

PERMANENT COUNCIL



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DRAFT RULES OF PROCEDURE OF THE SEVENTH INTER-AMERICAN  
SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW (CIDIP-VII)

(Adopted at the meeting of September 16, 2009)

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

HAVING SEEN the Report of the Committee on Juridical and Political Affairs on the Draft Rules of Procedure of the Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII); and

CONSIDERING that through resolution AG/RES. 1923 (XXXIII-O/03) on the convocation of the Seventh Inter-American Specialized Conference on Private International Law, the General Assembly requested the General Secretariat to prepare the technical and information documents that might be necessary to facilitate the preparation of CIDIP-VII, as it had done for previous specialized conferences on Private International Law,

RESOLVES:

To transmit the attached draft Rules of Procedure of CIDIP-VII to the Seventh Inter-American Specialized Conference on Private International Law for final approval:

RULES OF PROCEDURE FOR THE SEVENTH INTER-AMERICAN SPECIALIZED  
CONFERENCE ON PRIVATE INTERNATIONAL LAW

I. NATURE AND PURPOSE OF THE CONFERENCE

Article 1. The Seventh Inter-American Specialized Conference on Private International Law, convened by the General Assembly of the Organization of American States through resolution AG/RES. 1923 (XXXIII-O/03), is an Inter-American Specialized Conference, in conformity with the provisions of Article 122 of the Charter of the Organization and resolution AG/RES. 85 (II-O/72) of the General Assembly, which establishes the Standards for Inter-American Specialized Conferences.

Article 2. The Conference is meeting to consider the topics listed on the draft agenda approved by the Permanent Council of the Organization, the draft conventions and other documents prepared by the Inter-American Juridical Committee, and the studies, proposals, and draft

international instruments presented by the member states on topics on the agenda, and to incorporate the results in international conventions or in such other instruments as it might deem appropriate.

## II. PARTICIPANTS

Article 3. The governments of the member states of the Organization may accredit delegations to the Conference. The delegates must be accredited by the Ministry of Foreign Affairs of the individual country, and to sign the conventions the Conference approves, the heads of delegation must have full powers.

Article 4. The governments may also accredit advisers with the power to participate in the deliberations.

Article 5. The Secretary General of the Organization or the representative whom he designates shall participate with voice but without vote in the Conference, as provided in Article 110 of the Charter of the Organization.

Article 6. A representative of the Inter-American Juridical Committee may participate in the Conference, with voice but without vote.

Article 7. The governments of those states that have been accorded permanent observer status may accredit observers to the Conference in accordance with the provisions of the resolutions of the General Assembly and the Permanent Council, after informing the Secretary General, in writing, of their intention to do so.

The following entities may also accredit observers to the Conference:

- a. The Inter-American specialized organizations and American regional intergovernmental agencies;
- b. The United Nations and its specialized agencies;
- c. International or national organizations that maintain relations of cooperation with the Organization, or, aside from this case, when the Permanent Council so decides;
- d. The governments of states that are not members of the Organization and do not enjoy permanent observer status, when such governments express, in writing, an interest in attending and the Permanent Council so authorizes.

The General Secretariat shall issue invitations to the international institutions mentioned in subparagraphs a, b, and c of this article.

Article 8. Persons of recognized competence in the topics to be considered at the Conference may attend as special guests, when the Permanent Council or the Conference so decides.

Article 9. The observers and special guests may speak at the sessions of the Conference or meetings of its committees, when invited by the President or the corresponding Chairman to do so.

The Chairman of a working group, after consulting its members, may extend an invitation to

participate to any observer or special guest who might be able to advise said working group during its deliberations.

The General Secretariat shall provide to the participants mentioned in this Article the official documents of the Conference, except when a decision has been taken to restrict their distribution.

### III. PRESIDENT

Article 10. The government of the host country of the Conference shall designate a provisional president, who shall serve until the Conference elects its President.

Article 11. The President of the Conference shall be elected by the vote of a majority of the accredited delegations.

Article 12. The President shall have the following duties:

- a. To preside over the sessions of the Conference and to submit to it for consideration the matters listed on the order of business;
- b. To recognize the delegates in the order in which they request to speak, and in accordance with these rules of procedure;
- c. To decide on points of order that arise in the discussions of the Conference, without prejudice to the right of the delegations established in Article 25 of these rules of procedure;
- d. To submit to a vote any questions that so require and to announce the results;
- e. Through the Secretariat, to transmit the order of business of the plenary session to the participants, as far in advance of each session as possible;
- f. To take such measures as he considers appropriate to advance the work and to see that these rules of procedure are observed.

Article 13. The heads of delegation shall be vice-presidents of the Conference and shall replace the President in his absence, following the order of precedence established by lot by the Permanent Council.

