



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

<b>Agenda item: 6</b>	IOPC/APR15/6/1/Rev.1 <sup>&lt;1&gt;</sup>	
Original: ENGLISH	1 April 2015	
1992 Fund Assembly	<b>92AES19</b>	•
1992 Fund Executive Committee	<b>92EC64</b>	
1992 Fund Working Group 7	<b>92WG7/4</b>	

## AMENDMENTS TO RULES OF PROCEDURE

### Note by the Director

<b>Summary:</b>	This document sets out proposed amendments to the Rules of Procedure for the 1992 Fund Assembly and the 1992 Fund Executive Committee.
<b>Action to be taken:</b>	<u>1992 Fund Assembly</u> <ul style="list-style-type: none"><li>(a) Rules of Procedure for the 1992 Fund Assembly<ul style="list-style-type: none"><li>(i) Amend Rule 21 of the Rules of Procedure for the 1992 Fund Assembly to take into account that, at the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chairman for the session;</li><li>(ii) Note that references to 1971 Fund have been removed as set out in section 1 and Annex I; and</li><li>(iii) Approve the insertion of a new Rule 42<i>bis</i> relating to the inclusion of statements made by delegations in the Record of Decisions of sessions as set out in section 1 and Annex I.</li></ul></li><li>(b) Rules of Procedure for the 1992 Fund Executive Committee<ul style="list-style-type: none"><li>(i) Note the new standalone format of the Rules of Procedure for the 1992 Fund Executive Committee, as set out in Annex II;</li><li>(ii) Decide whether to accept the Director's proposal to elect the incoming Chairman and Vice-Chairman of the 1992 Fund Executive Committee at the same time as the incoming Executive Committee is elected, as set out in paragraph 2.3.5;</li><li>(iii) If the proposal in (b)(ii) is accepted, delete Rule 19 of the new standalone Rules of Procedure for the 1992 Fund Executive Committee, as set out in paragraph 2.3.6;</li><li>(iv) Approve the insertion of a new Rule 41 (numbering dependent on (b)(iii) above) relating to the inclusion of statements made by delegations in the Record of Decisions of sessions, as set out in section 2 and Annex II.</li></ul></li></ul>

<1> This document has been reissued to ensure that the action to be taken by the 1992 Fund Assembly is sufficiently clear and to correct some errors in the proposed renumbering of the Rules of Procedure of the 1992 Fund Executive Committee in Annex II.

## **1 Rules of Procedure for the 1992 Fund Assembly**

### **1.1 Election of Chairmen**

- 1.1.1 At the October 2014 sessions of the governing bodies, the Director introduced the agenda item on the election of Chairmen and referred to Rule 21 of the Rules of Procedure for each of the governing bodies which states:

At the opening of each regular 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.

- 1.1.2 At that session, the Director pointed out that, in practice, this meant that the Chairmen presided over their own elections. At that same session, the Director informed the governing bodies that for the October 2014 sessions and for future sessions, the Director would chair this agenda item for all three governing bodies and that a document proposing an amendment to the Rules of Procedure would be submitted to the governing bodies at their next session.
- 1.1.3 In order to correct this anomaly, the Director recommends that the 1992 Fund Assembly adopt an amendment to Rule 21 of its Rules of Procedure to indicate that the Director will chair this agenda item.

### **1.2 Amendments in connection with the dissolution of the 1971 Fund**

- 1.2.1 In connection with the dissolution of the 1971 Fund on 31 December 2014, the Director proposes removing references to the 1971 Fund where they are no longer necessary. He therefore proposes that the following Rules be deleted:

#### **Rule 1(d)**

For the purpose of these Rules:

“1971 Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971;

#### **Rule 1(e)**

For the purpose of these Rules:

“1971 Fund” means the International Oil Pollution Compensation Fund established under the 1971 Fund Convention;

#### **Rule 4(d)**

The Director with the approval of the Chairman shall invite:

States which would be invited to send observers to meetings of the Administrative Council of the 1971 Fund, in accordance with the Rules of Procedure of that Fund

#### **Rule 5(a)**

The Director shall invite to be represented by observers at any session of the Assembly:  
the 1971 Fund;

#### **Rule 14(f)**

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:  
any items, the inclusion of which has been requested by the Administrative Council of the 1971 Fund;

- 1.2.2 The Director proposes to retain Rule 4(c) since former Member States of the 1971 Fund who are not Members of the 1992 Fund have observer status with the 1992 Fund Assembly.

