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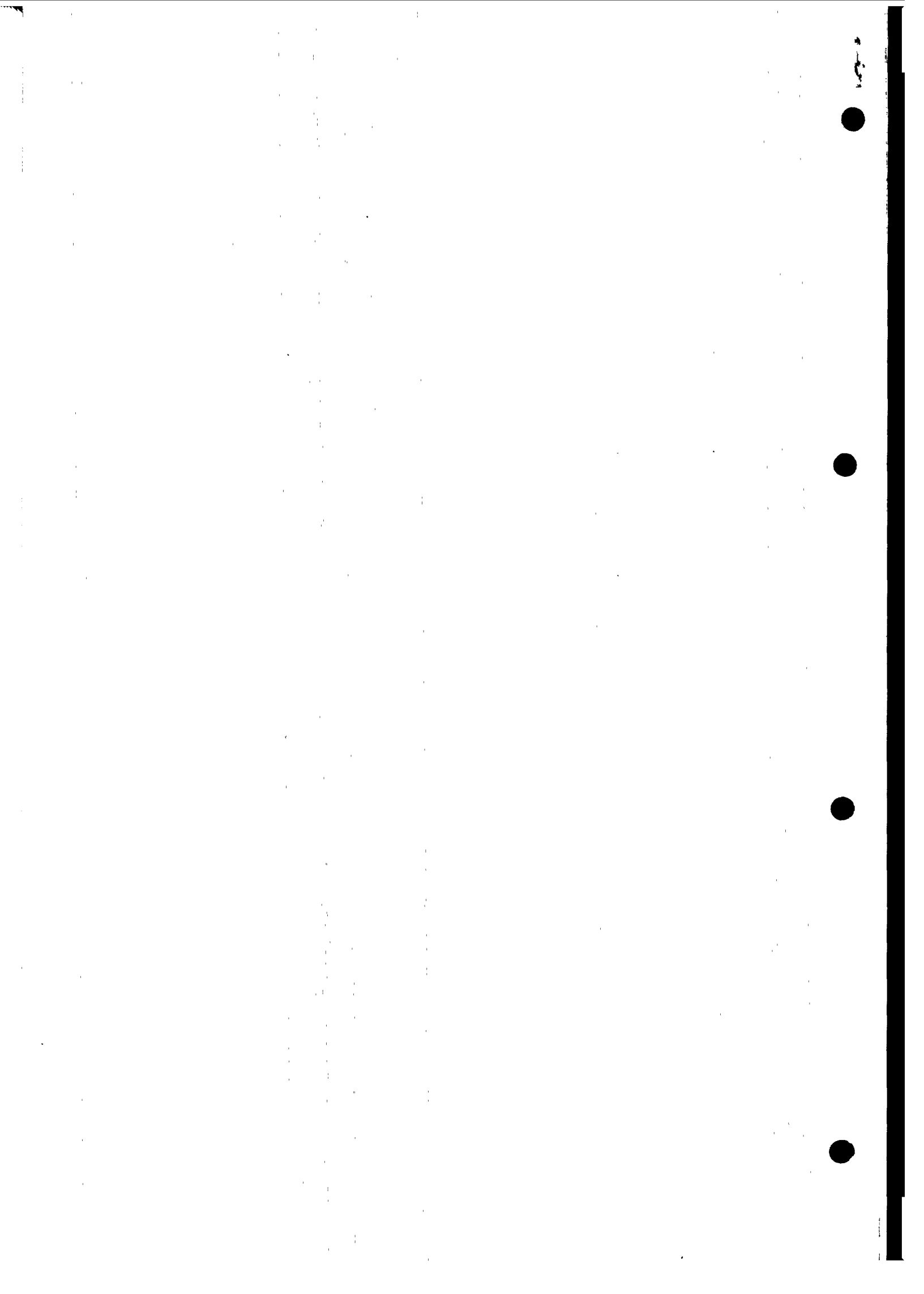
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Second Meeting of the Contracting Parties
to the Convention for the Protection of
the Mediterranean Sea against pollution
and its related protocols and Inter-
governmental Review Meeting of Mediterranean
Coastal States on the Action Plan

