



UNITED NATIONS



EIGHTH
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ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

Havana, Cuba, 27 August to 7 September 1990

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Item 2 (b) of the provisional agenda

ORGANIZATIONAL MATTERS

Provisional rules of procedure

Chapter I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Congress shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Designated representatives

Rule 2

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

Submission of credentials

Rule 3

1. The credentials of representatives shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

* Reissued for technical reasons.

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2. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Congress, if possible not later than one week before the opening of the Congress. Any later change in the composition of delegations shall also be submitted to the Executive Secretary.

Credentials Committee

Rule 4

1. There shall be a Credentials Committee of nine members appointed by the Congress on the proposal of the President. Its membership shall, as far as possible, be the same as that of the Credentials Committee of the General Assembly of the United Nations at its preceding session.

2. The Credentials Committee shall itself elect from among the representatives of participating States a Chairman and such other officers as it considers necessary.

3. The Credentials Committee shall examine the credentials of representatives and report to the Congress.

Provisional participation in Congress

Rule 5

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

Chapter II

OFFICERS

Elections

Rule 6

The Congress shall elect from among the representatives of participating States a President, 24 Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the committees provided for in rule 43. These 28 officers shall constitute the General Committee and shall be elected on the basis of ensuring its representative character.

Acting President

Rule 7

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

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

Replacement of the President

Rule 8

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

Voting rights of the President

Rule 9

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.

Chapter III

GENERAL COMMITTEE

Chairman

Rule 10

The President or, in his absence, one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

Substitute members

Rule 11

1. If the President or a Vice-President or the Rapporteur-General is absent from a meeting of the General Committee, he may designate a member of his delegation as his substitute.

2. In case of absence, the Chairman of a committee shall designate another officer of the committee or, if none is available, a member thereof. However, such a substitute shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Functions

Rule 12

1. In addition to carrying out other functions provided in these rules, the General Committee shall assist the President in the general conduct of the business

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of the Congress and, subject to decisions of the Congress, shall ensure the co-ordination of its work.

2. At the request of the Chairman of a committee, the General Committee may adjust the allocation of work to the committees.

Chapter IV

SECRETARIAT

Duties of the Secretary-General

Rule 13

1. The Secretary-General of the United Nations shall appoint a Secretary-General and an Executive Secretary of the Congress and shall provide the staff required by the Congress and its subsidiary organs.

2. The Secretary-General of the Congress or her representative shall act in that capacity in all meetings of the Congress and its subsidiary organs. She shall direct the staff assigned to perform services in connection with the Congress.

Duties of the secretariat

Rule 14

The secretariat of the Congress shall, in accordance with these rules:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate, reproduce and distribute the documents of the Congress;
- (c) Publish and circulate the report and the official documents of the Congress;
- (d) Make and arrange for the keeping of sound recordings of meetings;
- (e) Arrange for the custody and preservation of the records of the Congress in the archives of the United Nations;
- (f) Generally perform all other work that the Congress may require.

Statements by the secretariat

Rule 15

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

Chapter V

CONDUCT OF BUSINESS

QUORUM

Rule 16

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 Congress are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

General powers of the President

Rule 17

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Congress, declare the opening and closing of each such meeting, direct the discussions, 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, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Congress the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times participants may speak on a question, the adjournment or closure of the debate, and the suspension or the adjournment of a meeting.

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

Points of order

Rule 18

Subject to rule 16, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. 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 overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 19

1. No one may address the Congress without having previously obtained the permission of the President, who shall, subject to rules 17, 19 and 22-25 call upon

speakers in the order in which they signify their desire to speak. The Executive Secretary shall be in charge of drawing up a list of such speakers.

2. Debate shall be confined to the question before the Congress and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Congress may limit the time allowed to speakers and the number of times participants may speak on a question; a motion to set such limits shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 20

The Chairman or another representative of a subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by that organ.

Closing of the list of speakers

Rule 21

During the course of a debate the President may announce the list of speakers and, with the consent of the Congress, declare the list closed. When there are no more speakers on the list, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 25.

Right of reply

Rule 22

The right of reply shall be accorded by the President to a representative of a State participating in the Congress who requests it. Any other representative may be granted the opportunity to make a reply. Such replies should be as brief as possible.

Suspension or adjournment of the meeting

Rule 23

Subject to rule 36, a representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

Adjournment of debate

Rule 24

A representative may at any time 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.

Closure of debate

Rule 25

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.

Order of motions

Rule 26

Subject to rule 18, 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;
- (d) To close the debate.

Items for consideration

Rule 27

The Congress shall consider the agenda items approved by the Economic and Social Council on the recommendation of the Committee on Crime Prevention and Control.

Proposals and amendments

Rule 28

Proposals shall normally be introduced in writing and handed to the Executive Secretary, who shall circulate copies to all delegations in all the official

languages of the Congress. As a general rule, no proposal shall be discussed or put to the vote 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 motions as to procedure, even though those amendments and motions have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 29

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

Decisions on competence

Rule 30

Subject to rule 18, any motion calling for a decision on the competence of the Congress to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

Reconsideration

Rule 31

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

Chapter VI

VOTING

Voting rights

Rule 32

Each State represented at the Congress shall have one vote.

Majority required

Rule 33

1. Unless the Congress decides otherwise, decisions of the Congress on all matters of substance shall require a two-thirds majority of the representatives present and voting.
2. Unless the Congress decides otherwise and except as otherwise provided in these rules, decisions of the Congress on all other matters shall be taken by a simple majority of the representatives present and voting. If a vote is equally divided, the proposal or motion shall be regarded as rejected.
3. 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 34

Except as provided in rule 41, the Congress shall normally vote by show of hands, but any representative may request a roll call, which shall then be taken in the English alphabetical order of the names of the States participating in the Congress, beginning with the one whose name is drawn by lot by the President. The name of each participating State shall be called in all roll calls, and its representative shall reply "yes", "no" or "abstention".

