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Third Meeting of the Contracting Parties
to the Convention for the Protection of the
Mediterranean Sea against pollution and its
related protocols

Dubrovnik, 28 February - 4 March 1983

REPORT OF THE COMMITTEE OF GOVERNMENT EXPERTS ON THE RULES OF PROCEDURE

Note by the Secretariat

The report of the Committee of Government Experts on the Rules of Procedure (UNEP/WG.82/3) is submitted to the participants for their consideration.





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Committee of Government Experts
on the Rules of Procedure

Athens, 29-30 November 1982

REPORT OF THE COMMITTEE OF GOVERNMENT EXPERTS ON THE RULES OF PROCEDURE

Introduction

1. The 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 adopted at the First Ordinary Meeting of the Contracting Parties in February 1979. They were then amended at the Second Ordinary Meeting of the Contracting Parties in March 1981.
2. At their Second Ordinary Meeting the Contracting Parties also adopted an interim procedure for the replacement of the President of the Bureau in cases where he becomes unable at any time to assume his duties. That procedure was to be applicable until the next (Third) Ordinary Meeting of the Contracting Parties.
3. The Contracting Parties also agreed "to entrust any further amendment of the rules of procedure... to a committee of governmental experts, which shall be open to all the Contracting Parties and convened by the secretariat (UNEP/IG.23/11, para. 72(3)).
4. In accordance with that agreement, a committee of government experts on the rules of procedure was convened at the seat of the Co-ordinating Unit for the Mediterranean Action Plan in Athens from 29 to 30 November 1982.

Attendance

5. Experts from nine Contracting Parties participated in the meeting. A complete list of participants is attached as annex I to this report.

Opening of the meeting

6. The meeting was opened by Mr. A. Manos, Co-ordinator, Mediterranean Action Plan. Mr. Manos recalled that the committee of government experts had been convened on the specific instructions of the second Ordinary Meeting of the Contracting Parties in order to review the rules of procedure for meetings and conferences of the Contracting Parties. He remarked that the committee was opened to all Parties, and he expressed the view that it was possible to assume that those who were not attending would not be reopening discussions on points on which the committee had reached consensus.
7. The Co-ordinator expressed the hope that the committee would be able to reach agreement on an amended set of rules of procedure so that the Contracting Parties would be able to approve the proposed amendments in the limited time available to them at their next meeting. He stressed the importance of the rules of procedure to the effective functioning of the programme, noting, in particular, that many disputes could be avoided through the application of the rules of procedure if those rules are clear and comprehensive.
8. Mr. Manos declared the meeting opened and wished the experts success in their work.

Organization of the work

9. In accordance with paragraph 3 of rule 49 of the rules of procedure, and taking into account the restricted number of Government experts participating in the meeting, it was agreed that the Co-ordinator of the Mediterranean Action Plan would chair the meeting.

Review of the rules of procedure

10. The committee reviewed the rules of procedure on a rule-by-rule basis, taking into account the amendments proposed by the secretariat and the United Nations Office of Legal Affairs as set forth in document UNEP/WG.82/1.

11. The text of the rules of procedure as amended by the committee of experts is contained in annex II to this report. The amended rules of procedure are hereby submitted to the Third Ordinary Meeting of the Contracting Parties for consideration with a view to their adoption.

12. The Committee was of the opinion that the majority of amendments were of a drafting nature and did not alter the substance of the rules. Such amendments were introduced to rules 10, 13, 16, 19, 21 and 36.