Cannes, 2-7 March 1981

AMENDMENTS TO THE RULES
OF PROCEDURE

GE.80-3754



AMENDMENTS TO THE RULES OF PROCEDURE

INTRODUCTION

1. The rules of procedure for meetings and conferences of the Contracting Parties were adopted at their First Meeting in February 1979 and appear in document UNEP/IG.14/9, annex VII.
2. The purpose of the present document is to call the attention of the meeting to certain problems that have arisen during the past two years. The Contracting Parties will decide whether any rules should be amended.
3. The amendment of the rules of procedure is governed by rule 50 which reads as follows:

"Rule 50

These rules of procedure may be amended by a decision of the meeting or conference taken by a two-thirds majority of the Contracting Parties present and voting."

COMMENTS RECEIVED FROM THE UNITED NATIONS OFFICE OF LEGAL AFFAIRS

4. The following comments were received from the United Nations Office of Legal Affairs:
 - (i) Rule 5(2) should refer to "the representatives designated by the States invited in accordance with paragraph 1".
 - (ii) At the end of rule 6(2), the words "to them" should be changed to "to the States they represent".
 - (iii) In rule 8(1.B), change "non-governmental international organization" to "international non-governmental organization".
 - (iv) In rule 8(2), the words "to them" should be changed to "to the organizations they represent".
 - (v) Rule 10 is not clear. Does "in agreement with" mean "in consultation with" or is the approval of the Bureau required? Secondly, since the conference Bureau does not exist until elected at the opening of the conference, it can have no role in connexion with the preparation of the conference agenda. The rule could be reformulated: "the Executive Director shall prepare the provisional agenda for each meeting or conference, provided that the provisional agenda for a meeting shall be prepared (in consultation with) (with the approval of) the Bureau".

- (vi) Rule 13, first line: The words "in agreement with" should be changed to "with the approval of" or "in consultation with", whichever of these was intended.
- (vii) Rule 16, second sentence, does not read right in English. The words "at least forty-eight hours before" should be changed to "at least forty-eight hours after" and moved forward so that the sentence would read "unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after the meeting has received the Executive Director's report on administrative and financial implications".
- (viii) Rule 17, third line, refers to the agenda of "the next meeting". Is it intended that an extraordinary meeting should take up all unfinished business of the ordinary meeting preceding it? If not, the words "the next ordinary meeting" should be used.
- (ix) Rule 18, fourth line: The word "session" should either be changed to "sitting" for consistency (see rules 9, 22, 23, 33) or be deleted.
- (x) Rule 20(1), first line: Change "session" to "sitting".
- (xi) Rule 21 is inconsistent with rules 20(2) and 22. Moreover, since the situation envisaged in rule 21 is adequately covered by rules 20(2) and 22, rule 21 can and should be deleted.
- (xii) Rule 29: The languages specified in rule 27 are defined as "the languages of the meeting or conference". The end of the sentence should therefore be revised to read "shall be drawn up in one of the languages of the meeting or conference and translated into the other three such languages".
- (xiii) Rule 36 is unnecessarily complicated. We suggest the following text based on standard United Nations provisions: "A representative of a contracting party may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the president shall permit one representative to speak in favour of the motion and one speaker against the motion, after which the motion shall be put to the vote immediately".
- (xiv) At the beginning of rule 37, add the words "If the motion referred to in rule 36 is adopted" and add "or of an amendment" after the word proposal in the first line.
- (xv) Rule 40: The words "or that an amendment to it is not under discussion" should be deleted. The fact that an amendment to a proposal or motion is under discussion should not preclude the sponsor of the latter from withdrawing it. It is clearly established in practice that the sponsor loses the right to withdraw only when the proposal or motion is actually amended.

- (xvi) Rule 41, second line: The words "same sitting" should be changed to "same session" since sitting is used throughout to mean a single meeting. As to the majority required for reconsideration, practice has shown that it is undesirable to allow reconsideration by a mere simple majority. In our view it should not be lower than that required for the adoption of substantive decisions: i.e. two thirds of the representatives present and voting.
- (xvii) Rule 43(2): Since it has been decided that the Contracting Parties abstaining in the vote are to be considered as voting, this should be reflected in the first sentence, which defines "Parties present and voting", and not in a separate sentence. As formulated, the two sentences of the paragraph are contradictory and the last sentence is redundant. We suggest the following reformulation for paragraph 2: "For the purpose of these rules, the phrase 'Contracting Parties present and voting' means Contracting Parties present at the sitting at which the voting takes place and casting an affirmative or negative vote or abstaining from the vote". Some clarification of this rule is essential.

