

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-
A/CONF.62/L. 1

Draft rules of procedure: note by the Secretary-General

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

would be discussed at its ninety-fourth session, in conformity with 90 EX/Decision 4.2.1 (10) mentioned above;

2. *Observing* that, at the same session, under item 4.1.2, the Board devoted a substantial section (II) of 92 EX/Decision 4.1.2. to "UNESCO and Oceanography", and in paragraph (vi) invited "the Director-General and in particular the Secretariat of the Intergovernmental Oceanographic Commission to devote, whenever feasible, special attention to the new developments within the United Nations system in the field of oceanic research, exploration and management".

3. *Having considered* the Report by the Director-General on "Status and Responsibilities of the Intergovernmental Oceanographic Commission" (94 EX/13),

4. *Notes* this report, and *confirms* the decisions contained in 90 EX/Decision 4.2.1 (2), mentioned above;

5. *Takes note with satisfaction* of the measures taken by the IOC assembly at its eighth session to strengthen co-ordination between the United Nations agencies concerned and thus avoid any overlapping of their respective activities;

6. *Stresses again* the key role that the Intergovernmental Oceanographic Commission plays in organizing co-operation in the implementation of programmes in marine science and for marine services, within the framework of the United Nations system;

7. *Requests* the Director-General to continue support to the Intergovernmental Oceanographic Commission at the present or increased level, taking into account the urgent need to expand knowledge of the processes of the world ocean and the increasingly important role for IOC in present and projected new developments within the United Nations system in the field of marine research, exploration and scientific management;

II

8. *Considering* the desirability to enlarge the membership of the IOC so as to attain universal membership,

9. *Urges* the Director-General to continue his efforts to encourage Member States of UNESCO, particularly those from the developing States, to join and participate in the activities of the IOC as provided for under article 4 of the IOC Statutes;

10. *Also requests* the Director-General to draw the attention of the governing bodies of the IOC to the terms of resolution 10.1, adopted by the General Conference at its seventeenth session, with regard to the participation of South Africa and certain other States in UNESCO's activities;

III

11. *Being informed* of the forthcoming first session of the Third United Nations Conference on the Law of the Sea, to be

held in Caracas from 20 June to 29 August 1974, and *aware* of the great importance of this event and the role to be played by marine sciences in attaining knowledge, which should be considered as the common heritage of all mankind, concerning the oceans and seas,

12. *Expresses* its warmest wishes for the success of the Third United Nations Conference on the Law of the Sea and *pledges* the determined co-operation of UNESCO in the work and follow-up of this Conference;

13. *Requests* the Director-General to transmit this resolution to the Secretary-General of the United Nations for communication to the Conference;

14. *Invites* the Director-General to report to the eighteenth session of the General Conference, under items 15-17 of the Provisional Agenda, in an addendum to document 18 C/86, on the decisions of the Third United Nations Conference on the Law of the Sea in the fields of competence of UNESCO and its IOC which affect their activities,

RESOLUTION VIII-35 OF THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (NOVEMBER 1973)

Third United Nations Conference on the Law of the Sea

The Intergovernmental Oceanographic Commission,

1. *Recalling* resolution VII-4, adopted by the Commission at its seventh session, concerning United Nations General Assembly resolution 2750 (XXV),

2. *Noting* that the preparations for the Third United Nations Conference on the Law of the Sea have now reached a final stage,

3. *Noting further* that the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, which has met on a number of occasions since the seventh session of the Commission, among others to prepare for the United Nations Conference on the Law of the Sea, has established Sub-Committee III whose terms of reference had been as follows:

"to deal with the preservation of the marine environment (including *inter alia*, the prevention of pollution) and scientific research and to prepare draft treaty articles thereon",

4. *Recalling* the Statutes of the Commission and especially articles 1 and 2,

5. *Confirms* that the Commission is prepared, in the frame of its competence, to respond to all possible requests for scientific and technological advice from the United Nations Law of the Sea Conference;

6. *Expresses* the wish that the Third United Nations Conference on the Law of the Sea take into account the opinion of the Commission about the importance of promoting the scientific exploration of the ocean with a view to global study of its nature and resources.

