



MLA Diplomatic Conference
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RULES OF PROCEDURE

Rules of Procedure – Table of content

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Chapter I. General

Rule 1 Use of Terms

For the purpose of this Diplomatic Conference:

- a) "Bureau" means the body assisting the President in the general conduct of business during the Conference;
- b) "Conference" means the Diplomatic Conference convened to negotiate and adopt a Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes;
- c) "Core Group" means the group of States that consists of Argentina, Belgium, Mongolia, the Netherlands, Senegal, and Slovenia;
- d) "Observers" means United Nations Member States that are not Supporting States, United Nations Observer States, international organizations or institutions, regional organizations and civil society;
- e) "President" means the person elected by the Conference in accordance with Rule 9 of these Rules;
- f) "Representatives" means persons who are representing the interests either of Supporting States or of Observers in the Conference;
- g) "Secretary-General" means the person identified by the Core Group to act in this capacity in accordance with the Rules in Chapter VI of these Rules;
- h) "Supporting States" means United Nations Member States that have:
 - officially expressed their support to the 'International Initiative for Opening Negotiations on a Multilateral Convention for Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes (crimes of genocide, crimes against humanity and war crimes)' through a *note verbale* to any Core Group member; or
 - signed the Joint Statement on the International Initiative for Opening Negotiations on a Multilateral Treaty for Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes adopted during the 12th Session of the Assembly of States Parties to the Rome Statute and/or have subscribed to the Permanent Declaration on the International Initiative for Opening Negotiations on a Multilateral Treaty for Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes (crimes of genocide, crimes against humanity and war crimes).

Rule 2 Application

These Rules shall be applicable to the work of the Conference, its Bureau and other subsidiary bodies.

Chapter II. Participation

Rule 3 Participation

1. Supporting States may participate in the Conference.
2. United Nations Member States that are not Supporting States, United Nations Observer States, international organizations or institutions, and regional organizations, invited by the Core Group, may attend the Conference as Observers.
3. Civil society, invited by the Core Group, may attend the Conference as Observers.

Chapter III. Representation and credentials

Rule 4 Composition of delegations

The delegation of each State participating in or attending the Conference shall consist of a head of delegation and any other accredited representatives, including alternate representatives and advisers.

Rule 5 Alternate representatives and advisers

The head of delegation may designate an alternate representative or an adviser to act as head of delegation.

Rule 6 Submission of credentials

The credentials of State representatives shall be submitted forthwith to the Secretary-General and, if possible, 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 issuing State. Any later change in the composition of delegations shall also be submitted to the Secretary- General.

Rule 7 Credentials Committee

A Credentials Committee is hereby established. It shall consist of five State representatives, who shall be elected by the Conference on the proposal of the Bureau. One of the Vice-Presidents shall be elected by the Conference as Chairperson of the Credentials Committee. It shall examine the credentials of State representatives and report to the Conference without delay.

Rule 8 Provisional participation in the Conference

Pending a decision of the Conference upon their credentials, State representatives shall be entitled to provisionally attend the Conference.

Chapter IV. Presidency

Rule 9 Elections

The Conference shall elect a President and Vice-Presidents from each member of the Core Group in accordance with these Rules. If the Conference elects a President from a member of the Core Group, it shall not elect a Vice-President from that member of the Core Group. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Rule 10 General powers of the President

1. In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each plenary meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, promote the achievement of general agreement, put questions to the vote, and announce decisions. The President shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate, and the suspension or the adjournment of a plenary meeting.
2. During the discussion of any matter, a representative of a Supporting State may at any time raise a point of order which shall be decided immediately by the President in accordance with these Rules. A representative of a Supporting States may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the President's ruling shall stand, unless overruled by a majority of Supporting States present and voting. A representative of a Supporting State may not, in raising a point of order, speak on the substance of the matter under discussion.
3. The President may accord the right of reply to any representative who requests it.
4. The President, in the exercise of his or her functions, remains under the authority of the Conference.

Rule 11 Acting President

1. If the President finds it necessary to be absent from a meeting or any part thereof, he or she shall designate a Vice-President to take his or her place.

2. A Vice-President acting as President shall have the powers and duties of the President.

Rule 12 Replacement of the President

If the President is unable to perform his or her functions, a new President shall be elected.

Rule 13 Voting rights of the President

The President, or a Vice-President acting as President, shall not vote in the Conference, but shall appoint another member of his or her delegation to vote in his or her place.

Chapter V. Bureau

Rule 14 Composition

There shall be a Bureau consisting of the President, the Vice-Presidents and the Secretary-General of the Conference. The President, or, in his or her absence, the Vice-President designated by the President, shall serve as Chairperson of the Bureau.

Rule 15 Functions

The Bureau shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

Chapter VI. Secretariat

Rule 16 Duties of the Secretary-General

1. The Secretary-General shall make arrangements for all meetings of the Conference and its subsidiary bodies, and provide them with services as required.
2. The Secretary-General may designate another member of the Secretariat to act in his or her place at these meetings.
3. The Secretary-General shall appoint and direct the staff of the Secretariat required by the Conference and its subsidiary bodies.

Rule 17 Duties of the Secretariat

The Secretariat of the Conference shall, in accordance with these Rules:

- a) Arrange for interpretation of statements made at meetings of the Conference;
- b) Receive, translate, reproduce and distribute the documents of the Conference;
- c) Publish and circulate the official documents of the Conference;
- d) Prepare and circulate records of the Conference;
- e) Make and arrange for the keeping of sound recordings of meetings of the Conference;

- f) Arrange for the custody and preservation of the documents of the Conference in the archives of the Depositary of the Convention;
- g) Generally perform all other work that the Conference may require.