EXTRAORDINARY MEETING (Rule 4(4))

5. Another subject requiring clarification concerns the convening of extraordinary meetings. The Convention in article 14 reads as follows:

"Art. 14(1). The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by, at least two Contracting Parties".

Rule 4(4) reads as follows:

"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".

6. The rule is aimed at preventing undue delay in convening such meetings, but does not prevent undue haste. The point may require an amendment to Rule 4(4) to read:

... shall be convened no sooner than ~~14~~ days and no later than ninety days ...

OBSERVERS (Rule 6(1))

7. Another issue concerns the invitation of States to attend as observers, at their request, under rule 6(1). The Meeting may wish to consider

whether the terms "any meeting or conference" in rule 6(1) refer only to meetings of Contracting Parties or to all intergovernmental expert meetings convened in the framework of the Mediterranean Action Plan.

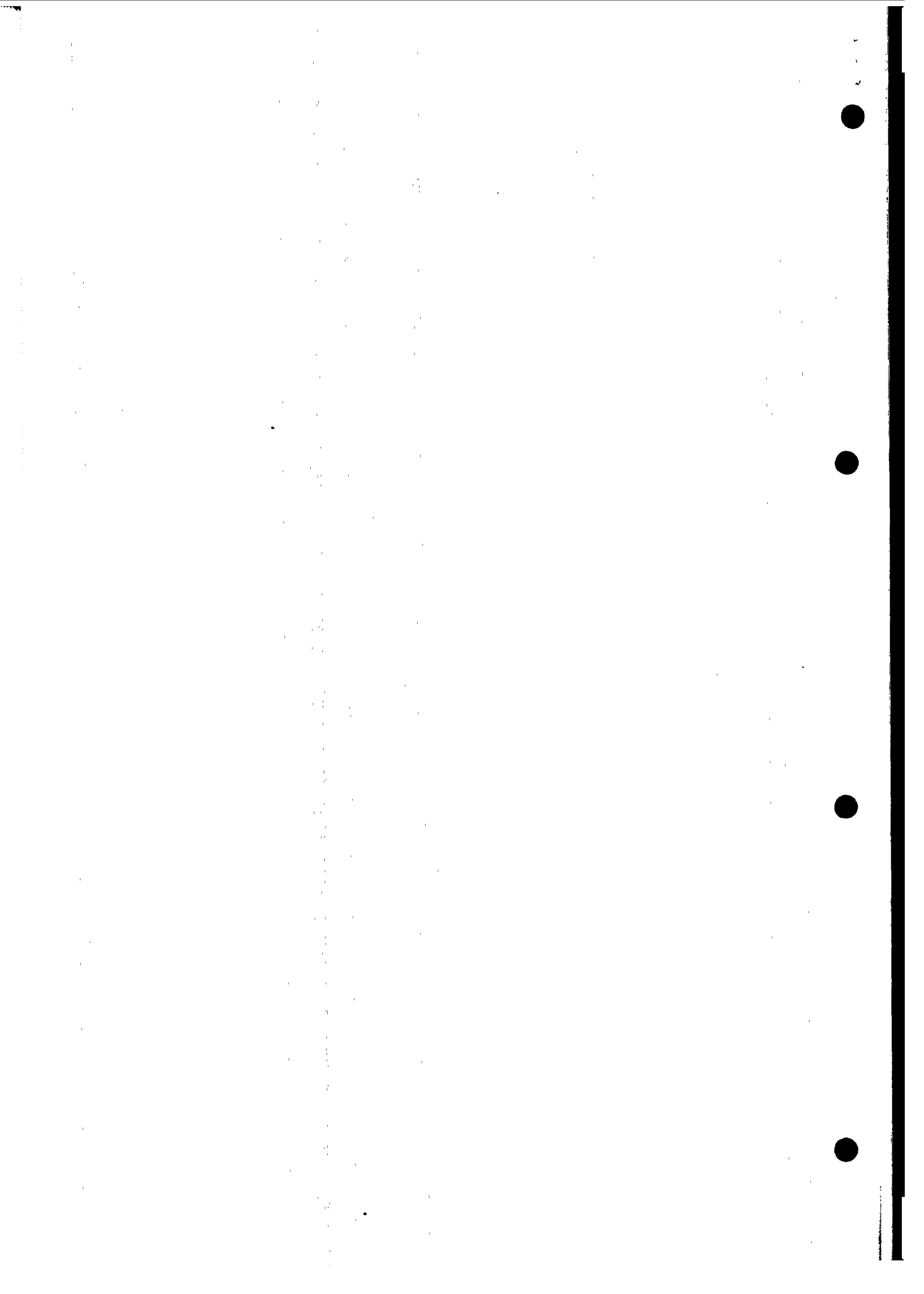
THE BUREAU (Rule 20)