DOCUMENT A/CONF.62/L.1

Draft rules of procedure: note by the Secretary-General

[Original: English]
[3 June 1974]

1. By paragraph 10 of its resolution 3067 (XXVIII) of 16 November 1973, the General Assembly requested the Secretary-General "To prepare appropriate draft rules of procedure for the Conference, taking into account views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the General Assembly, and to circulate the draft

rules of procedure in time for consideration and approval at the organizational session of the Conference."

2. In compliance with this mandate the Secretary-General prepared a set of draft rules of procedure (A/CONF.62/2), which were considered at the first session of the Conference at the 6th meeting, the 8th to the 11th meetings and at the 13th meeting. On the basis of certain decisions taken at that session

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Chapter I

REPRESENTATION AND CREDENTIALS

*Composition of delegations**Rule 1*

The delegation of each State participating in the Conference shall consist of accredited representatives and such alternate representatives and advisers as may be required.

*Alternates and advisers**Rule 2*

An alternate representative or an adviser may act as a representative upon designation by the chairman of the delegation.

*Submission of credentials**Rule 3*

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary if possible not later than 24 hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs. In the absence of a contrary indication, credentials shall have effect for all sessions of the Conference unless withdrawn or superseded by new credentials.

*Credentials Committee**Rule 4*

A Credentials Committee shall be appointed at the beginning of the first session of the Conference to serve for all sessions. It shall consist of nine members, who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay. At the subsequent sessions of the Conference it shall examine only the credentials of representatives newly accredited.

*Provisional participation in the Conference**Rule 5*

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

Chapter II

OFFICERS

*Elections**Rule 6*

The Conference shall elect a President, 31 Vice-Presidents and a Rapporteur-General, as well as a Chairman, three Vice-Chairmen and a Rapporteur of each Main Committee provided for in rule 50 and the

Spain (A/CONF.62/10). Revise to read:

"The delegation of each State participating in the Conference shall consist of accredited representatives and such accredited alternate representatives and advisers as may be required."

China (A/CONF.62/14). Delete the last sentence.

Chairman of the Drafting Committee provided for in rule 52. These officers shall be elected on the basis of ensuring the representative character of the General Committee and of the officers of each Main Committee; their term of office shall be for all sessions of the Conference. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 7

In addition to exercising the powers conferred upon him 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 discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate, the suspension or the adjournment of the meeting.

Rule 8

The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 9

If the President is absent from a plenary meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

Rule 10

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

Replacement of the President

Rule 11

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

The President shall not vote

Rule 12

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

Functions of the Rapporteur-General

Rule 12A

The Rapporteur-General shall act in that capacity in respect of both the Conference and the General Committee. He shall prepare, for approval of the Conference, any reports to be submitted to the General Assembly of the United Nations.

Chapter III

GENERAL COMMITTEE

Composition

Rule 13

There shall be a General Committee consisting of the President, the Vice-Presidents, the Rapporteur-General and the officers of the Main Committees; the Chairman of the Drafting Committee may participate in the General Committee, without the right to vote. The President of the Conference or, in his absence, the Vice-President designated by him, shall serve as Chairman of the General Committee.

Substitute members

Rule 14

If the President, the Rapporteur-General, or the Chairman or Rapporteur of a Main Committee finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his

Union of Soviet Socialist Republics (A/CONF.62/6). Revise to read:

"In addition to exercising the powers conferred upon him 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 discussions at such meetings, accord the right to speak, put questions to the vote after all efforts have been exhausted to reach agreed decisions by consensus and on recommendation of the General Committee and announce decisions."

Spain (A/CONF.62/10). Revise the second sentence to read:

"Subject to these rules of procedure, he shall rule on points of order and have complete control of the proceedings and over the maintenance of order thereat."

Madagascar and United Republic of Tanzania (A/CONF.62/12). Replace the text of the Rule by that of Rule 39 of the rules of procedure of the General Assembly of the United Nations:

*Secretary-General's draft**Proposed amendments*

delegation to sit and vote in the Committee. The Chairman of the Drafting Committee may, in case of absence, designate a member of that Committee to take his place in the General Committee.

*Functions**Rule 15*

The General Committee 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 co-ordination of its work.

Rule 16

Questions affecting the co-ordination of their work may be referred by other committees to the General Committee, which may make such arrangements as it sees fit, including the holding of joint meetings of committees or subsidiary organs and the establishment of joint subsidiary organs. The General Committee shall appoint, or arrange for the appointment of, the chairman of any such joint body.

