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MEDITERRANEAN ACTION PLAN

First Meeting of the Bureau of the
Mediterranean Commission on
Sustainable Development (MCSD)

Athens, 20-21 February 1997

RULES OF PROCEDURE of the **Mediterranean Commission on Sustainable Development (MCSD)**

(First Draft)

RULES OF PROCEDURE OF THE MEDITERRANEAN COMMISSION FOR SUSTAINABLE DEVELOPMENT (MCSD)

(First Draft)

PURPOSE

Rule 1

The rules of procedure shall apply to the meetings of the Mediterranean Commission on Sustainable Development (MCSD) as provided in section B.4 of its Terms of Reference.

DEFINITIONS

Rule 2

For the purpose of these rules:

1. The word "Commission" shall apply to the "Mediterranean Commission on Sustainable Development";
2. The term "Barcelona Convention" shall apply to the 1976 Convention for the Protection of the Mediterranean Sea against Pollution as amended in 1995;
3. The term "Executive Director" shall apply to the Executive Director of the United Nations Environment Programme or his designated representative;
4. The term "Secretariat" shall apply to the United Nations Environment Programme as provided in article 17 of the Barcelona Convention as amended;
5. The term "Coordinating Unit" shall apply to the unit within the United Nations Environment Programme designated by the Executive Director as responsible for the administration of the Mediterranean Action Plan;
6. The term "meeting of the Commission" shall apply to any ordinary or extraordinary meeting of the Commission.

PLACE OF THE MEETINGS OF THE COMMISSION

Rule 3

The meetings of the Commission shall be held at the seat of the Coordinating Unit of MAP, unless convened in other Mediterranean venues in pursuance of a recommendation of the Commission approved by the meeting of the Contracting Parties.

COMMENT: Positive reformulation of Rule 3 of the Rules of procedure of the meetings of the Contracting Parties (RPMC), taking into account the elements of Section E(7) of the Terms of Reference of the MCSD, as approved by the Extraordinary Meeting of the Contracting Parties (Montpellier, 1-4 July 1996).

DATES OF THE MEETINGS OF THE COMMISSION

Rule 4

1. As provided in Section E(7) of the Terms of Reference of the Commission, the Commission shall hold ordinary meetings at least once every year, up to the year 2000, then shall meet at least once every two years.

COMMENT: Rule 4(1) is formulated in accordance with the Terms of Reference of the Commission

2. The Executive Director shall convene the meetings of the Commission.

COMMENT: Rule 4(2) extends the application of Article 17 of the Barcelona Convention as amended, in the spirit of Rule 4(2) of the RPMC.

3. The Commission shall, at its ordinary meeting, fix the opening date and the duration of the next ordinary meeting.
4. The Commission may, at any time if deems necessary, fix a date for an extraordinary meeting.
5. Any extraordinary meeting shall be convened not less than fifteen days or more than ninety days of the receipt by the Executive Director of a request for such a meeting from the Secretariat or of any member of the Commission, provided that such requests are supported by at least four members of the Commission.

COMMENT: Rule 4(4) is added for reason of clarity. Rule 4(5) integrates elements and the spirit of the Barcelona Convention as amended, the RPMC (Rule 4(4)) and a new element which is underlined. The new element is proportional to the provision of Art. 18(1) of the Barcelona Convention as amended, taking into account the increased number of the members of the Commission.

INVITATIONS

Rule 5

1. The Executive Director shall, with the tacit consent of two thirds of the members of the Commission invite to send representatives to participate in the Commission's meetings as an observer, any state which is a member of the United Nations or of the Specialized Agencies which so requests and has direct concern with environmental and sustainable development issues in the Mediterranean.

2. Such observers may, as provided in Article 20(2) of the Barcelona Convention as amended, participate in the Commission's meetings and may present any information or report relevant to the work of the Commission and of direct concern of the States they represent.

COMMENT: This Rule integrates the spirit and elements from the Article 20 of the Barcelona Convention as amended, Rule 6 of the RPMC and the Terms of Reference of the Commission.

