

Resolutions

II/1: Rules of procedure of the International Conference on Chemicals Management

The Conference

Adopts the rules of procedure of the International Conference on Chemicals Management set out in the annex to the present resolution, with the exception of paragraph 2 of rule 33.

Annex to resolution II/1

I. Introduction

Rule 1

These rules of procedure shall apply to any session of the International Conference on Chemicals Management (“Conference”) convened pursuant to section VII of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management, and are designed to reflect the multi-stakeholder character of the Strategic Approach, as described in paragraph 2 of the Overarching Policy Strategy.

II. Definitions

Rule 2

For the purposes of these rules:

(a) “Governmental participant” means any Member State of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, as well as any associate member State of a specialized agency and, unless expressly provided otherwise, regional economic integration organizations constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters within the mandate of the Conference;

(b) “Governmental participants present and voting” means those governmental participants present at the session at which voting takes place and casting an affirmative or negative vote. Governmental participants abstaining from voting shall be considered as not voting;

(c) “Intergovernmental participant” means any United Nations body or other intergovernmental entity with expertise and responsibilities in the field of international chemicals management;

(d) “Non-governmental participant” means any accredited international non-governmental organization having activities, expertise and responsibilities consistent with the purpose and objectives of the Strategic Approach to International Chemicals Management that has informed the secretariat in writing in accordance with rule 13 of its wish to be represented at sessions of the Conference and whose attendance is not objected to by one third or more of the governmental participants present when the Conference considers the request;

(e) “Participant” means any governmental, intergovernmental or non-governmental participant;

(f) “President” means the President of the Conference elected in accordance with rule 14.

III. Participation

Rule 3

1. Subject to paragraph 2, all participants shall be entitled to take part, in accordance with these rules, in sessions of the Conference and any subsidiary body established in accordance with rule 23.
2. Intergovernmental and/or non-governmental participants shall be excluded from the consideration of all or part of the agenda if so decided by a two-thirds majority of the governmental participants present and voting. Such temporary exclusions shall be made only where the matter under consideration is sensitive. The reasons for the exclusion shall be stated in the governmental participants' decision and shall be recorded in the official record of the session.

IV. Venue, dates and notice of sessions

Rule 4

The venue and dates of each session of the Conference shall be decided by the governmental participants after consulting the secretariat and inviting comments by the intergovernmental participants and non-governmental participants.

Rule 5

The secretariat shall notify all participants of the venue and dates of a session of the Conference at least eight weeks before it is due to commence.

V. Agenda

Rule 6

1. The secretariat shall, in consultation with and under the guidance of the Bureau, prepare a provisional agenda for each session in accordance with the functions of the Conference defined in paragraph 24 of the Overarching Policy Strategy. Any participant may request the secretariat to include specific items in the provisional agenda.
2. In developing the agenda pursuant to paragraph 1, any item recommended by Strategic Approach regional meetings and items of particular interest to developing countries and countries with economies in transition shall be given priority.
3. For each session of the Conference, the provisional agenda, with other official documents, shall be distributed to participants in the official languages by the secretariat at least six weeks before the session is due to commence.
4. Between the date of communication of the provisional agenda and the date of adoption of the agenda by the Conference, participants may propose supplementary items for inclusion in the agenda, provided the items are of an important and urgent nature. The secretariat shall, with the consent of the Bureau, include such items on the provisional agenda.

Rule 7

At the beginning of each session of the Conference, the governmental participants shall, after consulting the intergovernmental participants and non-governmental participants, adopt the agenda for the session on the basis of the provisional agenda and any supplementary items proposed in accordance with rule 6.

Rule 8

During a session of the Conference, the governmental participants may, after consulting the intergovernmental participants and non-governmental participants, revise the agenda for the session by adding, deleting or amending items. Only items which the governmental participants consider to be of an important and urgent nature may be added to the agenda during a session.

VI. Representation, credentials and accreditation

Rule 9

Each Participant participating in a session of the Conference shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternative representatives and advisers as it may require. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 10

1. The credentials of representatives of governmental participants and the names of alternate representatives and advisers shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat.

