

**KIMBERLEY PROCESS**  
**RULES OF PROCEDURE OF MEETINGS OF THE INTERSESSIONAL AND THE PLENARY MEETING, AND ITS**  
**AD HOC WORKING GROUPS AND SUBSIDIARY BODIES**

**I SESSIONS**

*REGULAR SESSIONS*

Rule 1

1. Regular sessions imply the Intersessional and the Plenary meetings that are the basic operating modes in the Kimberley process (KP).<sup>1</sup>
2. Regular sessions of the Intersessional and the Plenary meetings, will each be held normally once a year for not less than three working days.

*SPECIAL SESSIONS*

Rule 2

1. Special sessions of the ad hoc Plenary meetings will be held by decision of the Plenary or at the written request of a Participant.
2. In the latter case, the Chair will forthwith communicate the request to all Participants and Observers<sup>2</sup>. If one-third of all the Participants express support for such a session and no other Participant opposes the request within fourteen working days of the communication, the special session will be convened, but not earlier than four weeks after the communication.

*PLACE OF SESSIONS*

Rule 3

1. The Participant holding the Chair will generally host Intersessional and Plenary meetings and ad hoc working group or a subsidiary body. Meetings may be held with the use of video conference communication as decided by Participants through consensus no later than three months prior to a meeting.
2. The Plenary may accept the invitation of a Participant or an international organization to host a regular or special session of the Plenary or of an *ad hoc* working group or a subsidiary body.

**II AGENDA**

*NOTIFICATION OF OPENING DATE OF SESSIONS*

Rule 4

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<sup>1</sup> The "Plenary" refers to the assembly of KP Participants as a decision-making entity whereas "Plenary meetings" refers to the yearly session of meetings when the Plenary adopts decisions.

<sup>2</sup> Participants and Observers are as defined in the document entitled «Kimberley Process Certification Scheme» and other KP Administrative decisions.

The Chair will notify the Participants and Observers the date of the opening of each Session of the Plenary. Such notification be sent at least eight weeks in advance of the regular session and at least four weeks in advance of a special session.

#### *ADJOURNMENT OF SESSIONS*

##### Rule 5

The Plenary may decide at any session to adjourn temporarily and resume its meeting at a later date.

#### *DRAWING UP AND COMMUNICATING THE PROVISIONAL AGENDA*

##### Rule 6

1. The Chair in consultation with the Chairs of working bodies will draw up the provisional agenda for Intersessional and Plenary meetings and submit it to all Participants and Observers at least four weeks in advance of the opening of the meetings.

2. The provisional agenda will include all items called for by these rules, by earlier decisions of the Plenary, or proposed by the Chair, a Participant, an *ad hoc* Working Group or Subsidiary Body of the Plenary or an Observer. Each agenda item of the provisional agenda will be adequately annotated in order to enable the Plenary to take informed decisions on including the item in the definitive agenda.

#### *DOCUMENTATION FOR ITEMS ON THE PROVISIONAL AGENDA*

##### Rule 7

Documentation concerning any agenda item will be sent to all Participants and Observers at least three weeks in advance of the opening of an Intersessional and a Plenary meeting. Unless the Plenary decides otherwise, documents that have not been sent in time will not be considered.

#### *PROVISIONAL AGENDA FOR SPECIAL SESSIONS*

##### Rule 8

The provisional agenda for a special session of the Plenary will consist only of those items proposed for consideration in the request for the holding of the session. It will be transmitted to the Participants and Observers at the same time as the notice convening the special session.

#### *SUPPLEMENTARY ITEMS*

##### Rule 9

The Plenary may decide to include in the definitive agenda of a session items that were not included in the provisional agenda. Any proposal to include such a supplementary item will be accompanied by a supporting statement from the delegation initiating it, indicating the urgency of the consideration of the item and the reasons that precluded its inclusion in the provisional agenda.

#### *ADOPTION OF THE AGENDA*

##### Rule 10

1. The Plenary will at the beginning of each session adopt the agenda for that session on the basis of the provisional agenda.

2. A delegation that has proposed the inclusion of an item in the provisional agenda or has requested the inclusion of a supplementary item will be entitled to be heard by the Plenary on the inclusion of the item in the agenda.

## *ALLOCATION OF ITEMS*

### Rule 11

The Plenary may decide to defer the treatment of any item to a future session of the Plenary or to the session of an ad hoc working group or subsidiary body.