1.2.3 The proposed amendments to the Rules of Procedure for the 1992 Fund Assembly are set out at Annex I.

1.3 Insertion of a new Rule 42bis

The Secretariat prepares the Record of Decisions of the sessions of the governing bodies. General practice is that the Record of Decisions summarises the interventions made by delegations, unless a delegation requests that its statement be included in full. In order to facilitate the production of the draft Record of Decisions in the three working languages of the IOPC Funds, the Chairmen of the governing bodies often remind delegations wishing their statements to be included in this way, to say so at the time of making their statement and to hand any statement to the Secretariat at the time. It is the Director's view that a new rule 42bis reflecting this practice should be inserted into the Rules of Procedure of the governing bodies as set out in Annex I for the 1992 Fund Assembly.

**2 Rules of Procedure for the 1992 Fund Executive Committee**

2.1 The review of the Rules of Procedure for the 1992 Fund Assembly has also led to a review of the Rules of Procedure for the 1992 Fund Executive Committee and, in particular, to the organisation of two sessions of the Executive Committee during the October sessions.

2.2 Standalone document

2.2.1 For the purpose of clarity and ease of use, the Director is of the view that the Rules of Procedure for the 1992 Fund Executive Committee should be a distinct standalone document rather than have the modifications in relation to the Executive Committee at the end of the 1992 Fund Assembly's Rules of Procedure.

2.2.2 The Rules of Procedure for the 1992 Fund Executive Committee as a standalone document are at Annex II.

2.3 Need for two sessions of the Executive Committee at October sessions

2.3.1 Regarding the organisation of the two sessions of the Executive Committee during the October sessions, the Director proposes that this procedure be reviewed in order to ensure efficient use of time and resources.

2.3.2 The Director notes Rule (ix) of the current Rules of Procedure (or Rule 18 in the standalone document at Annex II) which states that

The Executive Committee shall elect a Chairman and a Vice-Chairman from among the representatives of the Committee members. The Chairman and Vice-Chairman shall hold office at all sessions of the Executive Committee until the next regular session of the Assembly.

2.3.3 The current practice to ensure that this Rule is followed is to hold an additional session of the newly-elected Executive Committee once the main sessions of the governing bodies have concluded and the Records of Decisions for all relevant bodies have been adopted.

2.3.4 Although this second session is only convened in order to enable the newly-elected Executive Committee to elect its Chairman and Vice-Chairman, the Director issues a separate agenda and Record of Decisions in the three official languages of the Funds.

2.3.5 The Director has considered this issue and notes the importance of ensuring that there are an elected Chairman and Vice-Chairman in place between the sessions of the Executive Committee in case an incident takes place before the next scheduled session which requires that an extraordinary session be convened. However, the Director is of the view that the election of the Chairman and Vice-Chairman

could take place within the main sessions of the governing bodies under the agenda item relating to Compensation matters - Election of the Executive Committee. For example, once the 1992 Fund Assembly has elected the incoming Executive Committee, the 1992 Fund Chairman could ask for nominations for the Chairman and Vice-Chairman positions from those Member States who have just been elected. Once confirmed, these positions would be considered as Chairman Elect and Vice-Chairman Elect and the incumbents would assume responsibility for the position as soon as the main sessions have concluded and the Records of Decisions for all relevant bodies have been adopted.

2.3.6 If this proposal is accepted by the 1992 Fund Assembly, the Director suggests that Rule (x) of the current Rules of Procedure (or Rule 19 in the standalone document at Annex II) should be deleted as it would be redundant if the Chairman and Vice-Chairman have been elected during the ordinary session.

2.3.7 The proposed deletion of Rule 19 at Annex II is shown with a strikethrough.

#### 2.4 Insertion of a new Rule 41

In line with the Director's proposal in paragraph 1.3 above to include a new Rule 42*bis* in the Rules of Procedure of the 1992 Fund Assembly relating to the inclusion of statements made by delegations in the Record of Decisions of sessions, a corresponding draft Rule 41 for the Executive Committee is set out in Annex II for consideration. The exact numbering of this Rule is to be confirmed pending the Assembly's decision in respect of the deletion of Rule 19, see paragraph 2.3.7 above.

