule [48] <u>47</u></p> <p>If two or more proposals relate to the same question, the Assembly, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.</p>	<p align="center">Rule 47</p> <p>If two or more proposals relate to the same question, the Assembly, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.</p>
<p align="center">Rule [49] <u>48</u></p> <p>Parts of a proposal or amendment thereto shall be voted on separately if the Chairman, with the consent of the proposer, so decides, or if any representative of a Member requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.</p>	<p align="center">Rule 48</p> <p>Parts of a proposal or amendment thereto shall be voted on separately if the Chairman, with the consent of the proposer, so decides, or if any representative of a Member requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.</p>
<p align="center">Rule [50] <u>49</u></p> <p>Those parts of a proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.</p>	<p align="center">Rule 49</p> <p>Those parts of a proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.</p>
<p align="center">Rule [51] <u>50</u></p> <p>A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.</p>	<p align="center">Rule 50</p> <p>A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.</p>
<p align="center">Rule [52] <u>51</u></p> <p>If two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed therefrom and so on until all amendments have been put to the vote. The Chairman shall determine the order of voting on the amendments under this Rule.</p>	<p align="center">Rule 51</p> <p>If two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed therefrom and so on until all amendments have been put to the vote. The Chairman shall determine the order of voting on the amendments under this Rule.</p>

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<p>Rule [53] <u>52</u></p> <p>A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member.</p>	<p>Rule 52</p> <p>A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member.</p>
<p>Rule [54] <u>53</u></p> <p>When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Assembly unless the Assembly, by a majority of the Members present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.</p>	<p>Rule 53</p> <p>When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Assembly unless the Assembly, by a majority of the Members present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.</p>
<p><i>Appointment of Director</i></p> <p>Rule [55] <u>54</u></p> <p>For the appointment of the Director, the Assembly shall vote by secret ballot in a private meeting.</p>	<p><i>Appointment of Director</i></p> <p>Rule 54</p> <p>[If the Director's proposal as to the appointment of Director for the Supplementary Fund were to be adopted, no corresponding provision would be required (document 92FUND/A/ES.8/2/3)]</p>
<p><i>Amendments of Rules of Procedure</i></p> <p>Rule [56] <u>55</u></p> <p>These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the Members present and voting.</p>	<p><i>Amendments of Rules of Procedure</i></p> <p>Rule 55</p> <p>These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the Members present and voting.</p>
<p><i>Overriding Authority of the 1992 Fund Convention</i></p> <p>Rule [57] <u>56</u></p> <p>In the event of any conflict between any provision of these Rules and any provision of the 1992 Fund Convention, that Convention shall prevail.</p>	<p><i>Overriding Authority of the <u>Supplementary Fund Protocol</u></i></p> <p>Rule 56</p> <p>In the event of any conflict between any provision of these Rules and any provision of the <u>Supplementary Fund Protocol</u>, that <u>Protocol</u> shall prevail.</p>