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DRAFT RULES OF PROCEDURE

for

Meetings of the Contracting Parties to the Convention
for the Protection of the Mediterranean Sea against
Pollution and its related Protocols

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Introduction

This paper sets forth a draft set of rules of procedure for the meetings of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols. These draft rules are presented to the meeting of experts for their consideration and revision. Thereafter, the revised draft rules will be submitted to the first meeting of the Contracting Parties for consideration with a view to their adoption.

These draft rules have been largely based on the rules of procedure of the Governing Council of the United Nations Environment Programme and of other bodies and organizations in the United Nations system. Minor changes have been introduced to suit the particular nature of the meetings of the Contracting Parties to the Barcelona Convention.

Two particular points may usefully be noted. First, the procedure of voting by secret ballot has not been provided for in these rules. This procedure of voting is usually used in the case of electing member States to executive bodies or to certain technical groups. Since the only elections which will be held under the proposed rules are those for the officers of the meeting, and since these are usually carried out by consensus, it did not seem necessary to provide for voting by secret ballot.

Second, concerning invitations to attend the meetings, the proposed procedure is in conformity with the traditional practices of the United Nations with regard to invitations to the specialized bodies and organizations of the United Nations system. For other intergovernmental organizations, it is proposed that the unanimous agreement of the Contracting States be obtained before the Executive Director invites them to send a representative to the meetings. The Executive Director would propose that the Contracting Parties invite to its meetings those intergovernmental and non-governmental organizations that demonstrate a direct concern in the protection of the Mediterranean Sea against pollution, and, in particular, in the activities of the Mediterranean Action Plan. The Executive Director is prepared to advise the Contracting Parties as to the past interest of the various organizations in the Mediterranean programme, if it is so desired.

The following are the draft rules of procedure.

DRAFT RULES OF PROCEDURE

for

Meetings of the Contracting Parties to the Convention
for the Protection of the Mediterranean Sea against
Pollution and its related protocols

Definitions Rule 1

For the purposes of these rules:

1. the word "meeting" shall apply to any meeting of the Contracting Parties as provided in Article 14 of the Convention for the Protection of the Mediterranean Sea against Pollution and in any appropriate article of its related protocols;
2. the word "Convention" shall apply to the 1976 Convention for the Protection of the Mediterranean Sea against Pollution;
3. the term "Mediterranean Action Plan" shall apply to the programmatic regional plan adopted by the Intergovernmental Meeting on the Protection of the Mediterranean, Barcelona, 28 January-4 February 1975;
4. the term "Executive Director" shall apply to the Executive Director of the United Nations Environment Programme or his designated representative.
5. the word "Secretariat" shall apply to the United Nations Environment Programme as provided in Article 13 of the Convention;
6. the term "co-ordinating unit" shall apply to the unit within the United Nations Environment Programme, designated by the Executive Director as responsible for the daily administration of the Mediterranean Action Plan.
7. the term "session" shall apply to one sitting of the meeting, normally for a duration of three hours.

Place of Meetings Rule 2

Unless they decide otherwise, the Contracting Parties shall normally meet at the seat of the co-ordinating unit.

Dates of the Meetings Rule 3

1. As provided in Article 14 of the Convention, the Contracting Parties shall hold ordinary meetings once every two years.
2. In accordance with Article 13 of the Convention, the Executive Director shall convene any meetings of the Contracting Parties.

3. Any ordinary meeting shall fix the opening date and the duration of the next ordinary meeting.
4. Any extraordinary meeting shall be convened within ninety days following the date at which the request foreseen in Article 14 of the Convention has been received or formulated by the Executive Director.

Invitations

Rule 4

1. The Executive Director, with the approval of the Contracting Parties, may invite to send representatives to observe the meetings States having signed, but not accepted, the Convention, and States members of the United Nations or of any specialized agency which make a request and justify a direct concern in the protection of the Mediterranean Sea against pollution.
2. Such observers, upon invitation of the President and with the consent of the meeting, may participate without vote in the deliberations at any session of the meeting in matters of direct concern to them.

Rule 5

1. The Executive Director shall invite to send representatives to observe the meetings:
 - (a) the United Nations
 - (b) Specialized Agencies of the United Nations and the International Atomic Energy Agency if they have a concern in the protection of the Mediterranean Sea against pollution.
2. Such observers, upon invitation of the President and with the consent of the meeting, may participate without vote in the deliberations at any session of the meeting in matters of direct concern to them.

