

DIPLOMATIC CONFERENCE ON WILLS
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PROVISIONAL RULES OF PROCEDURE FOR THE CONFERENCE

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 or 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 designating representatives and alternate representatives to participate in the Conference and the names of the advisers shall be submitted to the Secretary General if possible not later than twenty-four hours after the opening of the Conference. These credentials shall be issued either by the Head of State or government, or by the Minister responsible for external affairs, or by another person duly authorized by one of those officials.

Additional credentials in the form of Full Powers, signed by the Head of State or government, or by the Minister responsible for external affairs, shall be required for signing the Convention adopted by the Conference.

Credentials Committee

Rule 4

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of five members who shall be appointed by the Conference on the proposal of the Chairman. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional Participation in the Conference

Rule 5

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

CHAPTER II

OFFICERS

Elections

Rule 6

The Conference shall elect a Chairman and five Vice Chairmen, and such other officers as it may decide. These officers shall be elected on the basis of ensuring the representative character of the Steering Committee.

Chairman

Rule 7

The Chairman shall preside at the plenary meetings of the Conference.

Rule 8

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

Acting ChairmanRule 9

If the Chairman is absent from a meeting or any part thereof, he shall appoint a Vice Chairman to take his place.

Rule 10

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

Replacement of the ChairmanRule 11

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

The Chairman Shall Not VoteRule 12

The Chairman, or Vice Chairman acting as Chairman, shall not vote, but shall appoint another member of his delegation to vote in his place.

CHAPTER III

STEERING COMMITTEE

CompositionRule 13

There shall be a Steering Committee which shall comprise the Chairman and Vice Chairmen of the Conference. The Chairman of the Conference or, in his absence, a Vice Chairman designated by him shall serve as Chairman of the Steering Committee. The Secretary General

and the Chairman of the Drafting Committee may be invited by the Chairman to participate, without vote, in the work of the Steering Committee.

Substitute Members

Rule 14

If the Chairman or a Vice Chairman of the Conference finds it necessary to be absent during a meeting of the Steering Committee, he may designate a member of his delegation to sit and vote in the Committee.

Functions

Rule 15

The Steering Committee shall assist the Chairman 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 IV

SECRETARIAT

Duties of the Secretary General and the Secretariat

Rule 16

1. The Secretary General of the Conference shall act in that capacity in all meetings of the Conference, its Steering Committee and its other committees.
2. The Secretary General shall direct the staff required by the Conference and its committees.
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 public meetings; have the custody and preservation of the documents in the archives; distribute all documents of the Conference to the participating governments, and generally perform all other work which the Conference may require.

Statements by the Secretariat

Rule 17

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

CHAPTER V

CONDUCT OF BUSINESS

Quorum

Rule 18

A quorum shall be constituted by the representatives of a majority of the States participating in the Conference.

General Powers of the Chairman

Rule 19

In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each plenary meeting of the Conference; 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

Chairman 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 or the closure of the debate. He may also propose the suspension or the adjournment of the debate on the question under discussion.

Speeches

Rule 20

No person may address the Conference without having previously obtained the permission of the Chairman. Subject to rules 21 and 22, the Chairman 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 Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 21

The chairman or rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.

Points of Order

Rule 22

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 Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman.

The appeal shall be immediately put to the vote and the Chairman'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 23

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 Chairman shall call him to order without delay.

Closing of List of Speakers

Rule 24

During the course of a debate the Chairman 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 25

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 favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule.

Closure of Debate

Rule 26

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 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 favor of the closure, the Chairman shall declare the closure of the debate. The Chairman may limit the time to be allowed to speakers under this rule.

Suspension or Adjournment of the Meeting

Rule 27

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 Chairman may limit the time to be allowed to the speaker moving the suspension or adjournment.

Order of Procedural Motions

Rule 28

Subject to rule 22, 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) For the closure of the debate on the question under discussion.

Basic Proposal

Rule 29

The draft Convention on the Uniform Law on the Form of the International Will prepared by the International Institute for the Unification of Private Law shall constitute the basis for discussion by the Conference.

Other Proposals and Amendments

Rule 30

Proposals and amendments thereto shall normally be introduced in writing and handed to the Secretary General of the Conference, who shall circulate copies to the delegations. The Conference shall also take into consideration the suggestions submitted to the Conference by participating intergovernmental and non-governmental organizations and circulated by the Secretary General. 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 Chairman may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

Decisions on Competence

Rule 31

Subject to rule 22, 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 latter is discussed or a vote is taken on the proposal or amendment

in question.

