



IAEA

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

Международное агентство по атомной энергии

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CPPNM/AC/L.3

Date: 28 April 2005

**CONFERENCE TO CONSIDER AND ADOPT PROPOSED AMENDMENTS
TO THE CONVENTION ON THE PHYSICAL PROTECTION OF
NUCLEAR MATERIAL**

Vienna, 4 to 8 July 2005

Provisional Rules of Procedure

I. REPRESENTATION AND CREDENTIALS

Rule 1: Composition of delegations

The delegation of each State Party participating in the Conference to consider and adopt proposed amendments to the Convention on the Physical Protection of Nuclear Material (hereinafter “the Conference”) shall consist of a head of delegation, who may be accompanied by as many alternates, advisers, experts and persons of similar status as may be required.

Rule 2: Alternates

The head of delegation may designate any member in his/her delegation to act in his/her place during the Conference.

Rule 3: Submission of credentials

The credentials of heads of delegations and the names of alternates, advisers, experts and persons of similar status shall be submitted to the Director General of the International Atomic Energy Agency (IAEA) before the opening of the Conference or not later than 24 hours after the opening of the Conference. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs of the State concerned.

Rule 4: Examination of credentials

The credentials of all delegates shall be examined by the Secretary General of the Conference who shall submit a report thereon to the Bureau established under Rule 15. Thereafter, the Bureau shall report to the Conference.

Rule 5: Provisional participation in the Conference

1. Pending a decision of the Conference upon their credentials, delegations shall be entitled to participate provisionally in the Conference.
2. Any delegate to whose admission a State participating in the Conference has made objection shall be seated provisionally with the same rights as other delegations until the Bureau of the Conference, pursuant to Rule 4, has reported and the Conference has given its decision.

II. OBSERVERS

Rule 6: Representatives of States not Party to the Convention on the Physical Protection of Nuclear Material

Any State not a Party to the Convention shall be invited to attend the Conference as observer and to participate without the right to vote in the deliberations of the Plenary. Such States may attend the Committee of the Whole and may only make oral statements at the invitation of the presiding officer and with the consent of the Committee.

Rule 7: Representatives of the United Nations, the specialized agencies, the IAEA and of other intergovernmental organizations

1. Representatives of the United Nations, the specialized agencies and the IAEA shall be invited to attend the Conference as observers and to participate without the right to vote in the deliberations of the Plenary.
2. Representatives of other intergovernmental organizations invited to regular sessions of the General Conference of the IAEA shall be invited upon their request to participate without the right to vote in the deliberations of the Plenary.

Rule 8: Non-governmental organizations

Any request received from a non-governmental organization invited to attend regular sessions of the General Conference of the IAEA as observer, shall be referred by the Secretary General to the Conference for its decision.

III. OFFICERS OF THE CONFERENCE

Rule 9: Temporary President

The Director General of the IAEA shall open the first meeting of the Conference and preside until the Conference has elected its President.

Rule 10: Election

The Conference shall elect from among the heads or members of delegations of participating States the following officers:

- (a) A President and eight Vice-Presidents;
- (b) A Chairperson and a Vice-Chairperson of the Committee of the Whole established under Rule 16;
- (c) A Chairperson of the Drafting Committee established under Rule 17.

Rule 11: Acting President

If the President of the Conference or the Chairperson of the Committee of the Whole is absent during a meeting or any part thereof, he/she shall appoint one of the Vice-Presidents or the Vice-Chairperson, respectively, to take his/her place, who, while acting as President of the Conference or Chairperson of the Committee of the Whole, shall have the same powers and duties as the President of the Conference or the Chairperson of the Committee of the Whole.

IV. SECRETARIAT

Rule 12: Duties of the Secretary General of the Conference

The Director General of the IAEA shall be the Secretary General of the Conference. He, or his representative, shall act in that capacity at all meetings of the Conference and of its committees and may designate a member of the Secretariat to act in his place at these meetings. The Secretary General of the Conference or his representative may at any time, with the approval of the presiding officer, make oral or written statements to such meetings.

Rule 13: Direction of staff

The Secretary General of the Conference shall provide and direct the staff required by the Conference and its committees and shall be responsible for all the necessary arrangements for the meetings of the Conference and its committees.

Rule 14: Duties of the Staff

Under the direction of the Secretary General of the Conference, staff shall receive, translate, reproduce and distribute documents of the Conference, its committees and other subsidiary bodies; prepare and circulate summary records of meetings and sessions; interpret speeches made at meetings; have custody of documents of the Conference in the archives of the Agency; publish the reports of the meetings of the Conference; distribute all documents of the Conference to the States Parties; and generally perform all other work which the Conference, its committees or other subsidiary bodies may require.