### Rule 12

The Plenary will allocate items between itself and its ad hoc working groups and/or subsidiary bodies and may refer items without preliminary debate back to the proposer of the item, for further information or documentation.

## **III REPRESENTATION**

### *REPRESENTATIVES, ALTERNATES AND ADVISERS*

### Rule 13

Each Participant or Observer will be represented by a delegation, consisting of a representative, and such alternate representatives and advisers as may be required.

### *CREDENTIALS*

### Rule 14

The names of representatives, alternate representatives and advisers will be submitted to the Chair not less than three days before the first meeting they are to attend.

## **IV CHAIR AND VICE-CHAIR**

### *SELECTION AND SPECIAL RESPONSIBILITIES*

### Rule 15

1. Each year, at its regular session, the Plenary will select a Vice-Chair from among the Participants.
2. The Participant selected as Vice-Chair each year will become the Chair the year following its selection.
3. The Plenary, upon recommendation from the Chair, will decide on the special responsibilities of the Vice-Chair.
4. In the selection of the Vice-Chair regard will be had for equitable geographical rotation and for equitable representation of producing/exporting, importing/exporting and importing only Participants.
5. The Participants progressing to Chair and selected as Vice-Chair will decide who from within their delegations will be the chairperson and vice-chairperson.

### *TERM OF OFFICE*

### Rule 16

1. The Chair and the Vice-Chair will hold office for a period of 12 months from the first day of January following their progression and selection respectively.
2. No Vice-Chair may stand for re-selection until 12 months after its subsequent term as Chair has expired.

## *ACTING CHAIRPERSON*

### Rule 17

1. If the Chairperson finds it necessary to be absent during a session or part thereof, he/she will designate either the Vice-Chairman or another person from the delegation of the Participant holding the Chair position to take his/her place.

## *REPLACEMENT OF THE CHAIRPERSON AND VICE-CHAIRPERSON*

### Rule 18

1. If a Participant holding the Chair ceases to be a Participant or steps down, the Vice-Chair will take over as Chair for the unexpired term.

If the Vice-Chair ceases to be a Participant or steps down a new Vice-Chair will be selected for the unexpired term, including by written procedure.

2. If the Chairperson or Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the delegation of a Participant, a new Chairperson or Vice-Chairperson will be selected for the unexpired term by that Participant holding the Chair or Vice-Chair.

## **V AD HOC WORKING GROUPS AND SUBSIDIARY BODIES**

### *ESTABLISHMENT*

#### Rule 19

1. The Plenary may establish and define the composition and the terms of reference of:

(a) *Ad hoc* working groups; and

(b) Subsidiary bodies.

2. A Participant not originally part of an ad hoc group or subsidiary body at the time of its establishment may request, through the Chair, that the Plenary agrees to that Participant joining the group or body.

3. Unless agreed otherwise, *ad hoc* working groups and subsidiary bodies will apply the rules of procedure set out in chapters VI and VIII to XII of this document. They will not create their own *ad hoc* working groups or subsidiary bodies without prior approval of the Plenary.

## **VI ADMINISTRATIVE SUPPORT**

### *DUTIES OF THE CHAIR*

#### Rule 20

1. The Chair will be responsible for all arrangements that may be necessary for regular or special sessions, including entry formalities for those attending.

2. In cases where a Participant other than that holding the Chair hosts a session, the host Participant will together with the Chair be responsible for all arrangements necessary.

#### Rule 21

Unless otherwise decided by Plenary, the Chair will ensure:

- a) The reception and circulation of documents;
- b) The production and circulation of the records of the sessions, the decisions of the Plenary and other documentation;
- c) The retention and custody of the documents;
- d) The performing of other tasks requested by the plenary.

## **VII STATEMENTS BY THE CHAIRPERSON**

### Rule 22

The Chair may, subject to Rule 36, make oral as well as written statements to the Plenary concerning any question under consideration.

## **VIII LANGUAGES**

The working languages of the Plenary and Intersessional will be English, French, Portuguese, Spanish, Russian and Chinese.