Withdrawal of Motions

Rule 32

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 33

When a proposal or an amendment thereto 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 the motion shall be immediately put to the vote.

Invitations to Technical Advisers

Rule 34

The Conference may invite to one or more of its meetings any person whose technical advice it may consider useful for its work.

CHAPTER VI

VOTING

Voting Rights

Rule 35

Each State represented at the Conference shall have one vote.

Required MajorityRule 36

Decisions of the Conference shall be taken by a majority of the representatives present and voting.

Meaning of the Expression
"Representatives present and voting"

Rule 37

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 38

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 Chairman.

Conduct During Voting

Rule 39

After the Chairman has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The

Chairman may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chairman may limit the time to be allowed for such explanations.

Division of Proposals and Amendments

Rule 40

A representative 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 favor 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.

Voting on Amendments

Rule 41

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 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.

Voting on Proposals

Rule 42

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.

Elections

Rule 43

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

Rule 44

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot 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 Chairman shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results 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 45

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot 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 filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally-Divided Votes

Rule 46

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

CHAPTER VII

COMMITTEES AND OTHER SUBSIDIARY BODIES

CreationRule 47

In addition to the Steering Committee and the Credentials Committee, the Conference shall establish such other committees and working groups as it deems necessary for the performance of its functions. Each committee may set up subcommittees or working groups.

Drafting CommitteeRule 48

The Conference shall appoint, on the proposal of the Steering Committee, a Drafting Committee, which shall consist of fifteen members. This committee shall give advice on drafting as requested by other committees or by the Conference, and shall coordinate and review the drafting of all texts adopted.

Coordination by the Steering CommitteeRule 49

1. The Steering Committee may meet from time to time to review the progress of the Conference and its committees and other subsidiary bodies and to make recommendations for furthering such progress. It shall also meet at such other times as the Chairman deems necessary or upon the request

of any other of its members.

2. Questions affecting the coordination of their work may be referred by other committees and subsidiary bodies to the Steering Committee, which may make such arrangements as it thinks fit, including the holding of joint meetings of committees or subcommittees and the establishment of joint working groups. The Steering Committee shall appoint, or arrange for the appointment of, the Chairman of any such joint body.

Officers

Rule 50

Except in the case of the Steering Committee, each Committee, subcommittee or working group shall elect its own officers.

Quorum

Rule 51

A majority of the representatives on a committee, subcommittee or working group shall constitute a quorum.

Conduct of Business and Voting

Rule 52

The rules contained in Chapters II, V and VI above shall be applicable, mutatis mutandis, to the proceedings of committees, subcommittees and working groups.

CHAPTER VIII

LANGUAGES AND RECORDS

LanguagesRule 53

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

InterpretationsRule 54

Speeches made in any of the languages mentioned in rule 53 shall be interpreted into the other two languages.

Summary RecordsRule 55

Summary records of the meetings of the Conference and of decisions taken by the Committees of the Conference shall be kept by the Secretariat. They shall be sent as soon as possible to all representatives, who shall inform the Secretariat within two working days after the circulation of the summary record of any changes they wish to have made.

Language of Documents and Summary RecordsRule 56

Documents and summary records shall be made available in English, French and Spanish.

CHAPTER IX

PUBLIC AND PRIVATE MEETINGS

Meetings of the Conference and its CommitteesRule 57

Except as provided in rule 58, meetings of the Conference and of its Committees shall be held in public unless it is otherwise decided.

Other MeetingsRule 58

Meetings of the Steering, Credentials, and Drafting Committees and as a general rule meetings of subcommittees or working groups shall be held in private.

Communique to the PressRule 59

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

CHAPTER X

OBSERVERS FOR INTERGOVERNMENTAL
AND NON-GOVERNMENTAL ORGANIZATIONSRule 60

1. Observers for intergovernmental and non-governmental organizations invited to the Conference may participate, without the right to vote, in the deliberations of the Conference and its Committees upon the invitation of the Chairman of the Conference or one of its Committees, as

the case may be, on questions within the scope of their activities.

2. Written statements of intergovernmental and non-governmental organizations invited to the Conference shall be distributed by the Secretariat to the delegations at the Conference.

3. Observers for intergovernmental and non-governmental organizations participating in the Conference shall register with the Secretariat.

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