Rule 6

1. The Executive Director shall invite to send representatives to participate in the Commission's meetings as observers, the United Nations and its competent subsidiary bodies, and the Specialized Agencies if they participate in the activities of the Mediterranean Action Plan, or have direct concern with environment and sustainable development issues in the Mediterranean.
2. Such observers may, as provided in Article 20(2) of the Barcelona Convention as amended, participate in the Commission's meetings and may present any information or report relevant to the work of the Commission and in matters related to the activities of the organisation or body that they represent.

Rule 7

1. The Executive Director shall, with the tacit consent of two thirds of the members of the Commission, invite to send representatives to participate in the Commission's meetings as an observer, any other inter-governmental organizations, including financial institutions, the activities of which are related to the functions of the Commission.
2. Such observers may, as provided in Article 20(2) of the Barcelona Convention as amended, participate in the Commission's meetings and may present any information or report relevant to the work of the Commission and in matters of direct concern to the organizations they represent.

COMMENT: Rules 6 and 7 similarly integrate the spirit and the elements of the Barcelona Convention as amended, of the RPMC and of the Terms of Reference of the MCSD

PUBLICITY

Rule 8

Plenary sittings of the meetings of the Commission shall be held in public, unless the Commission decides otherwise. Sittings of subsidiary bodies of the meetings of the Commission shall be held in private, unless the meeting of the Commission decides otherwise.

AGENDA

Rule 9

In agreement with the Bureau of the Commission, the Executive Director shall prepare the provisional agenda for an ordinary meeting of the Commission and shall communicate it to the members of the Commission at least six weeks before the opening of the meeting together with supporting documents.

COMMENT: The underlined part reflects a new element which seems to be necessary for the effective operation of such a body

Rule 10

The provisional agenda of each ordinary meeting shall include:

- (1) All items mentioned in section B.3 of the Terms of Reference of the Commission;
- (2) All items the inclusions of which has been requested at a previous meeting of the Commission;
- (3) Any item proposed by a member of the Commission;
- (4) The report of the Executive Director containing information on relevant sustainable development activities, the progress achieved and emerging issues to be addressed;
- (5) Reports of the task managers and the Thematic Working Groups;
- (6) All items pertaining to the provisional budget, the account and financial arrangements.

COMMENT: Rule 10(1) - (4) and (6) is reformulated taking into account the Terms of Reference of the Commission and Rule 11 of the RPMC

Rule 10(5) is new and it takes into account the Report of the First Meeting of the Commission m(Rabat, Morocco, 16-18 December 1996).

Rule 11

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

Rule 12

The provisional agenda for an extraordinary meeting of the Commission shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be transmitted by the Executive Director to the members of the Commission at the same time as the invitation to the extraordinary meeting.

Rule 13

At the opening of an ordinary meeting of the Commission, the members of the Commission, 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 14

At the beginning of each ordinary meeting, subject to the provision of Rule 13, the Commission shall adopt its agenda for the meeting on the basis of the provisional agenda and the supplementary provisional agenda referred to in Rule 11.

COMMENT: This Rule is added for reason of comprehensiveness, consistency and clarity of the procedural process

Rule 15

The Commission shall normally include in its agenda for the meeting only items for which adequate documentation has been circulated to members six weeks before the beginning of the meeting of the Commission.

COMMENT: This Rule is added in order to facilitate the effective and efficient work of the Commission. The same Rule is to be found in the Rules of Procedure of the ECOSOC

Rule 16

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 ordinary meeting, unless otherwise decided by the Commission.

REPRESENTATION AND CREDENTIALS**Rule 17**

All members of the Commission shall participate in the Commission on an equal footing.

Each member of the Commission shall be represented by an accredited representative, who may be accompanied by such advisers as may be required.

Rule 18

The credential of representatives and the names of advisers shall be submitted by the members of the Commission to the Executive Director before the opening sitting of a meeting which the representatives are to attend. The Bureau of the meeting of the Commission shall examine the credentials and submit its report to the Commission.

Rule 19

At the first sitting of each ordinary meeting of the Commission, the President of the previous ordinary meeting, or in his absence a vice-president designated by him, shall preside until the meeting has elected a President for the meeting.

COMMENT: The Rule 21 of the RPMC is reformulated in the light of the composition of the MCSD

Rule 20

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

BUREAU OF THE COMMISSION

Rule 21

At the commencement of the first sitting of each ordinary meeting, the Commission shall elect a President, six Vice Presidents and a Rapporteur from among the representatives of its members on the basis of an equitable geographical distribution and among the various groups.