Rule 17

The General Committee shall meet periodically throughout each session to review the progress of the Conference, its Main Committees and subsidiary organs, and to make recommendations for furthering such progress. It shall also meet at such other times during a session as the President deems necessary or upon the request of any other of its members.

Rule 18

The General Committee shall perform such additional tasks as are provided for in these rules or as are assigned to it by the Conference.

*Chapter IV**SECRETARIAT**Duties of the Secretary-General and the Secretariat**Rule 19*

1. The Secretary-General of the United Nations or his special representative shall act in that capacity in all meetings of the Conference, its committees and subsidiary organs.

2. The Secretary-General shall appoint an Executive Secretary of the Conference and shall provide and direct the staff required by the Conference, its committees and subsidiary organs.

3. The Secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Conference, interpret speeches made at the meetings, prepare and circulate records of the public meetings; have the custody and preservation of the documents in the archives of the United Nations; publish the reports of the public meetings; and, generally, perform all other work which the Conference may require.

*Statements by the Secretariat**Rule 20*

The Secretary-General or any member of the staff designated for that purpose may at any time make either oral or written statements concerning any question under consideration.

[If a Vice-President of the General Assembly finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to take his place. The Chairman of a Main Committee shall, in case of absence, designate one of the Vice-Chairmen of the Committee to take his place. A Vice-Chairman shall not have the right to vote if he is of the same delegation as another member of the General Committee.]

Union of Soviet Socialist Republics (A/CONF.62/6). Add the following sentences:

"The General Committee shall, if necessary, determine when all efforts at consensus on matters of substance have been exhausted in the Main Committees and shall make recommendations on the application of the method of voting for the adoption of a decision. Such a recommendation shall be deemed to be adopted if there are no objections to it from a majority of the members of any geographical group represented in the General Committee."

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4). Revise to read:

"Questions affecting the co-ordination of their work may be referred by other committees to the General Committee, which may make such arrangements as it sees fit, including the holding of joint meetings of committees or subsidiary organs and, where appropriate, proposing to the Conference the establishment of joint subsidiary organs."

Spain (A/CONF.62/10). Delete the end of the text after the words "committees or subsidiary organs".

Union of Soviet Socialist Republics (A/CONF.62/6). Revise to read:

"The General Committee shall meet periodically throughout each session to review the progress of the Conference, its Main Committees and subsidiary organs, and to make recommendations for furthering such progress and for the purpose of reaching agreed decisions by consensus.

Spain (A/CONF.62/10). Revise the last sentence to read:

"It shall also meet at such other times during a session as the President on his own initiative or upon the request of one third of its members, deems necessary."

Madagascar and United Republic of Tanzania (A/CONF.62/12). Revise to read:

"The Secretary-General or any member of the staff designated for that purpose may at any time, at the request of the Conference, make

either oral or written statements concerning matters under consideration.

Chapter V

CONDUCT OF BUSINESS

Quorum

Rule 21

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Conference are present. The presence of representatives of a majority of such States shall be required for any decision to be taken.

Speeches

Rule 22

No person may address the Conference without having previously obtained the permission of the President. Subject to rules 23 and 24, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 23

The Chairman or Rapporteur of a committee, or the representative of a subsidiary organ, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee or organ.

Points of order

Rule 24

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 25

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

Closing of list of speakers

Rule 26

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Adjournment of debate

Rule 27

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 28

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two speakers opposing the closure, and the President may limit the time to be allowed to speakers under this rule. He may defer taking a vote on the motion in accordance with rule 37. Adoption of the motion shall require a two-thirds majority of the representatives present and voting.

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4). Revise the last sentence to read:

"In the Plenary of the Conference, however, adoption of such a motion shall require a two-thirds majority of the representatives present and voting."

United States of America (A/CONF.62/7/Rev.1). Revise the last sentence to read:

"Adoption of the motion shall require a two-thirds majority of the representatives of States participating in that session of the Conference."

*Suspension or adjournment of the meeting**Rule 29*

During the discussion of any matter, a representative 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 President may limit the time to be allowed to the speaker moving the suspension or adjournment.