### IV. SECRETARIAT

Article 14. The General Secretariat of the Organization of American States shall render technical and secretariat services to the Conference. These services shall be under the direction of the official designated for that purpose by the Secretary General of the Organization.

### V. SESSIONS OF THE CONFERENCE

Article 15. The Conference shall hold a preliminary session, an inaugural session, plenary sessions, and a closing session.

Article 16. Immediately after the inaugural session, the heads of delegation shall hold a preliminary session with the following order of business:

- a. Agreement on the election of the President;
- b. Agreement on the draft agenda;
- c. Agreement on the draft rules of procedure;
- d. Agreement on the committees and the topics to be assigned to them;
- e. Agreement on the membership of the Credentials Committee and of the Style Committee;
- f. Agreement on the maximum time allowed the delegations for presenting proposals or amendments;
- g. Agreement on the approximate duration of the Conference; and
- h. Miscellaneous matters.

Article 17. The agreements reached at the preliminary session shall be formally adopted at the first plenary session.

Article 18. The plenary sessions of the Conference shall be public, unless it decides otherwise. Meetings of the Credentials Committee and of the working groups shall also be private unless the body concerned decides otherwise.

## VI. DISCUSSIONS AND PROCEDURES

Article 19. English, French, Portuguese, and Spanish shall be the official languages of the Conference.

Article 20. A majority of the accredited delegations at the Conference shall constitute a quorum for plenary sessions. One third of the delegations forming the committees and working groups shall constitute the quorum needed for those bodies to meet. Nevertheless, in order for a vote to be taken, the presence at the session or meeting concerned of at least a majority of the delegations that are members of those bodies shall be required.

Article 21. Draft international instruments, proposals for substitutions or amendments thereto and draft resolutions shall be presented in writing to the Secretariat by the deadline provided for in subparagraph f of Article 16, and may not be discussed until twenty-four hours after they have been distributed to the delegations. Nevertheless, the Conference of the committee concerned, as the case may be, may, by the vote of a majority of the delegations accredited to the Conference, authorize discussion of proposals or amendments that have neither been presented by the deadline nor distributed in time. Amendments to draft resolutions may be offered during the discussion of such resolutions.

A proposal shall be considered to be an amendment to a draft only when it changes said draft. A proposal that would totally replace the original draft or that is not related to it shall not be considered to be an amendment.

Article 22. Drafts that institute or recommend activities that have financial implications for the Organization shall be accompanied by a cost estimate; the Secretariat shall provide such cooperation as may be necessary in this regard.

Article 23. A proposal or an amendment may be withdrawn by its proponent before it has been put to a vote. Any delegation may resubmit a proposal or amendment that has been withdrawn.

Article 24. For reconsideration of a decision taken in a plenary session of the Conference, the approval of the corresponding motion by the vote of two thirds of the delegations accredited to the Conference shall be required. For reconsideration of a decision taken by a committee or working group, the approval of the motion by two thirds of the delegations that are members of those bodies shall be required.

Article 25. During the discussion of a topic, any delegation may raise a point of order, which shall be decided upon immediately by the President or the chairman, as the case may be. Any delegation may appeal this decision, in which case the appeal shall be put to a vote.

While raising a point of order, a delegation may not go into the substance of the matter under discussion.

Article 26. The President or the chairman, as the case may be, or any delegation may propose suspension of discussion. Only two delegations may speak in favor of and two against, such a motion, which shall be put to a vote immediately.

Article 27. The President or the chairman, as the case may be, or any delegation, when he or it considers that a topic has been discussed sufficiently, may propose that the discussion be closed. Only two delegations may speak in favor of, and two against, the motion, and it shall be put to a vote immediately.

Article 28. During any discussion, the President or the chairman, as the case may be, or any delegation may propose that the session or meeting be suspended or adjourned. Such a motion shall be put to a vote immediately and without discussion.

Article 29. Decisions on the matters dealt with in articles 25, 26, 27, and 28 shall be taken by the vote of a majority of the delegations present.

Article 30. Except as provided in Article 25, the following motions shall have precedence over other motions or proposals, in the order set forth below:

- a. Suspension of the session;
- b. Adjournment of the session;
- c. Suspension of discussion of the topic under consideration;
- d. Close of discussion of the topic under consideration.

Article 31. The provisions contained in Articles 19, 22, 23, 25, 26, 27, 28, 29, and 30 shall govern the plenary sessions and the meetings of the committees and working groups.

## VII. VOTING

Article 32. Each delegation shall have the right to one vote.

Article 33. In plenary sessions and committee meetings, decisions shall be adopted by a majority vote of the delegations accredited to the Conference. Such a majority vote shall also be required to amend these Rules of Procedure.

Article 34. In the working groups, decisions shall be taken by the vote of a majority of the delegations present.