V. COMMITTEES OF THE CONFERENCE

Rule 15: Bureau

1. There shall be a Bureau of the Conference consisting of the President of the Conference, the eight Vice-Presidents, the Chairperson and the Vice-Chairperson of the Committee of the Whole and the Chairperson of the Drafting Committee.
2. The Bureau shall consider requests for the inclusion of additional items on the agenda of the Conference and shall report thereon to the Conference. In considering matters relating to the agenda of the Conference, the Bureau shall not discuss the substance of any item, except insofar as this bears upon the question whether the Bureau should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion, and what priority should be accorded to an item the inclusion of which has been recommended.

3. The Bureau shall propose to the Conference the establishment of any additional committees which it considers necessary. It shall assist the President of the Conference in conducting and co-ordinating the work of the Conference.
4. No two members of the Bureau shall be members of the same delegation and it shall be so constituted as to ensure its representative character.
5. The Bureau shall receive the report on credentials by the Secretary General of the Conference and report thereon to the Conference.

Rule 16: Committee of the Whole

There shall be a Committee of the Whole on which each State Party participating in the Conference may be represented. It shall consider and report on any item referred to it by the Plenary. The Committee of the Whole may set up such other subsidiary bodies as it considers necessary.

Rule 17: Drafting Committee

1. There shall be a Drafting Committee, composed of not more than 18 members, selected by the Plenary. The members of the Committee shall be selected so that each language in which the instrument to be adopted by the Conference is to be authentic will be represented. The Committee shall elect from among its members a Vice-Chairperson who, in the absence of the Chairperson, shall have the same powers and duties as the Chairperson of the Drafting Committee.
2. The Drafting Committee shall prepare drafts and give advice on drafting as may be requested by the Committee of the Whole. It shall also prepare the Final Act of the Conference. The Drafting Committee shall not alter the substance of texts submitted to it, but shall have the power to review and co-ordinate the drafting of all such texts. It shall report to the Committee of the Whole.

Rule 18: Creation of committees

In addition to the Committee of the Whole and the Drafting Committee, the Conference may establish such other committees as it deems necessary for the performance of its functions. Each of these committees shall elect its own Chairperson.

VI. BASIC PROPOSAL

Rule 19: Basic Proposal

The Basic Proposal for discussion by the Conference shall be the proposed amendments to the Convention (Document CPPNM/AC/L.1/1).

Rule 20: Proposals and amendments

Amendments to the Basic Proposal shall be communicated in writing to the Secretariat which shall circulate copies to all delegations. As a general rule, no proposed amendments shall be discussed or put to the vote unless its text has been distributed to all delegates, in all working languages of the Conference, not later than a half day preceding its discussion. The presiding officer may, however, permit the discussion and consideration of proposed amendments, or of motions as to procedure, even though these amendments or motions have not been distributed or have been distributed the same day.

VII. CONDUCT OF BUSINESS AT PLENARY MEETINGS OF THE CONFERENCE

Rule 21: The presiding officer

The President of the Conference, or in his/her absence the Vice-President appointed by him to take his place, shall be the presiding officer of the Conference.

Rule 22: General powers of the presiding officer

In addition to exercising the powers which are conferred upon him/her by these Rules, the presiding officer shall declare the opening and closing of each meeting of the Conference, shall direct its discussions, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He/she shall rule on points of order and, subject to these Rules, shall have control of the proceedings of the Conference and over the maintenance of order at its meetings. The presiding officer may propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each delegate may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion. The presiding officer, in the exercise of his/her functions, shall remain under the authority of the Conference.

Rule 23: Voting

The presiding officer shall not vote, but may appoint another member of his/her delegation to vote in his/her place.

Rule 24: Public and private meetings

1. The Plenary meetings of the Conference shall be held in public unless it decides that the meeting be held in private.
2. The meetings of the Committees of the Conference shall be held in private.

Rule 25: Quorum

The presiding officer may declare a meeting open and permit the debate to proceed when representatives of at least half of the States Parties to the Convention are present. The presence of representatives of a two-thirds majority of States Parties to the Convention shall be required for any decision to be taken on the Basic Proposal or on any part thereof or amendment thereto.

Rule 26: Speeches

No delegate may address the Conference without having previously obtained the permission of the presiding officer. The presiding officer shall call upon speakers in the order in which they signify their desire to speak. The presiding officer may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 27: Points of order

During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the presiding officer in accordance with these Rules. A delegate may appeal against the ruling of the presiding officer. The appeal shall be immediately put to the vote and the presiding officer's ruling shall stand unless overruled by a majority of the States Parties present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

Rule 28: Time-limit on speeches

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

Rule 29: Closing of list of speakers

During the course of a debate the presiding officer may announce a list of speakers and, with the consent of the Conference, declare the list closed. He/she may, however, accord the right of reply to any delegate if a speech delivered after the list has been closed makes this desirable.