Rule 6

1. The Executive Director shall, with the unanimous agreement of the Contracting Parties, invite to send representatives to observe the meetings any intergovernmental organization other than the United Nations and its specialized agencies, and any non-governmental international organization if they have a concern in the protection of the Mediterranean Sea against pollution.
2. Such observers may, upon invitation of the President and with the consent of the meeting, participate without vote in the deliberations at any session of the meeting in matters of direct concern to them.

Publicity

Rule 7

Sessions of the meeting shall be held in private unless the meeting decides otherwise.

Agenda

Rule 8

The provisional agenda of each meeting shall be prepared by the Executive Director.

Rule 9

The provisional agenda of each ordinary meeting shall include:

1. all items mentioned in article 14, paragraph 2 of the Convention and in any appropriate Article of its related protocols;
2. all items the inclusion of which has been requested by the meeting at a previous session;
3. a report by the Executive Director on the work undertaken or achieved as part of the Mediterranean Action Plan since the last ordinary meeting and containing recommendations for activities to be undertaken in the forthcoming biennium;
4. any item proposed by a Contracting Party;
5. the provisional budget as well as all questions pertaining to the accounts and financial arrangements;
6. subject to such preliminary consultations as may be necessary, any item proposed by the United Nations or by any of its specialized agencies.

Rule 10

The provisional agenda, together with supporting documents for each ordinary meeting, shall normally be communicated by the Executive Director to the Contracting Parties at least six weeks before the opening of the meeting.

Rule 11

The Executive Director may include any question suitable for the agenda which may arise between the despatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda which the meeting shall examine together with the provisional agenda.

Revision of
the agenda

Rule 12

At the opening of an ordinary meeting, the Contracting Parties may revise the agenda for the meeting by adding, deleting, deferring or amending items. During an ordinary meeting, only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be transmitted to the Contracting Parties and to the States and Organizations mentioned in rules 4, 5 and 6 at the same time as the notice of the meeting.

Rule 14

The Executive Director shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until the meeting has been in possession of the Executive Director's report on administrative and financial implications for at least twenty-four hours.

Rule 15

Any item of the agenda of a meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next meeting, unless otherwise decided by Contracting Parties.

Representation and
credentials

Rule 16

Each Contracting Party shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required.

Rule 17

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Director before the opening session of a meeting which the representatives are to attend. The Bureau of the meeting shall examine the credentials and submit its report to the meeting.

Rule 18

1. At the commencement of the first session of each ordinary meeting, the meeting shall elect a President, two Vice Presidents and a Rapporteur from among the representatives of the Contracting Parties.
2. The President, two Vice Presidents and Rapporteur shall serve for a period of two years. In exceptional cases their term of office may be extended, for one or the other, for a further period of two years.
3. The President, or a Vice President acting as a President, shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Contracting Party. In such a case, the Contracting Party concerned may designate another representative who shall be entitled to represent the Contracting Party in the meeting and to exercise the right to vote.

Rule 19

At the opening session of each ordinary meeting, the President of the previous regular session shall preside until the meeting has elected a President for the meeting.

Acting
President

Rule 20

If the President is absent from a meeting or any part thereof, he shall appoint one of the Vice Presidents to assume his duties.

Bureau

Rule 21

The Bureau of the meeting shall consist of the President, the two Vice-Presidents and the Rapporteur. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the Bureau.

Organization
of the
Meeting

Rule 22

1. During the course of a meeting, the Contracting Parties shall establish such committees and other working groups as may be required for the transaction of its business.
2. Unless otherwise decided, the meeting shall elect a Chairman and Vice-Chairman for each such committee and working group. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the Bureau, upon the request of the Chairman of a committee or working group, to adjust the allocation of work.

Rule 23

The Secretariat shall arrange for interpretation of speeches made at meetings; shall receive, translate and circulate the documents of the meeting and its committees and working groups; shall publish and circulate the resolutions, reports and relevant documentation of the meeting. It shall have the custody of the documents in the archives of the meeting and generally perform all other work that the meeting may require.

Languages

Rule 24

The official languages of the meeting are Arabic, English, French, and Spanish. The working languages of the meeting are Arabic, English, French and Spanish.

Rule 25

Speeches in the meeting shall be made in one of the official languages and will be interpreted in the other three languages.