Article 35. Votes shall be taken by a show of hands, but any delegation may request a roll-call vote, which shall be taken beginning with the delegation of the country whose name shall be drawn by lot by the President or the chairman, as the case may be, and continuing in the order of precedence of the delegations.

No delegation may interrupt the voting, except for a point of order relating to the manner in which it is being conducted. The voting shall be considered terminated when the President or the chairman, as the case may be, has announced the results.

Article 36. Amendments intended to replace or alter a specific proposal on a draft convention or draft resolution shall be put to a vote before a vote is taken on the proposal in question. The amendment that departs furthest from the original text shall be put to a vote first. The others shall be voted on in like order. In case of doubt in this regard they shall be considered in the order in which they were submitted.

Article 37. Amendments intended to add to a proposal on a draft convention or a draft resolution shall be put to a vote once all the proposals on the draft in question have been put to a vote. If any of the amendments concerned could replace each other, or if any of them is intended to amend another, the provisions of the preceding article shall apply, and consideration shall be given to the original text or the one submitted first.

Article 38. When the adoption of one amendment necessarily entails the exclusion of another or of a specific proposal on a draft convention or draft resolution, the excluded amendment or proposal shall not be put to a vote.

Article 39. Once all amendments to a draft and all the proposals on the draft in question have been put to a vote, the vote shall be taken on the revised version of the draft.

Article 40. Articles 32, 35, 36, 37, 38, and 39 shall govern the plenary sessions and the meetings of committees and working groups.

## VIII. COMMITTEES OF THE CONFERENCE

Article 41. The Conference shall organize the committees it considers necessary to study the

various topics on the agenda. Each delegation shall have the right to be represented on each of the committees.

Article 42. Each committee shall elect a chairman, a vice chairman, and a rapporteur from among its members.

Article 43. Each committee shall be responsible solely for the study and discussion of the topics assigned to it, and shall submit the corresponding recommendations to a plenary session.

Article 44. When necessary, the committees may establish working groups. The delegations that are not members of a working group shall have the right to participate in its discussions with voice but without vote.

Article 45. In addition to the committees that the Conference decides to organize, a Credentials Committee and a Style Committee shall be established.

Article 46. The Credentials Committee shall be composed of three delegations elected at the first plenary session. The Committee shall examine the credentials of the delegations and submit a report thereon to the Conference.

Article 47. The Style Committee shall be composed of delegations elected at the first plenary session, each of whom shall represent one of the four official languages. The Style Committee shall receive the drafts adopted by the committees before they are submitted to a plenary session for consideration, and shall introduce in them such style changes as it deems necessary. If it notes that a draft suffers from defects of form that it cannot correct without altering the substance thereof, the Style Committee shall raise the question in a plenary session. In addition, the Style Committee shall be responsible for the coordination of the texts of the documents mentioned in Article 52, in the official languages of the Conference.

Article 48. The reports of the committees shall be prepared by the rapporteurs and shall contain a summary of the background information, a list of the drafts and amendments studied, the substance of the discussion, the results of the votes taken, and the complete text of the draft conventions and draft resolutions approved.

Article 49. The reports of the committees shall be delivered to the Secretariat in advance of the plenary session at which they are to be discussed, for distribution to all the delegations.

Article 50. Summary minutes of the plenary sessions and of the meetings of the committees shall be prepared, and the verbatim texts of such statements as the delegations request or the committees agree to include may be added.

Article 51. The minutes shall be prepared and distributed as soon as possible. They shall be published first in provisional form and afterwards in final form, once their text has been revised in accordance with any style corrections included at the request of the delegations.

## IX. CONVENTIONS AND FINAL ACT

Article 52. The conventions approved by the Conference shall be published in English, French, Portuguese, and Spanish. The final act, which shall be published in the same languages, shall include the resolutions, recommendations, and decisions adopted by the Conference.

Article 53. Any reservations or statements made during the Conference with respect to the conventions shall appear in the respective instruments, and any made on the resolutions shall appear in the final act. Those reservations and statements may be made in the appropriate committee or, at the latest, in the plenary session in which a vote is taken on the corresponding convention or resolution. Before the conventions are signed, the Secretariat shall read aloud any reservations or statements made, the texts of which shall be forwarded in due course, and in writing, to the Secretariat of the Conference so that it may distribute them to the delegations.

Article 54. The General Secretariat of the Organization shall publish the documents mentioned in Article 52 as soon as possible and shall send certified copies of them, in the four official languages, to the governments of the member states of the Organization of American States and to the participants referred to in Chapter II. The General Secretariat shall also publish the minutes and documents of the Conference.

Article 55. The General Secretariat of the Organization of American States shall serve as the repository for the documents and archives of the Conference.