Rule 18 Statements by the Secretariat

The Secretary-General or any other member of the Secretariat who may be designated for that purpose may, if requested by the President, make either oral or written statements concerning any question under consideration.

Chapter VII. Opening of the Conference

Rule 19 Temporary President

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

Rule 20 Decisions concerning organization

At its first meeting, the Conference shall move to:

- a) Elect its President and Vice-Presidents, one of whom shall be elected as Chairperson of the Drafting Committee and one of whom shall be elected as Chairperson of the Credentials Committee;
- b) Adopt its agenda; (the draft prepared by the Core Group shall, until such adoption, be the provisional agenda of the Conference);
- c) Adopt its Rules of Procedure (the draft prepared by the Core Group shall, until such adoption, be the provisional Rules of Procedure of the Conference);
- d) Elect its other officers;
- e) Create any subsidiary bodies it deems necessary;
- f) Decide on the organization of its work.

Chapter VIII. Decision-making

Rule 21 Promotion of general agreement

The Conference, its Bureau and other subsidiary bodies shall make every effort to reach consensus on matters of substance.

Rule 22 Quorum

The presence of representatives of at least one third of the Supporting States shall be required for a plenary meeting to be declared open by the President. The presence of representatives of a majority of the Supporting States shall be required for any decisions to be taken.

Rule 23 Voting right

Each Supporting State participating in the Conference shall have one vote.

Rule 24 Majority required

1. If the President, notwithstanding Rule 21, deems consensus impossible:
 - a. Decisions on matters of substance shall be taken by a two-thirds majority of Supporting States present and voting;
 - b. Decisions on matters of procedure shall be taken by a simple majority of Supporting States present and voting.
2. The adoption of these Rules and any amendment thereto shall be considered a matter of substance. If the question arises whether any other matter is one of procedure or of substance, 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 Supporting States present and voting.
3. If a vote on the appeal is equally divided, the proposal or motion shall be regarded as rejected.
4. This Rule equally applies to decisions to be made by the Bureau and other subsidiary bodies.

Rule 25 Meaning of the expression "Supporting States present and voting"

For the purpose of these Rules, the phrase "Supporting States present and voting" means Supporting States which are present and casting an affirmative or negative vote. Supporting States which abstain from voting shall be considered as not voting.

Rule 26 Method of voting

The Conference shall normally vote by show of hands or by standing, but any Supporting State may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Supporting States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each Supporting State shall be called in all roll-calls and one of its representatives shall reply "yes", "no" or "abstention".

Rule 27 Conduct during voting

The President shall announce the commencement of voting, after which no representative shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connection with the process of voting.

Rule 28 Explanation of vote

The President may permit representatives of Supporting States to explain their votes. Such explanations shall take place immediately after the vote. The President may limit the time to be allowed for such explanations. Representatives of a Supporting State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 29 Decisions on amendments

1. A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.
3. When the Conference decides to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 2.

Rule 30 Elections of officers

1. Officers shall be representatives of Supporting States.
2. All elections of officers shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a vote on an agreed candidate.

Rule 31 Restricted balloting for one elective place

When only one candidate is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken. The second ballot shall be restricted to the two candidates who had obtained the largest number of votes in the first ballot. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

Rule 32 Restricted balloting for two or more elective places

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes of the Supporting States present and voting and the largest number of votes overall, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. The voting in such ballots shall be

restricted to the candidates who had obtained the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to candidates who obtained the greatest number of votes in the third unrestricted ballot, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 33 General rights of observers

Observers:

- a) May attend plenary meetings of the Conference and, unless otherwise decided by the Conference in specific situations, public meetings of the Bureau and other subsidiary bodies;
- b) Shall receive copies of official documents;
- c) May, upon invitation of the President and subject to the approval of the Conference, make, through a limited number of their representatives, oral statements.

Chapter IX. Subsidiary Bodies

Rule 34 Drafting Committee and other subsidiary bodies

1. A drafting committee is hereby established. It shall consist of six members. One of the Vice- Presidents shall be elected as Chairperson of the Drafting Committee. The other five members of the Drafting Committee shall be appointed by the President of the Conference.
2. The Drafting Committee shall, without reopening substantive discussion on any matter, coordinate and refine the drafting of all texts referred to it, formulate drafts and give advice on drafting as requested by the Conference or by the Bureau and report to the Conference or the Bureau as appropriate.
3. The Bureau may establish committees, working groups, or any other subsidiary bodies it deems appropriate.

Chapter X. Languages and Interpretation

Rule 35 Languages of the Conference

English, French and Spanish shall be the languages of the Conference.

Rule 36 Interpretation

1. Statements made in a language of the Conference at the plenary meetings of the Conference shall be interpreted into the other such languages. Other meetings shall be conducted in English.
2. Working Documents shall be provided in English.
3. Documents submitted for adoption by the Conference shall be available in all languages of the Conference.

Chapter XI. Public and private meetings

Rule 37 General principles

1. The meetings of the Conference shall be held in public, unless the Conference decides that exceptional circumstances require that a meeting be held in private.
2. As a general rule, meetings of the Bureau and of subsidiary bodies with limited membership shall be held in private, unless the body concerned decides otherwise. Meetings of subsidiary bodies with general membership shall be held in public, unless the body concerned decides otherwise.
3. Decisions taken at a private meeting shall be announced at the following public meeting. At the close of a private meeting of the Bureau or of any subsidiary body, the President or the presiding officer may issue a communiqué through the Secretariat.

Chapter XII. Amendments to the Rules of Procedure

Rule 38 Method of amendment

These Rules may be amended by a decision of the Conference taken by consensus in accordance with Rule 21. If consensus is deemed impossible, such a decision shall be taken by a two-thirds majority of the Supporting States present and voting in accordance with Rule 24.