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Intergovernmental Review Meeting of  
Mediterranean Coastal States and  
First Meeting of the Contracting Parties  
to the Convention for the Protection of  
the Mediterranean Sea against Pollution  
and its related protocols

Geneva, 5-10 February 1979

SOME PRECEDENTS CONCERNING PARTICIPATION OF UNITED NATIONS BODIES AND  
SPECIALIZED AGENCIES

Note by the Food and Agriculture Organization of the United Nations (FAO)

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The working group of experts on the Mediterranean Trust Fund and other institutional and financial matters, which met at Geneva from 18 to 22 September 1978, requested UNEP "to seek advice and precedents from other United Nations Agencies, including the United Nations Office of Legal Affairs, and in particular with regard to rule 7 of the Working group's draft text". <sup>1/</sup>

On 24 January 1979, UNEP solicited from FAO advice and precedents with a view to circulation at the present meeting. As the time available was too short for preparing a comparative survey, the present note is limited to what appear to be typical rules concerning participation of United Nations bodies and Specialized Agencies in the deliberations of meetings serviced by organizations and bodies of the UN system as well as meetings of a few bodies established by a multilateral treaty, outside the United Nations system.

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<sup>1/</sup> report of the Meeting of Experts on the Mediterranean Trust Fund and other institutional and financial matters, UNEP/WG.19/6, 22 September 1978, page 3, para. 15.

Pursuant to the proposed rule 7, the exercise by the Specialized Agencies of their right to participate in the deliberations of the meetings is subject to two conditions: they will have, first, to be invited to participate by the President; second, they will have the right to do so only "with the consent of the meeting or of the conference". While the first condition appears in numerous existing rules of procedure, the second condition seems both unusual and unduly restrictive. In the course of a rapid survey, no precedents of this type could be found in the rules of procedure for meetings of major legislative bodies in the UN system such as the Economic and Social Council, the Conference or Council of FAO, and corresponding bodies of the ILO, UNESCO and WHO, or in the rules of procedures for recent UN Conferences such as the HABITAT Conference, the UN Water Conference, or in the rules of procedure for meetings of subsidiary bodies or of bodies serviced by an organization of the UN system, such as the ones which have been established under article VI or XIV of the FAO Constitution. Such a restriction appears neither in the rules of procedure of the UNEP Governing Council, which were applied to the Intergovernmental Meeting on the Protection of the Mediterranean at Barcelona in 1975 and to subsequent meetings such as the one at Monaco one year ago, nor in the rules of procedure for the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region in 1976.

As regards corresponding provisions in rules of procedure applied by organizations which are not part of the UN system, reference could be made to the International Commission for the South East Atlantic Fisheries and the International Commission for the Conservation of Atlantic Tunas. These two Commissions are independent of the UN system but were created with the support of a Specialized Agency, namely FAO, which exercises the function of depositary of the relevant conventions. Under their rules of procedure, representatives of Specialized Agencies may participate in the deliberations with the consent of the Chairman, but the consent of the meeting is not required.

In conclusion, the proposed rule 7 appears to depart from the present international practice, as its paragraph 2 makes the consent of the meeting a condition of the participation of the UN bodies and Specialized Agencies in the deliberations of meetings or conferences.