*Order of procedural motions**Rule 30*

Subject to rule 24, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

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

*Initial documentation**Rule 31*

The initial documentation of the Conference shall consist of the reports of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on its work and of all other relevant documentation of the General Assembly and the Committee.

*Proposals and amendments**Rule 32*

Proposals and amendments shall normally be introduced in writing and handed to the Executive Secretary, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President 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 only been circulated the same day.

Spain (A/CONF.62/10). Revise to read:

"Proposals and amendments shall be introduced in writing and delivered to the Secretariat, which shall circulate copies to the delegations. No proposal or amendment shall be discussed or put to the vote at any meeting of the Conference unless copies of them, in the languages of the Conference, have been circulated to all delegations beforehand, and in any case not later than the day preceding the meeting. The President may, however, permit the discussion of amendments even though copies of them, in the languages of the Conference, have not been circulated beforehand."

Madagascar and United Republic of Tanzania (A/CONF.62/12). Revise the second sentence to read:

"No proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations and in all working languages of the United Nations not later than the day preceding the meeting."

*Decisions on competence**Rule 33*

Subject to rule 24, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

*Withdrawal of motions**Rule 34*

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any representative.

*Reconsideration of proposals**Rule 35*

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

*Sense of the meeting**Rule 36*

The President may at any time ascertain the sense of the meeting in any matter. This procedure shall not have the effect of a vote.

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4) and Australia (A/CONF.62/9). Delete this rule.

Union of Soviet Socialist Republics (A/CONF.62/6). Revise the first sentence to read:

"In order to ensure consensus, the President may at any time ascertain the sense of the meeting on any matter of substance."

*Deferment of votes**Rule 37*

The President may, except as provided in Rules 24, 27, 29 and 39(3), defer the taking of any vote until a subsequent meeting, but normally no vote shall be deferred more than twice.

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4). Revise to read:

"The President may defer the taking of a vote on any substantive question. No vote on any question shall, however, be deferred more than twice and in no case shall such deferment exceed 48 hours from the time of the first postponement of the vote. For the purpose of this rule, the 48 hours specified herein shall not include Saturdays, Sundays and public holidays. In any case the Conference may decide by a majority of the representatives present and voting to defer the taking of a vote on a substantive question."

Union of Soviet Socialist Republics (A/CONF.62/6). Revise to read:

"The President may, except as provided in rules 24, 27, 29 and 39(3), defer the taking of any vote until a subsequent meeting, but normally no vote shall be deferred more than twice if all efforts to reach an agreed decision have been made."

Australia (A/CONF.62/9). Revise to read:

"The President may, except as provided in rules 24, 27, 29 and 39(3), if requested by at least 15 representatives, defer the taking of any vote on a resolution or text until a subsequent meeting held not less than two days or more than four days later. The question whether all efforts to reach agreement by way of consensus on that resolution or text have been exhausted shall be the first item of business on the agenda of that meeting. If the conference decides by a two-thirds majority of the representatives present and voting that such efforts have been exhausted, the vote shall be taken at a subsequent meeting to be held within two days."

Japan (A/CONF.62/16). Insert a new rule after rule 37:

Rule 37A

"In case the Conference is requested to give permission for the adoption of a motion to close the debate or proceed to a vote in main committees under rule 54 (d) of the rules of procedure, the President, after consultations with the Officers of the Conference as appropriate, shall report to the Conference as to the advisability of such permission in view of the over-all progress made on all matters of substance regarding ocean space which are closely interrelated. After having heard the report of the President, the Conference may decide to give such permission by a two-thirds majority of the representatives of States participating in the Conference."

Chapter VI

VOTING

Note. Concerning the procedures by which the Conference is to reach decisions on substantive matters, the General Assembly, in connexion with resolution 3067 (XXVIII) by which it convened the Conference, approved a gentleman's agreement the text of which appears in the appendix.

Afghanistan, Nepal and Zambia (A/CONF.62/19). 1. Revise the heading of Chapter VI to read "Decision-making".

2. Insert a new rule after Rule 37:

Rule 37B

"Decisions of the Conference on all matters of substance shall be taken by way of consensus and there shall be no voting on such matters until all efforts at consensus have been exhausted."

Afghanistan, Nepal and Zambia (A/CONF.62/19). Revise to read:

"In the event of failure to reach agreement by consensus, each State represented at the Conference shall have one vote."