Rule 26

All working documents of the meeting and all reports, resolutions, recommendations and decisions of the meeting shall be drawn up in one of the official languages and translated into the other three official languages. Information documents of the meeting may only be available in one of the official languages.

Conduct of
Business

Rule 27

Two-thirds of the Contracting Parties shall constitute a quorum.

Rule 28

In addition to exercising the powers conferred upon him elsewhere by the Rules, the President shall declare the opening and the closing of the meeting. He shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting. He may also take initiatives and put forward proposals to the Contracting Parties which could promote the efficient implementation of the Mediterranean Action Plan.

Rule 29

Proposals and amendments shall normally be introduced in writing by the Contracting Parties and handed to the Secretariat which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session of the meeting, unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure even though these amendments and motions have not been circulated or have only been circulated the same day.

Rule 30

Subject to the provisions of Rule 28 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

1. to suspend a session
2. to adjourn a session
3. to adjourn the debate on the question under discussion, and
4. for the closure of the debate on the question under discussion.

Permission to speak on a motion falling within 1. to 4. above shall be granted only to the proposer and in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 31

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 32

Parts of a proposal or amendment thereto shall be voted on separately if the President, with the consent of the proposer, so decides, or if any representative of a Contracting Party requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

Rule 33

Those parts of a proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 34

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of, that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 35

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next to furthest removed therefrom, and so on until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 36

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any other Contracting Party.

Rule 37

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the meeting, unless the meeting, by a simple majority of the Contracting Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

Voting

Rule 38

1. Subject to the provisions of Article 19 of the Convention, each Contracting Party shall have one vote.
2. Unless decided otherwise, a Contracting Party more than twenty-four months in arrears with its contribution shall not be entitled to vote, nor, if the Contracting Party concerned is a member of the European Economic Community, shall the Community be entitled to exercise the vote of that Contracting Party according to Article 19 of the Convention.

Rule 39

1. Unless otherwise provided by the Convention or the Protocols, decisions, recommendations and resolutions of the meeting, shall be made by a simple majority of the Contracting Parties present and voting.
2. For the purpose of these rules, the phrase "Contracting Parties present and voting" means Contracting Parties present and casting an affirmative or negative vote. Contracting Parties which abstain from voting are considered as not voting. Contracting Parties participating at the meeting who are not present at the session at which voting takes place shall be considered as not present.

Rule 40

The meeting shall normally vote by show of hands. However, any Contracting Party may request a roll-call vote which shall be taken in the alphabetical order of the names of the Contracting Parties in French, beginning with the Contracting Party whose name is drawn by lot by the President.

Rule 41

The vote of each Contracting Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 42

If a vote is equally divided, a second vote shall be taken at the next session. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 43

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The President may permit members to explain their votes, either before or after the voting. 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 his vote on his own proposal or amendment.

Sound records
of the
meeting

Rule 44

Sound records of the meeting, and possibly of its committees and working groups shall be kept by the Secretariat in accordance with the practice of the United Nations.

Subsidiary
Bodies

Rule 45

1. Contracting Parties may establish such inter-sessional subsidiary bodies as they deem necessary for the accomplishment of their task.
2. Membership in subsidiary bodies may be made up of all or selected representatives of the Contracting Parties and of States signatory to the Convention or of individuals appointed in their personal capacity.
3. The Contracting Parties may recommend to the Executive Director the convening of ad hoc meetings, either of representatives of the Contracting Parties and of States signatory to the Convention or of experts serving in an individual capacity, in order to study problems which, because of their specialized nature, could not fruitfully be discussed during the normal sessions of the meeting.
4. The terms of reference of the subsidiary bodies and the questions to be discussed by ad hoc meetings shall be determined by the meeting, whenever possible, or by the Executive Director in consultation with the President of the meeting.
5. Before taking any decision involving expenditures in connexion with the establishment of subsidiary bodies or the convening of an ad hoc meeting, the meeting shall have before it a report from the Executive Director on the administrative and financial implication thereof.
6. Unless the meeting decides otherwise, each subsidiary body and ad hoc meeting shall elect its own officers.
7. These rules of procedure shall apply mutatis mutandis to the subsidiary bodies and ad hoc meetings.

Amendments of
Procedure

Rule 46

These rules of procedure may be amended by a decision of the meeting taken by a simple majority of the Contracting Parties present and voting.

Overriding
Authority of
the Convention

Rule 47

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.