Explanation of vote

Rule 35

Representatives may make brief statements consisting solely of explanation of their votes, before the voting has commenced or after the voting has been completed. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon except if it has been amended. The President may limit the time to be allowed for such explanations.

Conduct during voting

Rule 36

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.

Division of proposals

Rule 37

A representative may move that parts of a proposal shall 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 adopted, those parts of the proposal that are approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 38

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 39

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 Congress 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 upon.

Order of voting on proposals

Rule 40

If two or more proposals, other than amendments, relate to the same question, they shall, unless the conference decides otherwise, be voted on in the order in which they were submitted. The Congress may, after each vote on a proposal, decide whether to vote on the next proposal.

Elections

Rule 41

All elections shall be held by secret ballot, unless the Congress decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 42

1. When one 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 cast and the largest number of votes, 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.

Chapter VII

SUBSIDIARY ORGANS

Committees, sub-committees and working groups

Rule 43

There shall be as many committees of the whole as may be approved from time to time by the Economic and Social Council on the recommendation of the Committee on Crime Prevention and Control. Each committee may set up sub-committees and working groups, to the extent permitted by available facilities.

Officers

Rule 44

1. In addition to a Chairman elected by the Congress pursuant to rule 6, each committee shall itself elect a Vice-Chairman and a Rapporteur from among the representatives of participating States.

2. Sub-committees and working groups shall each elect a Chairman and no more than two Vice-Chairmen from among the representatives of participating States.

Applicable rules

Rule 45

The rules contained in chapters II, IV, V and VI above shall be applicable, mutatis mutandis, to the proceedings of subsidiary organs, except that:

(a) The Chairmen of subsidiary organs other than the committees referred to in rule 43 may exercise the right to vote;

(b) A majority of the representatives on any subsidiary organs of limited membership shall constitute a quorum;

(c) Decisions of subsidiary organs shall be taken by a majority of the representatives present and voting except that reconsideration shall require the majority established by rule 31.

Chapter VIII

LANGUAGES AND DOCUMENTS

Official languages

Rule 46

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

Interpretation

Rule 47

1. Speeches made in an official language of the Congress shall be interpreted into the other such languages.
2. Statements may be made in a language other than an official language of the Congress if the speaker provides for interpretation into one of the official languages. Interpretation into the other official languages of the Congress by interpreters of the secretariat may be based on the interpretation given in the first such language.

Languages of official documents

Rule 48

Official documents shall be made available in the official languages of the Congress.

Sound recordings of meetings

Rule 49

The secretariat shall make sound recordings of meetings of the Congress and of the committees. Such recordings shall be made of meetings of other subsidiary organs when the body concerned so decides.

Chapter IX

REPORT OF THE CONGRESS

Rule 50

1. The Congress shall adopt a report, the draft of which shall be prepared by the Rapporteur-General.
2. The report shall be distributed as soon as practicable and not later than six months after the closing of the Congress to all States and to other participants in the Congress.

Chapter X

PUBLIC AND PRIVATE MEETINGS

General principles

Rule 51

1. The plenary meetings of the Congress and meetings of its subsidiary organs other than the General and Credentials Committees shall be held in public unless the body concerned decides otherwise.
2. Meetings of the General and Credentials Committees shall be held in private unless the body concerned decides otherwise.

Chapter XI

OTHER PARTICIPANTS AND OBSERVERS*

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly in the capacity as observers

Rule 52

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly may participate as observers, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups and, as appropriate, in its other subsidiary organs.

* Former rule 52, entitled "Representatives of the United Nations Council for Namibia", is no longer applicable.

Representatives of national liberation movements

Rule 53

Representatives designated by national liberation movements invited to the Congress may participate as observers, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups and, as appropriate, in its other subsidiary organs.

Representatives of United Nations organs and related agencies

Rule 54

Representatives designated by organs of the United Nations, the specialized agencies or the International Atomic Energy Agency may participate as observers, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups and, as appropriate, in its other subsidiary organs.

Observers for other intergovernmental organizations

Rule 55

Observers designated by other intergovernmental organizations invited to the Congress may participate, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups and, as appropriate, in its other subsidiary organs.

Observers for non-governmental organizations

Rule 56

Observers designated by non-governmental organizations invited to the Congress may participate, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups.

Individual experts and consultants

Rule 57

1. Individual experts in the field of crime prevention and the treatment of offenders may be invited to the Congress by the Secretary-General in their individual capacity and may participate, without the right to vote, in the deliberations of the Congress, its committees, sub-committees and working groups.

2. The Secretary-General may invite a small number of expert consultants to participate in the Congress at the expense of the United Nations. In inviting such expert consultants, the Secretary-General shall pay due regard to the principle of equitable geographical representation. Expert consultants thus invited may, as appropriate, initiate and assist in debates in the committees, sub-committees and working groups of the Congress.

Written statements

Rule 58

Written statements related to the work of the Congress submitted by the designated representatives, individual experts or observers referred to in rules 52-58 shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization shall be on a subject in which it has a special competence.

Chapter XII

AMENDMENT OR SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 59

These rules may be amended by a decision of the Congress taken by a two-thirds majority of the representatives present and voting upon a recommendation of the General Committee.

Method of suspension

Rule 60

Any of these rules may be suspended by a decision of the Congress, provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects; subsidiary organs may by unanimous consent waive rules pertaining to them. Any suspension shall be limited to a specific and stated purpose and to the period required to achieve it.

Period review of rules

Rule 61

After the completion of each Congress, the Committee on Crime Prevention and Control shall make appropriate recommendations to the Economic and Social Council for such amendments to these rules as it may deem necessary.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.