*Voting rights**Rule 38*

Each State represented at the Conference shall have one vote.

Union of Soviet Socialist Republics (A/CONF.62/6). Replace paragraph 1 by the following paragraphs and renumber the remaining paragraphs accordingly:

*Required majority**Rule 39*

1. Decisions of the Conference on all matters of substance shall be taken by two-thirds majority of the representatives present and voting.

*Secretary-General's draft**Proposed amendments*

2. Except as otherwise specified in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

*Meaning of the phrase "representatives present and voting"**Rule 40*

For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote, representatives who abstain from voting shall be considered as not voting.

*Method of voting**Rule 41*

1. The Conference shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President.

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. Any representative may request a recorded vote. In the case of a recorded vote, the Conference shall, unless a representative requests otherwise, dispense with the procedure of calling out the names of the States; nevertheless, the results of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

*Conduct during voting**Rule 42*

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The President may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

*Division of proposals and amendments**Rule 43*

A representative may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. 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.

"1. Decisions of the Conference on all matters of substance shall, as a rule, be taken by consensus. A vote shall be taken only in exceptional cases when all efforts at consensus have been exhausted and only after the General Committee has made a recommendation that the method of voting is to be applied.

"2. In the event that a vote is taken, decisions of the Conference on matters of substance shall be taken by a nine-tenths majority of the representatives present and voting."

United States of America (A/CONF.62/7/Rev.1). Revise paragraph 1 to read:

"1. Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives of States participating in that session of the Conference."

Australia (A/CONF.62/9). Revise paragraph 1 to read:

"1. Decisions of the Conference on all matters of substance, including the decision under Rule 37 to begin voting, shall be taken by a two-thirds majority of the representatives present and voting, provided that such majority shall include at least a simple majority of the participants of the Conference."

Spain (A/CONF.62/10). Revise paragraph 3 to read:

"3. The question whether a matter is one of procedure or of substance shall be resolved by the Conference."

Madagascar and United Republic of Tanzania (A/CONF.62/12). Delete paragraph 3 and revise paragraph 2 to read:

"2. Except as otherwise specified in these rules, decisions of the Conference on all procedural matters, including decisions on whether a matter is one of procedure or substance, shall be taken by a majority of the representatives present and voting."

Spain A/CONF.62/10/Add.1. Revise to read:

"For the purposes of these rules, the phrase 'representatives present and voting' means representatives who participate in the voting, by casting an affirmative or negative vote or abstaining."

Netherlands (A/CONF.62/11). Insert a new rule following Rule 42 under the title "Voting on proposals":

Rule 42A

"There shall be no voting on a text, declared by the sponsoring State to be intended as a part of the over-all accommodation, otherwise than in the framework of a series of votes intended to settle all related questions."

*Order of voting on amendments**Rule 44*

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 first vote 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 amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

*Order of voting on proposals**Rule 45*

1. Subject to paragraph 2 below, 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.

2. Whenever a text to be voted on by the Conference embodies optional or alternative passages, the Conference shall, unless it decides otherwise, vote on them in an order determined by the following procedure:

(a) whenever multiple brackets or other devices are used to indicate that the Conference is to consider the inclusion or exclusion of optional passages, votes shall first be taken on the parts enclosed within the innermost brackets, including on any amendments proposed thereto;

(b) a choice between alternative passages shall only be made after all decisions required to determine the precise formulation of each such passage have been taken, including decisions on any amendments proposed thereto;

(c) to determine the sequence of voting on alternative passages each representative shall be called upon to indicate, by any method proposed by the President, the one alternative on which he wishes to vote first; the order of voting shall be determined according to the number of representatives indicating their preference for each alternative, provided that if the number is tied with respect to two or more alternatives, the President shall determine the order between them by drawing lots.

*Elections**Rule 46*

All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 47

1. If, when one person or one delegation is to be elected no candidate obtains in the first ballot the votes of a majority of the representatives 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 among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among 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 preceding paragraph.

Rule 48

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the votes of a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining 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 person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be

Peru (A/CONF.62/13). Insert a new rule after Rule 44 under the title "Joint voting on related proposals":

Rule 44A

"Any representative may move that two or more proposals be considered as related questions and voted on jointly. If objection is made to the request for a joint vote, the motion shall be voted upon. If the motion is carried, after the separate voting on each proposal those proposals which are adopted in such separate votes shall be voted on jointly. If in the joint vote the required majority is not obtained, the related proposals shall be considered to have been rejected as a whole."