### 3 Action to be taken

#### 1992 Fund Assembly

The 1992 Fund Assembly is invited, in respect of

- (a) the Rules of Procedure for the 1992 Fund Assembly, to:
  - (i) Amend Rule 21 to take into account that, at the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chairman for the session;
  - (ii) Note that references to 1971 Fund have been removed as set out in section 1 and Annex I; and
  - (iii) Approve the insertion of a new Rule 42*bis* relating to the inclusion of statements made by delegations in the Record of Decisions of sessions as set out in section 1 and Annex I.
- (b) the Rules of Procedure for the 1992 Fund Executive Committee, to
  - (i) Note the new standalone format of the Rules of Procedure for the 1992 Fund Executive Committee, as set out in Annex II;
  - (ii) Decide whether to accept the Director's proposal to elect the incoming Chairman and Vice-Chairman of the 1992 Fund Executive Committee at the same time as the incoming Executive Committee is elected, as set out in paragraph 2.3.5;
  - (iii) If the proposal in (b)(ii) is accepted, delete Rule 19 of the new standalone Rules of Procedure for the 1992 Fund Executive Committee, as set out in paragraph 2.3.6; and

- (iv) Approve the insertion of a new Rule 41 (numbering dependent on (b)(iii) above) relating to the inclusion of statements made by delegations in the Record of Decisions of sessions, as set out in section 2 and Annex II.

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## ANNEX I

### Rules of Procedure for the Assembly of the International Oil Pollution Compensation Fund established under the 1992 Fund Convention

Present text	Proposed text
<b>Rule 1</b>	
<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) "Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.</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) "Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.</p>
<b>Rule 4</b>	
<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 were Members of the 1971 Fund but are not Members of the 1992 Fund; and</p> <p>(d) States which would be invited to send observers to meetings of the Administrative Council 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 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; and</p> <p>(c) States which were Members of the 1971 Fund but are not Members of the 1992 Fund</p> <p>to send observers to sessions of the Assembly.</p>

<b>Rule 5</b>	
<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <ul style="list-style-type: none"> <li>(a) the 1971 Fund;</li> <li>(b) the Supplementary Fund;</li> <li>(c) the United Nations;</li> <li>(d) the International Maritime Organization;</li> <li>(e) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;</li> <li>(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.</li> </ul>	<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <ul style="list-style-type: none"> <li>(a) the Supplementary Fund;</li> <li>(b) the United Nations;</li> <li>(c) the International Maritime Organization</li> <li>(d) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;</li> <li>(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.</li> </ul>
<b>Rule 14</b>	
<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"> <li>(a) all items, the inclusion of which has been requested by the Assembly at a previous session;</li> <li>(b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly;</li> <li>(c) any item proposed by a Member of the 1992 Fund;</li> <li>(d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1992 Fund;</li> <li>(e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialised agencies of the United Nations;</li> <li>(f) any items, the inclusion of which has been requested by the Administrative Council of the 1971 Fund;</li> <li>(g) any items, the inclusion of which has been requested by the Assembly of the Supplementary Fund.</li> </ul>	<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"> <li>(a) all items, the inclusion of which has been requested by the Assembly at a previous session;</li> <li>(b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly;</li> <li>(c) any item proposed by a Member of the 1992 Fund;</li> <li>(d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1992 Fund;</li> <li>(e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialised agencies of the United Nations;</li> <li>(f) any items, the inclusion of which has been requested by the Assembly of the Supplementary Fund.</li> </ul>
<b>Rule 21</b>	
<p>At the opening of each regular 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.</p>	<p>At the opening of each regular session of the Assembly, <u>the Director shall chair</u> until the Assembly has elected a Chairman for the session.</p>

**Rule 42**

In addition to exercising the powers conferred upon him or her 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 or she shall determine the hours of meetings and may adjourn meetings. The Chairman 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

In addition to exercising the powers conferred upon him or her 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 or she shall determine the hours of meetings and may adjourn meetings. The Chairman 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

**Rule 42bis**

During the discussions of any matter, a representative of a Member State or observer delegation who would like their entire statement to be inserted in the Record of Decisions of the session should say so at the moment that they make their statement. In such cases, a written copy of the statement should be passed to a member of the Secretariat immediately after it is made. Otherwise, it will be understood that a summary, drafted by the Secretariat, reflecting the key points and sense of the intervention will be acceptable in the Record of Decisions of the session.