### *INTERPRETATION AND TRANSLATION*

#### Rule 23

1. Simultaneous interpretation will be provided by the KP Chair during full meetings at the Plenary or Intersessional meeting in all working languages, to the greatest extent feasible in light of available funds and translation services.<sup>3</sup>
2. Meetings of working bodies and other meetings within the Kimberley Process will generally be conducted in English, unless indicated in advance by the meeting chair. Simultaneous interpretation of such a meeting in any other working language will be provided by the KP Chair or the meeting host, as appropriate, only when specifically requested and to the greatest extent feasible in light of available funds and translation services.

#### Rule 24

1. A Participant or Observer may make contributions to the discussion, orally or in written form, in any other language if it provides for simultaneous interpretation or prior written translation into English, French, Portuguese, Spanish, Russian or Chinese, provided a translator for that working language is present for any such oral contribution.
2. A Participant or Observer may choose to provide only a summary translation into English, French, Portuguese, Spanish, Russian and Chinese of a document or written contribution made in another language.

### *LANGUAGE OF DECISIONS AND OTHER DOCUMENTS*

#### Rule 25

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<sup>3</sup> "Full meetings" refers to meetings of the Plenary or meetings that are otherwise open to all KP Participants and Observers, such as opening and closing meetings of regular sessions.

Communiqués and decisions of the Plenary will be drawn up and published in English, French, Portuguese, Spanish, Russian and Chinese by the KP Chair, to the greatest extent feasible in light of available funds and translation services. Technical annexes or attachments may be exempted from translation where indicated.

#### Rule 26

Other KP documents may be translated into any of the working languages at the discretion of the KP Chair, working body chair, or meeting host, as appropriate.

## **IX MEETINGS**

### *GENERAL PRINCIPLES*

#### Rule 27

The meetings of the Plenary will be held in private unless it decides otherwise<sup>4</sup>.

## **X RECORDS OF MEETINGS**

### *WRITTEN AND SOUND RECORDS*

#### Rule 28

1. Summary written records of meetings of the Plenary will be made under the responsibility of and retained by the Chair.

2. Similar records may also be made and kept of the meetings of *ad hoc* working groups and subsidiary bodies if so decided by the Plenary.

3. Records may be made by sound recordings. In that case a written summary thereof will also be made.

### *RECORD OF MEETINGS*

#### Rule 29

1. A summary of records made will be distributed in provisional form as soon as possible to all delegations participating in a meeting. Participants may, within five working days of their receipt, submit corrections to the Chair of the body concerned.

At the end of sessions and in other special circumstances, the time for submitting corrections may be extended by the Chair.

2. The Chair of the working body to which the record relates, after consulting interested Participants and, where available, the sound and video recordings of the proceedings, will decide any disagreement concerning such corrections. Separate corrigenda to provisional records will normally not be issued.

#### Rule 30

The records of the Intersessional and the Plenary meetings will be distributed within 30 days to Participants and Observers once all corrections have been made. If it so decides, the Plenary could arrange for further dissemination of the records.

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<sup>4</sup> Within the framework of the Kimberley Process, private meetings involve Participants and Observers only

## *DECISIONS AND STATEMENTS*

### Rule 31

The text of decisions and statements adopted by the Plenary will be distributed in print to all Participants and Observers as soon as possible.

## **XI CONDUCT OF BUSINESS**

### *QUORUM*

### Rule 32

1. The Chair may declare a meeting open and permit the debate to proceed when delegations of at least one third of all Participants are present.

2. In cases where in accordance with Rule 19 not all Participants are members of an ad hoc or subsidiary body, the recommendations of that body will be referred to the Plenary for decision.

### *GENERAL POWERS OF THE CHAIRPERSON*

### Rule 33

1. In addition to exercising the powers conferred upon him/her elsewhere by these Rules, the Chairperson will declare the opening and closing of each meeting of the Plenary, direct the discussions, ensure observance of these rules, accord the right to speak, and put questions up for decision.

2. The Chairperson, subject to these rules, will have complete control of the proceedings of the Plenary and over the maintenance of order at its meetings. He/she will rule on points of order. He/she may propose to the Plenary: the closure of the list of speakers; a limitation on the time to be allowed to speakers and on the number of times a delegation may speak on an item; the adjournment or closure of the debate; and the suspension or adjournment of a meeting.

3. The Chairperson, in the exercise of his/her functions, remains under the authority of the Plenary.

### *POINTS OF ORDER*

### Rule 34

1. During the discussion of any matter, a representative of a Participant may at any time raise a point of order, which will be decided immediately by the Chairperson in accordance with these rules. A representative may appeal against the ruling of the Chairperson. The appeal will be decided immediately by the Plenary.

