

KIMBERLEY PROCESS
RULES OF PROCEDURE OF MEETINGS OF THE PLENARY, and its AD HOC
WORKING GROUPS AND SUBSIDIARY BODIES

***I* SESSIONS**

REGULAR SESSIONS

Rule 1

Regular sessions of the Plenary shall be held normally once a year for three working days.

SPECIAL SESSIONS

Rule 2

1. Special sessions of the Plenary shall be held by decision of the Plenary or at the written request of a Participant.
2. In the latter case, the Chair shall forthwith communicate the request to all Participants and Observers¹. 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 shall be convened, but not earlier than four weeks after the communication.

PLACE OF SESSIONS

Rule 3

1. The Participant holding the Chair shall generally host regular or special sessions of the Plenary, and of an *ad hoc* working group or a subsidiary body.
2. The Plenary may accept the invitation of a Participant or an international organisation to host a regular or special session of the Plenary or of an *ad hoc* working group or a subsidiary body.

NOTIFICATION OF OPENING DATE OF SESSIONS

Rule 4

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

¹ Participants and Observers are as defined in the document entitled “Kimberley Process Certification Scheme”

ADJOURNMENT OF SESSIONS

Rule 5

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

II AGENDA

DRAWING UP AND COMMUNICATING THE PROVISIONAL AGENDA

Rule 6

1. The Chair shall draw up the provisional agenda for each session of the Plenary and shall submit it to all Participants and Observers at least four weeks in advance of the opening of a session of the Plenary.
2. The provisional agenda shall 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 shall 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 shall be sent to all Participants and Observers at least three weeks in advance of the opening of a session of the Plenary. Unless the Plenary decides otherwise, documents that have not been sent in time shall not be considered.

PROVISIONAL AGENDA FOR SPECIAL SESSIONS

Rule 8

The provisional agenda for a special session of the Plenary shall consist only of those items proposed for consideration in the request for the holding of the session. It shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 first regular session, the Plenary shall select a Chair and one Vice-Chair from among the Participants.

2. The plenary, upon recommendation from the Chair, shall decide on the special responsibilities of the Vice-Chair.

3. In the selection of the Chair and Vice-Chair regard shall be had for equitable geographical rotation and for equitable representation of producing/exporting, importing/exporting and importing only Participants.

4. The Participants selected as Chair and Vice-Chair shall decide who from within their delegations shall be the chairperson and vice-chairperson.

TERM OF OFFICE

Rule 16

1. The Chair and the Vice-Chair shall hold office for a period of 12 months from the first day of January following their selection and shall be eligible for re-selection
2. No Chair or Vice Chair shall hold office for more than two consecutive years.

ACTING CHAIRPERSON

Rule 17

1. If the Chairperson finds it necessary to be absent during a session or any part thereof, he/she shall 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 OR VICE-CHAIRPERSON

Rule 18

If a Participant holding the Chair or Vice-Chair ceases to be a Participant, a new Chair or Vice-Chair shall be selected for the unexpired term.

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 shall 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 shall apply the rules of procedure set out in chapters VI and VIII to XII of this document. They shall 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 shall be responsible for all arrangements that may be necessary for plenary 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 shall together with the Chair be responsible for all arrangements necessary.

Rule 21

Unless otherwise decided by Plenary, the Chair shall 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.

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.

VII LANGUAGES

Rule 23

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

INTERPRETATION AND TRANSLATION

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 interpretation or translation into either English, French, Portuguese, Spanish or Russian.
2. A Participant or Observer may choose to provide only a summary translation into English, French, Portuguese, Spanish and Russian of a document or written contribution made in another language.

LANGUAGE OF RECORDS

Rule 25

Records shall be drawn up in English, French, Portuguese, Spanish and Russian.

LANGUAGE OF DECISIONS

Rule 26

All decisions shall be drawn up and published in English, French, Portuguese, Spanish and Russian.

VIII MEETINGS

GENERAL PRINCIPLES

Rule 27

The meetings of the Plenary shall be held in private unless it decides otherwise².

IX RECORDS OF MEETINGS

WRITTEN AND SOUND RECORDS

Rule 28

1. Summary written records of meetings of the Plenary shall 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 shall also be made.

RECORD OF MEETINGS

Rule 29

² Within the framework of the Kimberley Process, private meetings involve Participants and Observers only

1. A summary of records made shall 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 Chairperson of the body to which the record relates, after consulting interested Participants and, where available, the sound recordings of the proceedings, shall decide any disagreement concerning such corrections. Separate corrigenda to provisional records shall normally not be issued.

Rule 30

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

DECISIONS AND STATEMENTS

Rule 31

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

X 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 shall 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 shall 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, shall have complete control of the proceedings of the Plenary and over the maintenance of order at its meetings. He/she shall 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 shall be decided immediately by the Chairperson in accordance with these rules. A representative may appeal against the ruling of the Chairperson. The appeal shall 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 shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall 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 shall be accorded only to two delegations favouring and to two opposing such limits, after which a decision on the motion shall be taken immediately by Plenary. Interventions on procedural questions shall not exceed two minutes unless the Plenary decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairperson shall 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 shall, with the consent of the Plenary, declare the debate closed. Such closure shall have the same effect as closure by decision of the Plenary.

RIGHT OF REPLY

Rule 37

The Chairperson shall 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 shall be permitted, and they shall 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 shall be accorded only to two Participants favouring and two opposing the adjournment, after which the motion shall 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 shall be accorded only to two Participants favouring and two opposing the closure, after which the motion shall be decided upon immediately.

SUBMISSION OF PROPOSALS AND SUBSTANTIVE AMENDMENTS

Rule 41

1. Proposals and substantive amendments from Participants and Observers shall normally be submitted in writing to the Chairperson who shall ensure circulation of copies to the delegations. Unless the Plenary decides otherwise, proposals and substantive amendments shall 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

XI DECISION MAKING

METHOD OF DECIDING

Rule 42

1. Decisions of the Plenary shall 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.
3. [Placeholder for possible sentence on REIOs and decision-making, subject to further consultations]

DIVISION OF PROPOSALS AND AMENDMENTS

Rule 43

Parts of a proposal or an amendment shall 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 shall 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 shall 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, shall 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.

XII 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.

