



Third United Nations World Conference on Disaster Risk Reduction**Preparatory Committee****First session**

Geneva, 14-15 July 2014

Agenda item 5

Organization of the World Conference**Information note on the draft provisional rules of procedure****Note by the secretariat****I. Background**

1. On 14 July 2014, the first session of the Preparatory Committee for the United Nations World Conference on Disaster Risk Reduction (“Preparatory Committee”) decided to recommend for adoption by the United Nations World Conference on Disaster Risk Reduction, the draft provisional rules of procedure of the Conference as contained in document A/CONF.224/PC(I)/3 (“draft rules”).

2. Subsequent to this recommendation being adopted by the Preparatory Committee, two questions were raised with the Co-Chairs of the Preparatory Committee concerning the draft provisional rules:

- (a) Whether the reference to “general agreement” as contained in rule 33 of the draft rules had the same meaning as “consensus”;
- (b) A clarification of rule 35, paragraph 1 of the draft rules.

II. General Agreement

3. Rule 33 of the draft rules provides as follows: “The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.”

4. Rule 33 of the draft rules is based upon the provisional rules of procedure for the 2005 World Conference on Disaster Reduction in Kobe, Hyogo, Japan (A/CONF.206/2), which also refers to “general agreement” in rule 33.

5. The term “general agreement” is currently used in certain rules of procedure for United Nations Conferences. In that connection, the draft provisional rules of procedure for the third International Conference on Small Island Developing States (A/CONF.223/PC/3/Rev.1) of 19 June 2014 also provides in rule 33 that “the Conference



shall make its best endeavor to ensure that the work of the Conference is accomplished by general agreement”.

6. However a similar term “consensus” is also used in certain rules of procedure for example, the rules of procedure for the 2012 United Nations Conference on the Arms Trade Treaty (A/CONF.217/L.1) .

7. The practice of the United Nations indicates that “consensus” has the same meaning as “general agreement”. In this connection, a legal opinion contained in the 1974 United Nations Juridical Yearbook (p. 164) makes reference to a decision taken by the Population Commission in 1974 which states as follows: “The Population Commission considers that it is highly desirable for the World Population Conference, 1974, to reach decisions on the basis of consensus, which is understood to mean, according to United Nations practice, general agreement without a vote, but not necessarily unanimity.”

8. That same opinion also states as follows: “In United Nations organs, the term ‘consensus’ was used to describe a practice under which every effort is made to achieve unanimous agreement; but if that could not be done, those dissenting from the general trend were prepared simply to make their position or reservations known and placed on record.”

9. A legal opinion contained in the 1987 United Nations Juridical Yearbook (pp. 174-175) states as follows: “ There is no established United Nations definition of consensus. However, in United Nations practice, consensus is generally understood to mean adoption of a decision without formal objections and vote; this being possible only when no delegation formally objects to consensus being recorded, though some delegations may have reservations to the substantive matter at issue or to a part of it. The fact that consensus is recorded does not necessarily mean that there is ‘unanimity’, namely, complete agreement as to substance and a consequent absence of reservations. For example, there are numerous occasions where States make declarations or reservations to a matter at issue while not objecting to a decisions being recorded by consensus.”

III. Rule 35, paragraph 1 of the draft rules

10. Rule 35, paragraph 1 states as follows: “Subject to rule 33, decisions of the Conference and its subsidiary organs shall be taken in accordance with the rules of procedure of the General Assembly and its committees respectively”.

11. Decision-making in the General Assembly is set out in rules 82 through 91 of the rules of procedure of the General Assembly and its Committees (A/520/Rev.17). Under those rules and in accordance with the United Nations Charter, each member of the General Assembly has one vote (rule 82). A distinction is made between “Decisions of the General Assembly on important questions [which] shall be made by a two thirds majority of the members present and voting” (rule 83) and “Decisions of the General Assembly on questions other than those provided for in rule 83, including the determination of additional categories of questions to be decided by a two-thirds majority, [which] shall be made by a majority of the members present and voting.” (rule 85) On committees, under rule 124 “Each member of the committee shall have one vote” and under rule 125 “Decisions of committees shall be made by a majority of the members present and voting.”

12. Finally, under rules 86 and 126 for the purposes of the rules “members present and voting means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.” This is also set out in rule 36 of the draft rules for the Conference.

13. In conclusion, unless general agreement or consensus is reached (rule 33) with respect to a matter that requires a decision of the Conference, the Conference may decide to

take action by a two-thirds majority or by a simple majority, depending on the views of the Conference as to whether the matter in question is an 'important' one within the meaning of rule 83 of the rules of procedure of the General Assembly. If there is no agreement or clarity on whether the matter is subject to the two-thirds majority requirement under rule 83, the Conference may apply rule 85 of the rules of procedure of the General Assembly to decide whether the matter is an important one or not.