2. Such a representative may not, in raising a point of order, speak on the substance of the matter under discussion.

### *SPEECHES*

### Rule 35

1. No one may address the Plenary without having previously obtained the permission of the Chairperson. Subject to rules 37, 38 and 41, the Chairperson will call upon speakers in the order in which they signify their desire to speak.

2. Debate will be confined to the question before the Plenary, and the Chairperson may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

3. The Plenary may limit the time allowed to speakers and the number of times delegations may speak on any question. Permission to speak on a motion to set such limits will be accorded only to two delegations favouring and to two opposing such limits, after which a decision on the motion will be taken immediately by Plenary.

Interventions on procedural questions will not exceed two minutes unless the Plenary decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairperson will call him/her to order without delay.

#### *CLOSING OF LIST OF SPEAKERS*

##### Rule 36

During the course of a debate the Chairperson may announce the list of speakers and, with the consent of the Plenary, declare the list closed. When there are no more speakers, the Chairperson will, with the consent of the Plenary, declare the debate closed. Such closure will have the same effect as closure by decision of the Plenary.

#### *RIGHT OF REPLY*

##### Rule 37

The Chairperson will accord the right of reply to a delegation who requests it. Delegations should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

#### *SUSPENSION OR ADJOURNMENT OF THE MEETING*

##### Rule 38

During the discussion of any matter, a Participant may at any time move the suspension or the adjournment of the meeting. No discussion on such motions will be permitted, and they will be decided immediately.

#### *ADJOURNMENT OF DEBATE*

##### Rule 39

A Participant may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion will be accorded only to two Participants favouring and two opposing the adjournment, after which the motion will be decided immediately.

#### *CLOSURE OF DEBATE*

##### Rule 40

A Participant may at any time move the closure of the debate on the item under discussion, whether or not any other delegation has signified his wish to speak. Permission to speak on the motion will be accorded only to two Participants favouring and two opposing the closure, after which the motion will be decided upon immediately.

#### *SUBMISSION OF PROPOSALS AND SUBSTANTIVE AMENDMENTS*

##### Rule 41



1. Proposals and substantive amendments from Participants and Observers will normally be submitted in writing to the Chairperson who will ensure circulation of copies to the delegations. Unless the Plenary decides otherwise, proposals and substantive amendments will be discussed or decided upon no earlier than the next working day after copies have been circulated.

2. An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

## **XII DECISION MAKING**

### *METHOD OF DECIDING*

#### Rule 42

1. Decisions of the Plenary will be made by consensus of all Participants present.

2. Consensus means that no Participant present at the meeting when the decision is to be taken expresses a formal objection to that proposed decision.

### *DIVISION OF PROPOSALS AND AMENDMENTS*

#### Rule 43

Parts of a proposal or an amendment will be decided on separately if a Participant requests that the proposal be divided. Those parts of the proposal or the amendments, which have been approved will then be put up for decision as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendment will be considered to have been rejected as a whole.

### *SELECTION OF OFFICE-HOLDERS*

#### Rule 44

Selection of other office-holders e.g. to chair working groups or ad hoc bodies, will be decided by Participants in plenary, following consultation by the Chairperson on a candidate or slate.

### *PARTICIPATION OF OBSERVERS*

#### Rule 45

1. Subject to the provisions of Rule 19, an *ad hoc* working group or a subsidiary body may invite representatives of civil society, the diamond industry, international organisations and non-participating governments to participate in its deliberations as Observers.

2. Such an invitation may be made on a permanent or a temporary basis.

3. The Plenary may take a decision at any time to revoke an invitation.

4. Observers may, subject to these Rules of Procedure, make interventions during meetings of the plenary, ad hoc and subsidiary bodies. They may also submit proposals and amendments, in line with Rule 41.

## **XIII AMENDMENT OF RULES OF PROCEDURE**

### *METHOD OF AMENDMENT*

#### Rule 46

Any of these rules may be amended by a decision of the Plenary. These rules, may, however, not be amended until the Plenary has received a report on the proposed amendment from a relevant *ad hoc* working group or subsidiary body.

...

This Administrative Decision replaces the 2003 Administration Decision on Kimberley Process rules of procedure of meetings of the plenary, and its ad hoc working groups and subsidiary bodies, as amended.