



United Nations Environment Programme



Distr.
RESTRICTED
UNEP/IG.14/3
2 October 1978

ENGLISH
Original: FRENCH

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

DRAFT RULES OF PROCEDURE

for

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

Introduction

The following draft rules of procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols were prepared by a working group which met during the Meeting of Experts on the Mediterranean Trust Fund and other Institutional and Financial Matters, Geneva, 18 - 22 September 1978.

The working group stressed that the draft rules were put forward for discussion and strongly recommended that they be closely examined before being adopted in final form by the first meeting of the Contracting Parties.

In particular, the working group noted:

- (a) that in accordance with Article 18 of the Convention the rules of procedure were drafted to apply to Meetings and Conferences of the Contracting Parties;

(ii)

- (b) that rules 5 to 8 concerning invitations to the Meetings and Conferences of the Contracting Parties were studied with particular attention in order to take into account:
- the specific aims of the Convention and Protocols and of the Mediterranean Action Plan as a whole;
 - the unique interest and unquestionable right of the coastal States to safeguard their marine environment;
 - the small number of coastal States; and finally,
 - the need to keep the Meetings and Conferences of the Contracting Parties as efficient and effective as possible.
- (c) that brackets appeared in rule 41 since the Contracting Parties should decide whether a Contracting Party should be automatically denied the right to vote if it is in arrears of its contribution or whether the Contracting Parties should expressly decide to deny such a Contracting Party the right to vote; and
- (d) that although it is hoped that the rule of consensus will prevail in all meetings, the Contracting Parties should decide upon the majority required for decisions, recommendations, and resolutions as foreseen in rule 42. ^{1/}

These draft rules of procedure are now being submitted to the first meeting of the Contracting Parties for consideration with a view to their final adoption.

DRAFT RULES OF PROCEDURE

for

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

Definitions

Rule 1

These rules of procedure shall apply to any Meeting and Conference of the Contracting Parties as provided in Article 18 of the Convention for the Protection of the Mediterranean Sea against Pollution and in any appropriate article of its related Protocols.

Rule 2

For the purposes of these rules:

1. the word "Convention" shall apply to the 1976 Convention for the Protection of the Mediterranean Sea against Pollution;
2. the term "Executive Director" shall apply to the Executive Director of the United Nations Environment Programme or his designated representative;
3. the term "Secretariat" shall apply to the United Nations Environment Programme as provided in Article 13 of the Convention;
4. 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, and as modified by subsequent intergovernmental meetings that reviewed this Action Plan;
5. 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 current administration of the Mediterranean Action Plan;
6. the term "Meeting" shall apply to any ordinary or extraordinary Meeting of the Contracting Parties.

Place of
Meetings

Rule 3

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

Dates of the
Meetings

Rule 4

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 and Conferences 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 mentioned in Article 14 of the Convention has been received or formulated by the Executive Director.
5. The opening date and the duration of any Conference decided upon in accordance with Articles 15 and 16 of the Convention shall be fixed by a joint agreement of the Contracting Parties which requested the convening of the Conference.

Invitations

Rule 5

1. The Executive Director shall invite to send representatives to the Meetings and Conferences any coastal State of the Mediterranean Sea invited to participate in the 1976 Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, which is not a Contracting Party.
2. The representatives designated according to the provisions of paragraph 1 may participate without vote in the deliberations of the Meeting or the Conference.

Rule 6

1. The Executive Director shall, with the agreement of the Contracting Parties, invite to send representatives to observe any Meeting or Conference, any other State member of the United Nations organization or member of its specialized

agencies which makes a request and has 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 or the Conference, may participate without vote in the deliberations of the Meeting or of the Conference in matters of direct concern to them.

Rule 7

1. The Executive Director shall invite to send representatives to observe any Meeting or Conference, the Organization of the United Nations and its competent subsidiary bodies, the International Atomic Energy Agency and the specialized agencies if they participate in the activities of the Mediterranean Action Plan.
2. Such observers may, upon invitation of the President and with the consent of the Meeting or the Conference, participate without vote in the deliberations of any Meeting or Conference in matters related to the activities of the organization or body that they represent.

Rule 8

1. The Executive Director shall, with the consent of the Contracting Parties, invite to send representatives to observe any Meeting or Conference, any inter-governmental organization other than the United Nations Organization, the specialized agencies and the International Atomic Energy Agency, and any non-Governmental international organization, which have a direct concern in the protection of the Mediterranean Sea.
2. Such observers may, upon the invitation of the President and with the consent of the Meeting or the Conference, participate without vote in the deliberations of the Meeting or Conference dealing with matters of direct concern to them.

Publicity

Rule 9

Plenary sittings of the Meetings and Conferences shall be held in public unless the Meeting or the Conference decides otherwise. Sittings of subsidiary bodies of the Meetings and Conferences shall be held in private unless the Meeting or the Conference decides otherwise.