Rule 30: Adjournment of debate

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

Rule 31: Closure of debate

A delegate may at any time move the closure of the debate on the item under discussion, whether or not any other delegate has signified his/her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the presiding officer shall declare the closure of the debate. The presiding officer may limit the time to be allowed to speakers under this Rule.

Rule 32: Suspension or adjournment of meeting

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

Rule 33: Order of procedural motions

Subject to Rule 27, the following motions shall have precedence in the following order over all other proposals or motions before the meetings:

- (a) To suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion; and
- (d) for the closure of the debate on the item under discussion.

Rule 34: Decisions on competence

Subject to Rule 33, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 35: Withdrawal of proposals

Any proposed amendment may be withdrawn by its proposer at any time before voting upon it has commenced. A proposal which has thus been withdrawn may be reintroduced by any delegate.

Rule 36: Reconsideration of proposals and amendments

When a proposed amendment has been adopted or rejected, it shall not be reconsidered unless the Conference, by a two-thirds majority of the States Parties to the Convention so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VIII. VOTING

Rule 37: Voting rights

Each State Party to the Convention participating in the Conference shall have one vote.

Rule 38: Consensus

The Conference shall make every effort to ensure that its decisions are taken by consensus.

Rule 39: Majority required

Subject to Rules 37 and 38, the following decisions of the Conference shall require a two-thirds majority of the States Parties to the Convention:

- (a) Decision on the adoption of the Basic Proposal set out in Rule 19 or on any part thereof;
- (b) Decision on the adoption of any amendment to the Basic Proposal.

Rule 40: Simple majority

Subject to Rules 36, 39 and 55, decisions of the Conference on all other questions shall be made by a majority of the States Parties to the Convention present and voting.

Rule 41: Meaning of “States Parties to the Convention present and voting”

For the purpose of these Rules, the phrase “States Parties to the Convention present and voting” shall mean delegates casting a valid affirmative or negative vote. Delegates who abstain from voting shall be considered as not voting.

Rule 42: Methods of voting

The normal method of voting shall be by show of hands. Any State Party to the Convention may request a vote by roll-call. The roll-call shall be taken in the English alphabetical order of the names of participating States Parties, beginning with the State whose name is drawn by lot by the presiding officer. Each delegate present shall reply “yes”, “no” or “abstention”.

Rule 43: Conduct during voting

After the voting has commenced, no delegate shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 44: Explanation of vote

The presiding officer shall permit States Parties to the Convention to explain their votes, after the voting, except when a vote is taken by secret ballot pursuant to Rule 48.

Rule 45: Division of proposals and amendments

A delegate may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 46: Order of voting on amendments

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the presiding officer to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
2. A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 47: Order of voting on proposals

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

IX. VOTING IN ELECTIONS

Rule 48: Secret ballot

1. All elections shall be by secret ballot unless in the absence of any objections, the Conference decides to proceed without taking a ballot on an agreed candidate.
2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

X. CONDUCT OF MEETINGS OF COMMITTEES

Rule 49: Application of these Rules to committees

1. Subject to these Rules, procedures governing the conduct of business in committees of the Conference shall conform to the Rules governing the conduct of business at plenary meetings of the Conference.
2. The Rules governing the conduct of business at plenary meetings of the Conference shall apply to the Drafting Committee as far as appropriate.

XI. LANGUAGES

Rule 50: Official and working languages

Arabic, Chinese, English, French, Russian and Spanish shall be the official and the working languages of the Conference in Plenary, in the Committee of the Whole and in the Drafting Committee. Speeches made in any one of the working languages in the Plenary, in the Committee of the Whole and the Drafting Committee shall be interpreted into the other working languages.

Rule 51: Interpretation from other languages

Any delegate may make a speech in a language other than the working languages provided, however, that if he/she does so he/she shall him-/herself provide for interpretation into one of the working languages. In such cases, interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation provided by the delegate.

Rule 52: Languages of records and important documents

Summary records of plenary meetings of the Conference and the Committee of the Whole shall be prepared in the working languages. All important documents shall be made available in the working languages.

Rule 53: Sound recordings of meetings

Sound recordings of meetings of the Conference and of the Committee of the Whole shall be made and kept in accordance with the practice of the IAEA.

Rule 54: Distribution of important documents

The texts of all important documents shall be distributed by the Secretariat as soon as possible.

XII. AMENDMENT AND INTERPRETATION OF RULES

Rule 55: Amendment of Rules

These Rules may be amended by a decision of the Conference taken by a two-thirds majority of the States Parties to the Convention present and voting after the Bureau has reported on the proposed amendment.

Rule 56: Interpretation of Rules

In the interpretation of these Rules, recourse may be had to the Rules of Procedure of the General Conference of the IAEA (GC(XXXI)/INF/245/Rev.1).