8. Prior to the Review Meeting in February 1980, a vacancy occurred in the Bureau through the resignation of the Vice-President from Spain. The meeting, having examined the rules of procedure, found that it would not be legally possible to fill the vacancy on an interim basis by an appropriate nominee of the Government of Spain.
9. At the Intergovernmental Meeting on Specially Protected Areas, the President was unable to attend due to other important commitments.
10. In order to deal with such situations in the future, two courses are open to the Contracting Parties:
 - A. Enlarge the Bureau in order to reduce the probability of all members being unavailable at the same time.
 - B. Provide for the replacement of members who are unable to exercise their functions.
11. The enlargement of the Bureau would require the amendment of rule 20(1), (2), and a consequential amendment in rule 23. The first meeting of the Contracting Parties had before it a draft resolution proposing to create an expanded Bureau (UNEP/IG.14/CRP.9) but decided to reconsider it at the Intergovernmental Meeting in Barcelona. The text is reproduced as an annex to the present document. The latter meeting, after further consideration (document UNEP/IG.8/6) took no decision on it. It agreed that, when the whole question of an enlarged Bureau was decided upon at the next meeting of the Contracting Parties, the decision reached should include measures to ensure that similar future situations were covered in the rules of procedure. (UNEP/IG.18/7, paragraph 41).
12. Provision for the replacement of members would require the amendment of rule 20 by the adoption of a new paragraph which might read as follows:
 - proposed paragraph 4
 - "4. If a Vice-President or the Rapporteur resigns or becomes otherwise unable to perform his functions, the representative of his country shall replace him for the remainder of his mandate."

The above proposal is based on the spirit of rule 21 and aims at maintaining the principle of geographical representation in the composition of the Bureau.

13. RECOMMENDATIONS

The meeting may wish to appoint a small working group to consider the above proposals and report to the Plenary to assist the latter in its decision.



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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 1978

Draft resolution submitted by the delegation
of France and Spain

THE MEETING

Mindful of the problems of execution of the Mediterranean Action Plan and
of implementation of the Convention for the Protection of the Mediterranean
Sea against Pollution and its related protocols,

Desiring to facilitate relations between the Co-ordinating Unit and the
coastal States of the Mediterranean region invited to participate in the
1976 Conference on the Protection of the Mediterranean Sea against Pollution,

Requests the Executive Director to make appropriate arrangements for the
followings:

1. An "Expanded Bureau" composed of:

The members of the Bureau of the first meeting of the
Contracting Parties;

A representative of each interested Contracting Party not
represented in the Bureau;

A representative of each interested coastal State invited
to participate in the 1976 Barcelona Conference.

This "Expanded Bureau" may meet not more than twice before the
next ordinary meeting;

2. The Co-ordinating Unit shall ensure that the agenda is sufficiently
specific and detailed to enable each interested Party or State to
appoint a qualified representative;

3. The "Expanded Bureau" shall meet, at the headquarters of the Co-ordinating Unit, when convened by its Chairman or a Vice-Chairman;
4. The Chairman, in consultation with the director of the Co-ordinating Unit, shall report to the Expanded Bureau on the progress of the programmes and on the financial situation;
5. A record of each meeting of the Expanded Bureau shall be sent to each Party or coastal State of the Mediterranean region.