Agenda

Rule 10

The provisional agenda of each Meeting and Conference shall be prepared by the Executive Director.

Rule 11

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 have been requested at a previous Meeting;
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.

Rule 12

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 two months before the opening of the Meeting.

Rule 13

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.

Adoption of
the agenda

Rule 14

At the opening of an ordinary Meeting, the Contracting Parties, when adopting the agenda for the Meeting, may add, delete, defer or amend items. Only items which are considered by the Meeting to be urgent and important may be added to the agenda.

Rule 15

The provisional agenda for an extraordinary Meeting or for any Conference as provided in Articles 15 and 16 of the Convention shall consist only of those items proposed for consideration in the request for the holding of the extraordinary Meeting or the Conference. It shall be transmitted to the Contracting Parties at the same time as the invitation to the Meeting or the Conference

Rule 16

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 received the Executive Director's report on administrative and financial implications at least forty-eight hours before.

Rule 17

Any item of the agenda of an ordinary 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 18

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

Rule 19

The credentials of representatives and the names of alternate representatives and advisers shall be submitted by the Contracting Parties to the Executive Director before the opening session of a Meeting which the representatives are to attend. The Bureau of any Meeting or Conference shall examine the credentials and submit its report to the Meeting or the Conference.

Rule 20

1. At the commencement of the first session of each Meeting or Conference, a President, two Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Contracting Parties.

2. The President, two Vice-Presidents and Rapporteur for the Meetings shall serve for a term of two years. In exceptional cases such 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 or the Conference 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 or the Conference and to exercise the right to vote.

Rule 21

At the first sitting of each ordinary Meeting, the President of the previous ordinary Meeting, or in his absence, the representative of his country, shall preside until the Meeting has elected a President for the Meeting.

Acting
President

Rule 22

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

Bureau

Rule 23

The Bureau of the Meeting or of the Conference 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 24

1. During the course of a Meeting or of a Conference, 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 or the Conference shall elect a Chairman and Vice-Chairman for each such committee and working group. The Meeting or the Conference 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 25

The Executive Director shall act as Secretary of any Meeting or Conference. He may delegate his functions to a member of the Secretariat.

Rule 26

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

Languages

Rule 27

The official and working languages of the Meeting or Conference are Arabic, English, French, and Spanish.

Rule 28

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

Rule 29

All working documents of the Meeting or Conference and all reports, resolutions, recommendations and decisions of the Meetings or Conferences shall be drawn up in one of the official languages and translated into the other three official languages.

Conduct of
Business

Rule 30

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

Rule 31

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 or of the Conference. He shall direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from the votes.

Rule 32

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 sitting unless copies of it have been circulated to delegations not later than the day preceding the sitting. 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 33

Subject to the provisions of Rule 31 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

1. to suspend a sitting;
2. to adjourn a sitting;
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 34

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

Rule 35

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 36

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 37

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 38

If two or more amendments are moved to a proposal, the Meeting or Conference shall first vote on the amendment furthest removed in substance from the original proposal, 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 39

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 40

When a proposal has been adopted or rejected, it may not be reconsidered at the same sitting, unless the Meeting or the Conference, 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 41

1. Subject to the provisions of Article 19 of the Convention, each Contracting Party shall have one vote.
2. ~~Unless decided otherwise~~ If the Meeting so decides a Contracting Party that is 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 42

1. Unless otherwise provided by the Convention or the Protocols, decisions, recommendations and resolutions shall be made by a ~~two-thirds~~ three-quarters 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 or the Conference who are not present at the sitting at which voting takes place shall be considered as not present.

Rule 43

Voting shall normally be 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 44

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

Rule 45

1. Procedural decisions are taken by a simple majority.
2. Any difference of opinion as to the question whether the matter is of a procedural or substantive nature is also decided by a simple majority.
3. If a vote is equally divided, a second vote shall be taken. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 46

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 the Contracting Parties 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 47

Sound records of the Meeting or of the Conference, 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 48

1. The Contracting Parties may recommend, taking duly into account financial implications, to the Executive Director the convening of ad hoc meetings, either of representatives of the Contracting Parties and of States referred to in Rule 5 of the present rules, or of Governmental experts in order to study problems which, because of their specialized nature, could not fruitfully be discussed during the normal sittings.
2. The terms of reference of these ad hoc meetings and the questions to be discussed shall be determined by the Contracting Parties.
3. Unless otherwise decided each ad hoc meeting shall elect its own officers.
4. These rules of procedure shall apply mutatis mutandis to the subsidiary bodies and ad hoc meetings.

Amendments
of Procedure

Rule 49

These rules of procedure may be amended by a decision of the Meeting or Conference taken by a [simple majority] [two-thirds majority] [three-fourths majority] of the Contracting Parties present and voting.

Overriding
Authority of
the Convention

Rule 50

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