2. For governmental participants, the credentials shall be issued by either the Head of State or Government or by the Minister for Foreign Affairs, or, in the case of regional economic integration organization, by the competent authority of that organization.

Rule 11

The Bureau of any session shall examine the credentials and submit its report to the Conference.

Rule 12

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

Rule 13

1. Intergovernmental and non-governmental participants shall be duly accredited.

2. The name of any such intergovernmental participant seeking accreditation shall be submitted to the secretariat if possible no later than twenty-four hours after the opening of the session. At the same time, a responsible representative of such participant shall submit to the secretariat the names of those who represent it at the Conference. Any later change in that list of names shall also be submitted to the secretariat.

3. The name of any such non-governmental participant seeking accreditation shall be submitted to the secretariat if possible no later than twenty-four hours after the opening of the session. At the same time, a responsible official of such participant shall include a statement describing the activities, expertise and responsibilities of the participant and how they are consistent with the purpose and objectives of the Strategic Approach to International Chemicals Management, and shall submit to the secretariat the names of those who represent it at the Conference. Any later change in that list of names shall also be submitted to the secretariat. Upon the secretariat's verification of receipt of the above information, the participant shall be admitted to the session unless one-third or more of the governmental participants object.

VII. Officers and operation of the Bureau

Rule 14

1. At the second session of the Conference, the President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected by and from among the representatives of the governmental participants present at the session. These elected governmental participants shall serve as the Bureau of the Conference. The Bureau shall remain in office until the closure of the third session of the Conference. The terms of these officers are deemed to constitute two consecutive terms.

2. At the third session of the Conference, and any future sessions of the Conference, the President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected by and from among the representatives of the governmental participants present at each session. These elected governmental participants shall serve as the Bureau of each session of the Conference. These officers shall commence their term at the closure of each session of the Conference and shall serve until the closure of the next session of the Conference.

3. In electing the officers, the governmental participants shall have due regard to the principle of equitable geographical representation. Each of the five regions of the United Nations shall be represented by one officer in the Bureau.

4. The offices of President and Rapporteur shall normally be subject to rotation among the United Nations regions for each session of the Conference. No elected officer may serve on the Bureau for more than two consecutive terms.

5. For the purpose of this rule, governmental participants shall not include a regional economic integration organization.

6. Each member of the Bureau may designate a representative of the same governmental participant to represent him or her at those Bureau meetings which the member is unable to attend.

Rule 15

1. The Bureau shall meet as necessary, either in person or by telecommunication means, to advise the President and the secretariat on the conduct of the business of the Conference and its subsidiary bodies. The secretariat shall service its meetings. The chair of any subsidiary body may be invited to participate in Bureau meetings to report on and discuss the progress of work of the body for which he or she is responsible.

2. In light of the multi-stakeholder character of the Strategic Approach, the President shall invite four representatives of non-governmental participants and one representative of the Inter-Organization Programme for the Sound Management of Chemicals to participate in the discussions during the meetings of the Bureau for the purpose of advising and responding to the Bureau, unless the Bureau decides that part or all of its meeting shall be limited to governmental participants.

3. Pursuant to paragraph 2, one representative of each of the health, industry, trade union, and public interest groups of non-governmental participants shall be elected at the second session of the Conference by and from representatives present from each group. The elected representatives shall remain in that capacity until the end of the third session. The terms of these representatives are deemed to constitute two consecutive terms. Thereafter, such representatives shall be elected at the end of each session of the Conference, and remain in that capacity until the end of the next session. No elected representative may serve for more than two consecutive terms.

4. For the purpose of paragraph 2, the Inter-Organization Programme for the Sound Management of Chemicals shall be represented by the Chair of the Inter-Organization Coordinating Committee of the Inter-Organization Programme for the Sound Management of Chemicals.

5. In addition, the President may, in consultation with the other members of the Bureau, invite such participants and others as he or she deems appropriate to discuss specific matters concerning the work of the Bureau that he or she considers would benefit from such consideration.

Rule 16

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, the President shall:

- (a) Declare the opening and closure of each session;

- (b) Preside at sessions of the Conference and meetings of the Bureau;
- (c) Ensure the observance of these rules;
- (d) Accord participants the right to speak;
- (e) Put questions to the vote or apply the decision-making procedure in rule 33, in accordance with these rules, and announce decisions;
- (f) Rule on any points of order; and
- (g) Subject to these rules, have complete control over the proceedings and maintain order.