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4) and *Pakistan* (A/CONF.62/20). Delete paragraph 2 and revise paragraph 1 to read:

"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."

filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 49

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Chapter VII

COMMITTEES AND SUBSIDIARY ORGANS

Establishment

Rule 50

In addition to the General Committee, the Drafting Committee and the Credentials Committee, the Conference shall establish three Main Committees, the competence of which shall be determined by the Conference. The Conference and each Committee may, subject to rule 16, establish subsidiary organs (sub-committees or working groups).

Representation in Main Committees

Rule 51

Each State participating in the Conference may be represented by one person on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

Drafting Committee

Rule 52

The Conference shall appoint a Drafting Committee to serve for all sessions. The Drafting Committee shall consist of 23 members, including its Chairman; the Rapporteur-General may participate in the Drafting Committee, without the right to vote. It shall prepare drafts and give advice on drafting as requested by the Conference or by a Main Committee, co-ordinate and review the drafting of all texts referred to it, and report to the Conference or to the Main Committee as appropriate.

*Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4).** Revise to read:

"The Conference shall elect a Drafting Committee to serve for all sessions. The Drafting Committee shall consist of 23 members. It shall, without reopening discussion on any matters of substance, formulate drafts and give advice on drafting as requested by the Conference or by a Main Committee, co-ordinate and refine the drafting of all texts referred to it, and report to the Conference or to the Main Committee as appropriate. It shall have no power or responsibility for initiating texts."

Pakistan (A/CONF.62/21). Subamendment to above proposal (A/CONF.62/4). Revise the penultimate sentence to read:

"It shall, without reopening discussion on any matter of substance, formulate drafts and give advice on drafting as requested by the Conference or by a Main Committee, co-ordinate and refine the drafting of all texts referred to it, without in any way affecting their meaning and substance, and report to the Conference or to the Main Committee as appropriate."

Holy See (A/CONF.62/5). Add the following sentence:

"Every State participating in the Conference which is not a member of the Drafting Committee shall have the right to explain its views to the Committee on any text which has been proposed to it."

*Spain (A/CONF.62/10).** Revise to read:

"The Conference shall establish a Drafting Committee consisting of 23 members. The Committee shall co-ordinate and review the drafting of all texts referred to it by the Main Committees or the Conference and shall report to them as appropriate."

Turkey (A/CONF.62/8). Insert a new rule after rule 52:

Rule 52A

"The sponsors of draft proposals shall have the right to take part in the meetings of the Drafting Committee during the consideration of those proposals. The Drafting Committee may decide to invite members of the Conference to take part in the meetings of the Committee during the consideration of any proposal or draft articles referred to it for drafting. Participation in the meetings of the Drafting Committee in accordance with this article shall be without the right to vote."

*This amendment was proposed to the original form of rule 52 (A/CONF.62/2), before the second sentence was amended by A/CONF.62/2/Add.I, para. 5.

*Officers and elections**Rule 53*

Except in the cases of the officers of the Main Committees and the Chairman of the Drafting Committee, each committee and subsidiary organ shall, subject to rule 16, elect its own officers. The elections shall be held by secret ballot unless the committee or organ decides otherwise in an election where only one candidate is standing. The nomination of each candidate shall be limited to one speaker, after which the committee or organ shall immediately proceed to the election.

*Officers, conduct of business and voting**Rule 54*

The rules relating to officers, conduct of business and voting of the Conference (contained in chapters II (rules 6-12A), V (rules 21-37) and VI (rules 38-49) above) shall be applicable, *mutatis mutandis*, to the proceedings of committees and subsidiary bodies, except that:

(a) the Chairman of the General, Drafting and Credentials Committees and the chairmen of subsidiary organs may exercise the right to vote;

(b) a majority of the representatives on the General, Drafting or Credentials Committee or any subsidiary organ shall constitute a quorum;

(c) decisions of committees and subsidiary organs shall be taken by a majority of the representatives present and voting, except in the case of a reconsideration of a proposal for which the majority required shall be that established by rule 35;

(d) no Main Committee shall, if there is any objection, adopt a motion to close the debate on the question under discussion or proceed to a vote on a matter of substance, without the permission of the Conference.