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## ANNEX II

### **Rules of Procedure for the Executive Committee of the International Oil Pollution Compensation Fund established under the 1992 Fund Convention**

#### *Definitions*

##### **Rule 1**

For the purpose of these Rules:

- (g) "1992 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- (h) "Member" means a State for which the 1992 Fund Convention is in force;
- (i) "1992 Fund" means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;
- (j) "Supplementary Fund" means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.

#### *Sessions*

##### **Rule 2 [previously Rule (ii)]**

The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his or her own initiative or at the request of its Chairman or of at least one-third of its members. It shall meet at such places as may be convenient.

##### **Rule 3**

The Executive Committee 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.

##### **Rule 4 [previously Rule (iii)]**

The Director shall invite Members of the 1992 Fund who are not Executive Committee members to attend meetings of the Executive Committee as observers.

The Director with the approval of the Chairman shall normally invite those States and organisations which would be invited to attend sessions of the Assembly. However, the Director shall have the discretion, after consultation with the Chairman, not to invite all or any of these States and organisations to be represented at meetings of the Executive Committee which are to be held in private.

##### **Rule 5**

Observers may, with the consent of the Executive Committee, participate without vote in the deliberations of the Executive Committee 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.

## **Rule 6**

The Executive Committee 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.

### *Delegations*

## **Rule 7**

Each Member shall designate a representative, and may also designate alternates and such advisers and experts as may be required.

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 Executive Committee.

### *Credentials*

## **Rule 8**

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 Executive Committee. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director in advance of the opening day of the Executive Committee.

## **Rule 9 [previously Rule (iv)]**

When the Executive Committee holds sessions in conjunction with sessions of the Assembly, the Credentials Committee established by the Assembly shall examine also the credentials of delegations of States members of the Executive Committee and report to the Executive Committee without delay. Should a session of the Executive Committee be held not in conjunction with a session of the Assembly, the Executive Committee shall at the beginning of the session appoint a Credentials Committee. It shall consist of three members who shall be appointed by the Executive Committee on the proposal of the Chairman. The Credentials Committee shall examine the credentials of delegations of States members of the Executive Committee and report without delay.

## **Rule 10**

Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Executive Committee has given its decision.

### *Access to meetings by the public*

## **Rule 11 [previously Rule (v)]**

Sessions of the Executive Committee shall be held in public unless the Committee decides otherwise. The Executive Committee 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 Executive Committee is held in public, the Committee may exclude at

any time from attendance groups or individuals who interrupt or disturb the meeting or if the Committee considers there is a risk that they may do so.

### *Agenda*

#### **Rule 12**

The provisional agenda of each session of the Executive Committee shall be prepared by the Director and submitted to the Chairman for approval prior to issue.

#### **Rule 13** [previously Rule (vi)]

The provisional agenda of each regular session of the Executive Committee shall include items required to be dealt with by the application of the mandate of the Committee, as adopted by the Assembly, as well as items which have been requested by the Assembly or by a Member of the 1992 Fund.

#### **Rule 14**

The first item on the provisional agenda for each session shall be the adoption of the agenda.

#### **Rule 15**

Any item of the agenda of a session of the Executive Committee, 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 Executive Committee.

#### **Rule 16** [previously Rule (vii)]

The provisional agenda for each session shall normally be communicated by the Director to the members of the Executive Committee and to other Member States at least 30 days before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare the sessions, the availability of the necessary information and the importance of claims for compensation and other urgent issues to be dealt with promptly.

#### **Rule 17**

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.

### *Chairman and Vice-Chairmen*

#### **Rule 18** [previously Rule (ix)]

The Executive Committee shall elect a Chairman and a Vice-Chairman from among the representatives of the Committee members. The Chairman and Vice-Chairman shall hold office at all sessions of the Executive Committee until the next regular session of the Assembly.

#### **[Rule 19** [previously Rule (x)]]

~~The first session of the Executive Committee after an ordinary session of the Assembly shall be opened by the representative of the former Chairman's delegation or, if that delegation is not a Committee member, of the Vice-Chairman's delegation or, if this delegation is not a Committee member either, by the Director.~~

**[The subsequent Rules would be renumbered as follows should the 1992 Fund Assembly decide to delete the existing Rule 19 above.]**

**Rule 19**

If the Chairman is absent from a meeting, or any part thereof or, for any reason, is unable to carry out his or her duties, the Vice-Chairman shall act as Chairman.