2. The President may also propose:

- (a) The closure of the list of speakers;
- (b) A limitation on the time to be allowed to speakers and on the number of times a participant may speak on an issue;
- (c) The adjournment or closure of debate on an issue; and
- (d) The suspension or adjournment of a meeting.

3. The President shall decide when sufficient time for consultation under rules 4, 7, 8, 23 or 46 has elapsed.

4. The President, in the exercise of his or her functions, remains at all times under the authority of the Conference.

Rule 17

The President shall participate in sessions of the Conference in that capacity and shall not at the same time exercise the rights of a representative of a governmental participant. The governmental participant concerned shall designate another representative who shall be entitled to represent it at sessions and exercise the right to vote.

Rule 18

1. The President, if absent from a session or any part thereof, shall designate a Vice-President to act as President.

2. A Vice-President acting as President shall have the same powers and duties as the President and shall not at the same time exercise the rights of a representative of a governmental participant.

Rule 19

1. If an officer of the Bureau resigns or is otherwise unable to complete his or her term of office or to perform the functions of that office, a replacement representative of the same governmental participant shall be provided by that governmental participant as soon as possible.

2. If a non-governmental representative elected in accordance with paragraph 3 of rule 15 resigns or is otherwise unable to complete his or her term or perform his or her functions during that term, a replacement representative of the same non-governmental group shall be designated by accredited participants of that group as soon as possible.

VIII. Secretariat

Rule 20

The Executive Director of the United Nations Environment Programme shall provide and direct the staff of the secretariat required to service the Conference, including any subsidiary bodies which the Conference may establish.

Rule 21

The Executive Director shall be responsible for convening sessions in accordance with rules 4 to 6 and for making all the necessary arrangements for such sessions, including the preparation and distribution of official documents in the six official languages of the United Nations at least six weeks in advance of the sessions.

Rule 22

In addition to the functions specified in paragraph 28 of the Overarching Policy Strategy the secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at sessions;
- (b) Receive, translate, reproduce and distribute the official documents for the sessions;
- (c) Arrange for the custody and preservation of the documents of each session in the archives of the secretariat; and
- (d) Perform such other tasks as the Conference may require in relation to its functions.

IX. Subsidiary bodies

Rule 23

1. The governmental participants may, after consulting the intergovernmental participants and non-governmental participants:

- (a) Establish subsidiary bodies to carry out such objectives as may be agreed upon at a session of the Conference;
- (b) Determine the matters to be considered by a subsidiary body; and
- (c) Establish its terms of reference.

2. Unless the Conference decides otherwise, the present rules of procedure shall apply *mutatis mutandis* to the proceedings of any subsidiary body, except that:

- (a) The Bureau of a subsidiary body shall not exceed five in number;
- (b) The chair of a subsidiary body shall be appointed by the governmental participants from among governmental participants after consultation with the intergovernmental participants and non-governmental participants;
- (c) Any vice-chair and rapporteur of a subsidiary body shall be appointed by the governmental participants from among governmental participants represented in the subsidiary body after consultation with the intergovernmental participants and non-governmental participants represented in the body; and
- (d) A subsidiary body may opt for a chair or co-chair arrangement in lieu of a Bureau.

3. The Conference shall keep under review the composition, effectiveness and need for its subsidiary bodies, as part of the periodic reviews of the Strategic Approach, in accordance with paragraph 24 of the Overarching Policy Strategy.

X. Conduct of business

Rule 24

The President may declare a meeting of the session open and permit debate to proceed when the representatives of at least one-third of those participating in the session are present. The presence of two-thirds of the participants at the session shall be required for any consensus decision among participants to be taken; however the presence of two-thirds of the governmental participants at the session shall be required where these rules provide that decisions may be taken only by the governmental participants.

Rule 25

1. No one may speak at a meeting of the session without obtaining the permission of the President. Without prejudice to rules 26, 27, 28 and 30, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference may, on a proposal from the President or from any participant, limit the time allowed to each speaker and the number of times that each participant may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 26

The chair or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions reached by that subsidiary body.