*Efforts to reconcile proposals**Rule 55*

The sponsors of conflicting proposals shall endeavour to reach agreement on a single proposal, or on a restricted number of alternative proposals. They may be assisted in such endeavours by the officers of the appropriate Main Committee. The Chairman shall from time to time report to the Committee on the progress achieved and shall also report when the officers consider that further efforts at reconciling a particular set of proposals are not likely to prove successful.

Chapter VIII

LANGUAGES AND RECORDS

*Languages of the Conference**Rule 56*

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

*Interpretation**Rule 57*

1. Speeches made in any language of the Conference shall be interpreted into the other such languages.

2. Any representative may make a speech in a language other than a language of the Conference. In this case he shall himself provide for interpretation into one of the languages of the Conference and interpretation into the other such languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

*Records of meetings**Rule 58*

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be kept in the languages of the Conference. They shall be sent as soon as possible to all delega-

Union of Soviet Socialist Republics (A/CONF.62/6). Revise paragraph (c) so that it shall provide for the same procedure for taking decisions as the one laid down in accordance with the observations made with regard to rules 39 and 15.

United States of America (A/CONF.62/7/Rev.1). Revise paragraph (c) to read:

"(c) decisions of committees and subsidiary organs shall be taken by a majority of the representatives of States participating in that session of the Conference entitled to participate in the committee or subsidiary organ in question, except in the case of a reconsideration of a proposal for which the majority required shall be that established by rule 35."

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4). Revise paragraph (d) to read:

"(d) In applying rule 37, the Chairman of a Main Committee may not defer a vote more than once."

Cameroon, Chile, Colombia, Kenya, Mexico and United Republic of Tanzania (A/CONF.62/4). Delete this rule.

Australia (A/CONF.62/9). Revise the second sentence to read:

"They may be assisted in such endeavours by the elected officers of the appropriate Main Committee."

Madagascar and United Republic of Tanzania (A/CONF.62/12). Revise to read:

"The Chairman shall from time to time report to the Committee on the progress achieved."

Pakistan (A/CONF.62/20). Delete the last sentence.

Spain (A/CONF.62/10). In paragraph 1, revise the second sentence to read:

"They shall be circulated as soon as possible, simultaneously in all

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tions who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make sound recordings of meetings of the Conference and the Main Committees and of other committees and subsidiary organs when they so decide.

Chapter IX

PUBLIC AND PRIVATE MEETINGS

*Plenary meetings and meetings of committees**Rule 59*

The plenary meetings of the Conference and the meetings of committees shall be held in public unless the body concerned decides otherwise.

*Meetings of subsidiary organs**Rule 60*

As a general rule meetings of subsidiary organs shall be held in private.

*Communiqués to the press**Rule 61*

At the close of any private meeting a communiqué may be issued to the press through the Executive Secretary.

Chapter X

OBSERVERS

*Observers for intergovernmental organizations**Rule 62*

1. The specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited to the Conference may designate representatives to participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, the subsidiary organs, upon the invitation of the President or chairman, as the case may be, on questions within the scope of their activities.

2. Written statements of such observers shall be distributed by the Secretariat to the delegations at the Conference.

*Representatives of the United Nations Council for Namibia**Rule 62A*

1. The United Nations Council for Namibia may designate representatives to participate, without the right to vote, in the deliberations of the Conference and the Main Committees and, as appropriate, the subsidiary organs, upon the invitation of the President or chairman, as the case may be, on questions within the competence of the Council.

2. Written statements of the Council shall be distributed by the Secretariat to the delegations at the Conference.

*Observers for non-governmental organizations**Rule 63*

1. International non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and its Main Committees.

2. Upon the invitation of the President or chairman, as the case may be and subject to the approval of the body concerned, these representatives may make oral statements on questions within the scope of their activities.

3. Written statements submitted by these non-governmental organizations on subjects in which they have a special competence and which are related to the work of the Conference shall be distributed by the Secretariat in the quantities and in the languages in which the statements were made available.

the languages of the Conference, to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made."