COMMENT: This Rule integrates elements from Rule 20(1) of the RPMC, the Terms of Reference of the Commission and the First Report of the MCSD

Rule 22

The President, six Vice Presidents and the Rapporteur elected at an ordinary meeting shall remain in office at least for one year and until their successors are elected. They shall serve in that capacity at any intervening extraordinary meetings. Exceptionally, these officers may be re-elected for one further consecutive term.

COMMENT: The underlined part is added to the existing Rule 20(2) of the RPMC, taking into account the First Report of the MCSD

Rule 23

- (1) The President, or in his absence one of the vice-Presidents designated by him shall serve as Chairman of the Bureau.
- (2) If a member of the Bureau resigns or otherwise becomes unable to continue to perform his functions, a representative of the same member of the Commission shall replace him for the remainder of his mandate.

ORGANIZATION OF THE MEETING OF THE COMMISSION

Rule 24

- (1) During the course of a meeting, the Commission shall establish thematic working groups and other working groups as it deems necessary, and to refer to them the themes identified by the Commission as of great importance for the sustainable development of the Mediterranean region or any questions on the agenda for study and report. Such working groups shall be authorized to sit while the Commission is not in session, ensuring thus, together with the Bureau, the continuity of the commission between its sessions.
- (2) Unless otherwise decided, the Commission shall elect task managers for each thematic working group and a chairman for other working groups. The Commission may authorize the Bureau to review the preliminary report of the task managers before its submission to the Commission.

COMMENT: This Rule integrates elements from and the spirit of, a number of sources: Rule 24(1) of the RPMC, Rule 26 of the ECOSOC Rules of Procedure, First Report of the MCSD

Rule 25

The Executive Director shall act as secretary of any meeting of the Commission. He may delegate his functions to a member of the secretariat.

Rule 26

The Executive Director shall be responsible for keeping the members of the Commission informed of any questions which may be brought before it for consideration.

Rule 27

The Executive Director, or his representative, may make oral as well as written statements to the Commission and its working groups concerning any question under consideration.

Rule 28

The Executive Director shall provide and direct the staff required by the Commission and shall be responsible for all the necessary arrangements for meeting of the Commission.

COMMENT: Rules 26,27 and 28 are added in view of the particular organic character of the Commission and need for determining the rôle of the Secretariat in more detail within such an organ. Similar rules appear in the ECOSOC Rules of Procedure.

Rule 29

The secretariat shall arrange for interpretation of speeches, translate and circulate the documents of the meetings of the Commission and its working groups; publish and circulate the resolutions, reports and relevant documentation of the meeting of the Commission. It shall have custody of the documents in the archives of the meeting of the Commission and

generally perform all other work that the Commission may require.

LANGUAGES OF THE COMMISSION

Rule 30

English and French are the official languages of the meetings of the Commission. A representative may speak in a language other than the language of the meeting, if he provides for interpretation into such a language.

CONDUCT OF BUSINESS

Rule 31

The Rules of Procedure for Meetings and Conferences of the Contracting Parties concerning Conduct of Business (Rules 30-41) shall apply mutatis mutandis to the Conduct of Business in the meetings of the Commission.

DECISIONS OF THE COMMISSION

Rule 32

Decisions of the Commission shall be adopted by consensus.

RECORDS OF THE MEETINGS OF THE COMMISSION

Rule 33

Sound records of the meetings of the Commission shall be kept by the secretariat in accordance with the practice of the United Nations.

TASK MANAGERS AND WORKING GROUPS

Rule 34

The Commission shall designate task managers and working groups which may be required for the performance of its functions and shall define their powers and composition.

Rule 35

The terms of reference of the task managers and the composition of the working groups shall be drawn up by the Commission.

COMMENT: Both Rules 34 and 35 are new and reflect the particular character of the Commission. Their formulation takes into account the First Report of the MCSD

AMENDMENTS OF PROCEDURE**Rule 36**

These Rules of procedure may be amended by a decision of the Commission. Until the Commission has received a report on the proposed amendment from the secretariat, these rules may not be amended.

COMMENT: This Rule simplify the amendments of the Rules of procedure requiring, at the same time a report by the secretariat