Rule 27

During the discussion of any matter, a participant may at any time raise a point of order which shall be decided immediately by the President in accordance with the present rules. A participant may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the governmental participants present and voting. A participant may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 28

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment to a proposal shall be decided upon in accordance with the procedures set out in rule 33, paragraphs 1 and 2 before the matter is discussed or a decision is taken on the proposal or amendment in question.

Rule 29

Proposals and amendments to proposals shall normally be introduced in writing in one of the official languages by a participant and handed to the secretariat, which shall circulate copies to participants. Proposals for conference decisions or resolutions shall be circulated, where possible, to participants no later than 30 days before the session is due to commence. As a general rule, no proposal may be discussed or put to the vote at any session unless copies of it have been circulated to the participants at least 24 hours before the proposal is debated. The President may permit the discussion and consideration of proposals, amendments to proposals or procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day.

Rule 30

1. Subject to rule 27, the following motions shall have precedence in the order indicated below over all other proposals or motions:

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

2. Permission to speak on a motion falling within paragraphs 1 (a)–(d) shall be granted to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be immediately decided in accordance with the procedure set out in rule 33, paragraph 3.

Rule 31

A proposal or motion may be withdrawn by its proposer at any time before a decision is made on it or voting has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other participant.

Rule 32

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference decides otherwise in accordance with the procedures set out in rule 33, paragraphs 1 and 2. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be immediately decided in accordance with the procedures set out in rule 33, paragraphs 1 and 2.

XI. Adoption of decisions

Rule 33

1. The participants shall make every effort to reach agreement on all matters of substance and procedure by consensus.

[2. If all efforts by the participants at consensus on a matter of substance, other than a financial matter, have been exhausted, and no consensus reached, the decision shall, as a last resort, unless otherwise provided by the present rules of procedure, be taken by [consensus of the governmental participants][a two-thirds majority vote of the governmental participants present and voting].]

3. If all efforts by the participants at consensus on a matter of procedure have been exhausted, and no consensus reached, the decision shall, as a last resort, unless otherwise provided by the present rules of procedure, be taken by a majority vote of the governmental participants present and voting.

4. If the question arises whether a matter is procedural or substantive, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the governmental participants present and voting.

5. For the purpose of paragraphs 2, 3, and 4 above and any decision-making which involves voting, government participants shall not include a regional economic integration organization.

Rule 34

As is accepted international practice, in the event that a participant wishes to explain its position in respect of a matter under consideration at a session of the Conference, such participant may include a statement of view in the report resulting from the session of the Conference. Such statement should be a reasonable length.

Rule 35

If two or more amendments to a proposal are moved, the Conference shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on until decisions have been made on all the amendments.

Rule 36

Voting on a single proposal shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any governmental participant. It shall be taken in the English alphabetical order of the names of the countries which the governmental participants represent, beginning with the country whose name is drawn by lot by the President.

Rule 37

The vote of each governmental participant in a roll-call vote shall be recorded in the report of the session.

Rule 38

After the President has announced the beginning of voting, no participant shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit governmental participants to explain their votes, either before or after the voting, and may limit the time allowed for such explanations.

Rule 39

In the absence of consensus, elections shall be decided by secret ballot.

Rule 40

1. If, when one person is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the governmental participants present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot between three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results between more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set out in paragraph 1.

XII. Public and private sessions

Rule 41

The plenary sessions of the Conference shall be held in public unless the governmental participants decide otherwise.

Rule 42

The meetings of subsidiary bodies, other than those of any drafting group which may be set up, shall be held in public unless the governmental participants in the Conference decide otherwise.

XIII. Languages

Rule 43

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

Rule 44

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

2. A participant may speak in a language other than an official language if the participant provides for interpretation into one of the official languages.

Rule 45

Official documents of the Conference shall be drawn up in one of the official languages and translated into the other official languages.

XIV. Amendments to rules of procedure

Rule 46

Amendments to these rules of procedure shall be adopted by consensus of the governmental participants after consultation with the intergovernmental participants and the non-governmental participants.