

Presentation on Rules of Procedure

Orientation – 3 October 2019

MEMBERSHIP

General Assembly resolution 67/213 of 21 December 2012 decided in OP 4(b), to establish **universal membership** in the Governing Council of the United Nations Environment Programme.

It was subsequently renamed the United Nations Environment Assembly.

The Committee of Permanent Representatives consists of the representatives of all States Members of the United Nations and members of its specialized agencies, and the European Union, accredited to the United Nations Environment Programme, based in Nairobi or outside. (Governing Council decision 19/32)

Role of Observer States/Specialized Agencies/IGOs/NGOs.

Non Member and Observer States

- Observer States: Holy See and the State of Palestine. See GA resolution 58/314 of 1 July 2004, 52/250 of 7 July 1998 and 67/19 of 29 November 2012.
- Non Member States – Cook Islands and Niue. Taiwan? GA resolution 2758 (XXVI) of 25 October 1971.
- Kosovo? Security Council resolution 1244 (1999)

Committee of Permanent Representatives

- Committee of Permanent Representatives was established by Governing Council Decision 13/2.
- The Committee of Permanent Representatives consists of the representatives of all States Members of the United Nations and members of its specialized agencies, and the European Union, accredited to the United Nations Environment Programme. (Governing Council decision 19/32)

Committee of Permanent Representatives: Decision 27/2 – 22 February 2013 - strengthened role

Decides that an open-ended Committee of Permanent Representatives will be the inter-sessional subsidiary body of the governing body of the United Nations Environment Programme and perform the following functions:

- (a) Contribute to the preparation of the agenda of its governing body;
- (b) Provide advice to its governing body on policy matters;
- (c) Prepare decisions for adoption by its governing body and oversee their implementation;
- (d) Convene thematic and/or programmatic debates;
- (e) Promote effective ways and means to facilitate participation of the non-resident members of the Committee, particularly from developing countries; and
- (f) Perform any other functions delegated to it by its governing body.

Sub Committee of the Committee of Permanent Representatives

Meets annually for a period of 5 days to review, with the support of the secretariat, the Medium Term Strategy and Programme of Work and budget, in a manner coherent with the budgetary cycle of the United Nations, to be endorsed by the Committee of Permanent Representatives and for the governing body's approval, and to oversee their implementation and accountability by the Secretariat.

RULES OF PROCEDURE

- Why do we have Rules of Procedure?
- Hierarchy of resolutions and rules
- Rule 161 of the rules of procedure of the General Assembly.
- Applicability
- Difference between formal and informal meetings
- Accreditation and representation

Credentials

Rule 16

Each member of the United Nations Environment Assembly shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required.

Rule 17

1. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Director before the first meeting which the representatives are to attend.
2. The Bureau of the United Nations Environment Assembly shall examine the credentials and submit its report to the United Nations Environment Assembly. This rule shall not, however, prevent a member from changing its representative, alternate representatives, or advisers subsequently, subject to proper submission and examination of credentials, where needed.

Powers of the President/Chair

Rule 33

- The President declares the opening and closing of each meeting
- Directs the discussion, ensures observance of rules, accords the right to speak, puts questions to the vote and announces decisions.
- Rules on points of order and, subject to these rules, has control of the proceedings
- Proposes the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate.
- Proposes the suspension of the meeting.

Rule 34

- The President, in the exercise of her or his functions, remains under the authority of the United Nations Environment Assembly.

Acting President

- Acting President: Rule 21: If the President cannot preside at a meeting or any part thereof, the President shall appoint a Vice President to take her or his place.
- Powers of the Acting President: Rule 23: A Vice-President acting as President shall have the same powers and duties as the President.

Bureau

- Bureau is referred to in Rules 18-21.
- Drawn from the Five Regional Groups. African States; Asian States; Eastern Europe; Latin America and the Caribbean States; Western European and other States;
- The Bureau shall assist the President in the general conduct of business of the United Nations Environment Assembly.

Meetings – discussion and action phase

- Consistent with the meetings of the General Assembly and its Committees a distinction should be made between the discussion phase of a meeting and the action or adoption phase of proposals.
- During the discussion phase representatives are allowed to make points of order concerning the conduct of proceedings. During the action/adoption phase representatives can only make points of order concerning the conduct of voting and are limited to the voting process.

Quorum

Rule 32

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the United Nations Environment Assembly are present. The presence of a majority of the members of the United Nations Environment Assembly shall be required for any decision to be taken.

- Comment: There is a general presumption of regularity. Thus, when a meeting is opened it is assumed that the presiding officer has determined the presence of the necessary quorum, even if he does not announce it -- and similarly, there is such a presumption as the meeting continues, that quorum is maintained. However, at any time a point of order can be made with respect to quorum.
- There are different quorum requirements for the discussion phase and the decision-making phase.

Discussion phase

- Several procedural motions that are available to Member States during the discussion phase: Appeal against the ruling of the President (Rule 37); Adjournment of debate (Rule 40); Closure of debate (Rule 41); Suspension or adjournment of the meeting (Rule 42); order of procedural motions (rule 43).
- A representative rising to a point of order may not speak on the substance of the matter under discussion.
- Time limit on speeches
- Right of reply

Action/adoption phase

Rule 52

- After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to explain the proposer's vote on the proposer's own proposal or amendment.

Action/adoption phase - Quorum

- A point of order can be made with respect to the fact that there is no quorum. Such a point of order can be made with respect to proposals adopted by consensus or a vote.
- Again there is the presumption of regularity: If the presiding officer permits a decision to be taken, he may be presumed to have established to his satisfaction that a majority of the members are present.
- Quorum is determined by the physical presence of an authorized representative behind the nameplate of a Member State.
- The question of quorum is a procedural question and relates to the specific vote in question.
- The question of quorum has to be determined prior to adoption/before action and is not determined ex post facto.

Action phase – adoption by consensus

- In United Nations practice the majority of proposals are adopted by consensus.
- 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.
- Within the practice of the United Nations explanation of votes before and after the vote are permitted even when a proposal is adopted by consensus.

Action phase – adoption by vote

- Methods of voting: Rule 50: (1) Show of hands, (2) Roll call; and now (3) electronic means.
- Whether a draft proposal or resolution has been adopted by a vote is determined on the basis of whether the draft resolution has met the required majority, i.e. a majority of those present and voting, which is determined exclusively on the basis of the affirmative and negative votes cast. (Rule 49)
- The mere fact that the number of votes (i.e., yes, no and abstentions) recorded, is less than a majority of the Members of the United Nations Environment Assembly, is insufficient evidence that a majority (i.e. quorum) was not present, since there is no obligation to vote. Thus, representatives may be physically present for the purpose of quorum but not participate in the voting process.

Informal consultations

- Informal consultations are convened by the President or Chair of a subsidiary body, with the approval of the body. The President/Chair normally invites a delegate/member of the Bureau to undertake consultations on a particular issue and report to him or her on the outcome of these consultations. Informal consultations are normally open ended, but if a smaller group is desired then the President or Chair bears responsibility for determining the invitees.
- Contact Groups – OECPR and UNEA

Subsidiary organs and Expert Groups

- The United Nations Environment Assembly may establish such subsidiary organs on a permanent or ad hoc basis as may be necessary for the effective discharge of its functions and, as required, expert groups to consider specific problems and make recommendations. (Rule 63)

Examples:

- Committee of the Whole:
- Expert Group on Marine Litter (UNEA 3/Resolution 7)