Italy (A/CONF.62/18). Add the following sentence:

"Any State participating in the Conference which is not a member of such subsidiary organs shall have the right to explain its views to the body concerned on any text which has been proposed to it."

Spain (A/CONF.62/10). * Revise paragraph 1 by replacing the words "representatives who may participate as observers," by the words "observers who may participate."

*This amendment was proposed to the original form of rule 62 (A/CONF.62/2), before it was divided into rules 62 and 62A by A/CONF.62/2/Add.3, para. 1.

Pakistan (A/CONF.62/20). Revise paragraph 1 to read:

"1. The United Nations Council for Namibia may designate representatives to participate, without the right to vote, in the deliberations of the Conference and the Main Committees and, as appropriate, the subsidiary organs."

Holy See (A/CONF.62/5). * Add the following paragraph:

"Written statements by such observers of international organizations shall be distributed by the Secretariat to the delegations at the Conference."

Spain (A/CONF.62/10). In paragraph 1 add the underscored word and delete the bracketed words:

"1. International non-governmental organizations invited to the Conference may designate observers [representatives] to sit [as observers] at public meetings of the Conference and its Main Committees."

*This amendment was proposed to the original form of rule 63 (A/CONF.62/2), before two paragraphs were added by A/CONF.62/2/Add.2, para. 4.

*Secretary-General's draft**Proposed amendments**Chapter XI*

AMENDMENTS TO THE RULES OF PROCEDURE

*Method of amendment**Rule 64*

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

United States of America (A/CONF.62/7/Rev.1). Revise to read: "These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives of States participating in that session of the Conference after the General Committee has reported on the proposed amendment."

APPENDIX

Gentleman's Agreement approved by the General Assembly at its 2169th meeting on 16 November 1973

Recognizing that the Conference at its inaugural session will adopt its procedures, including its rules regarding methods of voting and bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a Convention on the Law of the Sea which will secure the widest possible acceptance.

The General Assembly expresses the view that the Conference should make every effort to reach agreement on substantive matters by way of consensus; that there should be no voting on such matters until all efforts at consensus have been exhausted; and further expresses the view that the Conference at its inaugural session will consider devising appropriate means to that end.

DOCUMENT A/CONF.62/L.2 AND ADD.1

List of interested non-governmental organizations having consultative status with the Economic and Social Council

[Original: English]
[19 June and 15 July 1974]

1. Under paragraph 8 of resolution 3067 (XXVIII), the General Assembly requested the Secretary-General to invite to the Conference non-governmental organizations in accordance with paragraph 9 of resolution 3029 A (XXVII), which reads as follows:

"Requests the Secretary-General, subject to approval by the Conference, to invite interested non-governmental organizations having consultative status with the Economic and Social Council to send observers to the Conference;"

2. The following non-governmental organizations having consultative status with the Economic and Social Council have expressed the desire to be included in the list to be presented to the Conference for approval:

Category I

International Chamber of Commerce
International Confederation of Free Trade Unions
International Co-operative Alliance
International Council of Women
International Student Movement for the United Nations
United Towns Organization
World Confederation of Labour
World Federation of United Nations Associations

Category II

Carnegie Endowment for International Peace
Friends World Committee for Consultation
International Air Transport Association
International Bar Association
International Chamber of Shipping
International Conference of Catholic Charities
International Council of Environmental Law
International Council of Scientific Unions

International Federation for Human Rights
International Hotel Association
International Law Association
International Organization of Consumers Unions
International Union for Conservation of Nature and Natural Resources
Pan American Federation of Engineering Societies (UPADI)
Women's International League for Peace and Freedom
World Association of World Federalists
World Peace Through Law Center

Roster

Asian Environmental Society
Foresta Institute for Ocean and Mountain Studies
Friends of the Earth (F.O.E.)
Inter-American Council of Commerce and Production
International Association for Religious Freedom
International Institute for Environmental Affairs
International Ocean Institute
International Studies Association
Latin American Association of Finance Development Institutions
Mutual Assistance of the Latin American Government Oil Companies
National Audubon Society
Nations Shippers Councils of Europe
Sierra Club
Society for International Development
United Seamen's Service
World Federation of Scientific Workers
World Society of Ekistics

3. The Secretary-General proposes, upon approval of the list by the Conference, to extend invitations to the organizations in conformity with the provisions of the above-mentioned resolutions.