**Rule 20**

A Chairman or a Vice-Chairman acting as Chairman shall not vote but may appoint another member of his or her delegation to act as the representative of his or her Government.

*Secretariat*

**Rule 21**

The Director shall act as Secretary of the Executive Committee and shall be responsible for making the necessary arrangements for its meetings. The Director may delegate his or her functions to another member of the Secretariat.

**Rule 22**

The Director or another member of the Secretariat designated by him or her for the purpose may make either oral or written statements concerning any question under consideration.

**Rule 23**

The Secretariat shall prepare a Record of Decisions of each session of the Executive Committee.

**Rule 24**

It shall be the duty of the Secretariat to receive, translate and circulate to Members all reports and other documents of the Executive Committee. Non-confidential documents shall also be circulated to observers.

*Languages*

**Rule 25**

The official and working languages of the 1992 Fund are English, French and Spanish.

**Rule 26**

Speeches at the Executive Committee shall be made in one of the official languages and will be interpreted into the other official languages. Another language may be used if the speaker provides interpretation into one of the official languages.

**Rule 27**

All reports of the Executive Committee and all supporting documents to agenda items of the Executive Committee shall be issued in the official languages.

## *Voting*

### **Rule 28**

Subject to Article 33 of the 1992 Fund Convention, decisions of the Executive Committee shall be made, elections shall be determined, reports ~~resolutions~~ and recommendations shall be adopted, by a majority of the Members present and voting.

### **Rule 29** [previously Rule (xii)]

If a Committee member or a public authority of a Committee member has a claim against the 1992 Fund, such a member shall have no voting right when that claim is being considered by the Executive Committee.

### **Rule 30**

The Executive Committee 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.

### **Rule 31**

The vote of each Member participating in any roll-call shall be inserted in the Record of Decisions of the session.

### **Rule 32**

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.

### **Rule 33**

Elections shall be decided by secret ballot unless the Executive Committee decides otherwise.

### **Rule 34**

In a secret ballot two scrutineers shall, on the proposal of the Chairman, be appointed by the Executive Committee from the Members present and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Executive Committee.

### **Rule 35**

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 Executive Committee 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.

### **Rule 36**

- (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 28 in the first ballot shall be declared elected.
- (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.

- (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.
- (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.
- (e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.

### *Conduct of Business*

#### **Rule 37** [previously Rule (xiii)]

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings.

#### **Rule 38**

In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chairman shall declare the opening and the closing of the session of the Executive Committee and, subject to the Executive Committee's wishes, he or she shall determine the hours of meetings and may adjourn meetings. The Chairman 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.

#### **Rule 39**

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 Executive Committee 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.

#### **Rule 40**

The Executive Committee may on the proposal of the Chairman limit the time to be allowed to each speaker on any particular subject under discussion.

#### **Rule 41 [NEW]**

During the discussions of any matter, a representative of a Member State or observer delegation who would like their entire statement to be inserted in the Record of Decisions of the session should say so at the moment that they make their statement. In such cases, a written copy of the statement should be passed to a member of the Secretariat immediately after it is made. Otherwise, it will be understood that a summary, drafted by the Secretariat, reflecting the key points and sense of the intervention will be acceptable in the Record of Decisions of the session.

#### **Rule 42**

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.

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

#### **Rule 43**

Subject to the provisions of Rule 38 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

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

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.

#### **Rule 44**

If two or more proposals relate to the same question, the Executive Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

#### **Rule 45**

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.

#### **Rule 46**

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.

#### **Rule 47**

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.

#### **Rule 48**

If two or more amendments are moved to a proposal, the Executive Committee 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.

#### **Rule 49**

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.

#### **Rule 50**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Executive Committee unless the Executive Committee, 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.

#### *Amendments of Rules of Procedure*

#### **Rule 51** [previously Rule (xv)]

These Rules of Procedure may be amended by the Assembly.

#### *Overriding Authority of the 1992 Fund Convention*

#### **Rule 52**

In the event of any conflict between any provision of these Rules and any provision of the 1992 Fund Convention, that Convention shall prevail.

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