13. However, the Committee did think it advisable to draw the attention of the Third Ordinary Meeting of the Contracting Parties to the following substantive changes made to rules 20 and 40 :

- a) With regard to paragraph 1 of rule 20, the Committee discussed thoroughly the possibility of enlarging the Bureau by increasing the number of Vice-Presidents to be elected. The secretariat explained to the Committee that an expansion of the Bureau would have financial implications for the budget of the Mediterranean Action Plan, as the costs of the meetings of the Bureau (including the travel and per diem of the members) were covered by the programme's budget. Since the majority of experts thought it advisable not to increase the size of the Bureau, the number of Vice-Presidents to be elected was maintained at two. However, some experts were of the view that it would be beneficial to enlarge the Bureau so as to ensure a wider representation of States, and taking into account the experience in other regional seas areas, suggested that four Vice-Presidents be elected. The Committee wished to draw the attention of the Contracting Parties to this issue.
- b) Furthermore, with regard to paragraph 1 of rule 20, the text has been amended so that the Vice-Presidents are elected with the title of first or second Vice-President. This is to ensure conformity with paragraph 4 of rule 20.
- c) Two new paragraphs (paragraphs 4 and 5) have been added to rule 20 to provide for the replacement of members of the Bureau who are unable to exercise their functions; and
- d) In rule 40, the majority required to permit the reconsideration of a proposal after it has been adopted or rejected has been increased to a two-thirds majority of the Contracting Parties present and voting.

14. In addition, the previous rule 21 was deleted as it was agreed that the situation envisaged in that rule was already covered by rule 20.

Adoption of the report

15. The meeting adopted its report on 30 November 1982.

Closure of the meeting

16. The meeting was closed by the Co-ordinator of the Mediterranean Action Plan on 30 November 1982.

ANNEX I

LIST OF EXPERTS

LISTE DES EXPERTS

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ANNEX II
RULES OF PRECEDURE

for

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

Purposes 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.

Definitions 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 regional plan adopted by the Intergovernmental meeting on the Protection of the Mediterranean, Barcelona, 28 January - 4 February 1975, 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 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 and extraordinary meetings on the conditions provided for in that article.

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 not less than fifteen days or more than ninety days after 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 by the States invited in accordance with 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 tacit agreement of two-thirds of the Contracting Parties, invite to send representatives to observe any meeting or conference, any other State Member of the United Nations or member of its specialized agencies which so requests 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 tacit consent of the meeting or the conference, may participate without vote in the deliberation of the meeting or of the conference in matters of direct concern to the States they represent.

Rule 7

1. The Executive Director shall invite to send representatives to observe any meeting or conference, 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 tacit 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.A. The Executive Director shall, with the tacit consent of two-thirds of the Contracting Parties, invite to send representatives to observe any meeting or conference, any intergovernmental organization other than the United Nations, the specialized agencies and the International Atomic Energy Agency, which have a direct concern in the protection of the Mediterranean Sea against pollution.

1.B. The Executive Director shall, with the tacit consent of the Contracting Parties invite to send representatives to observe any public sitting of any meeting or conference, any international non-governmental organization, which has a direct concern in the protection of the Mediterranean Sea against pollution.

2. Such observers may, upon the invitation of the President and with the tacit 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 the organizations they represent.

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 Executive Director shall prepare the provisional agenda for each meeting or conference in consultation with the Bureau referred to in rule 22.

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 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 shall, in consultation with the Bureau, 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 extraordinary 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 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.

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 ordinary meeting, unless otherwise decided by the 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 sitting 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 sitting of each ordinary meeting or conference a President, a first and second Vice-President and a Rapporteur are to be elected from among the representatives of the Contracting Parties.
2. The President, two Vice-Presidents and Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. Exceptionally, these officers may be re-elected for one further consecutive term.

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.

4. If the President resigns or otherwise becomes unable to continue to perform his functions, the first Vice-President shall assume the office of the President for the remainder of the mandate, and a representative of the country of the President shall be invited to participate in the meetings of the Bureau.

5. If a Vice-President or the Rapporteur resigns or otherwise becomes unable to continue to perform his functions, a representative of his country shall replace him for the remainder of his mandate.

Acting President Rule 21

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 Rule 22

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 23

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 24

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

Rule 25

The secretariat shall arrange for interpretation of speeches made at meeting 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 26

Arabic, English, French and Spanish are the official languages of the meetings or conferences of the Contracting Parties.

Rule 27

1. Statements made in a language of the meeting or conference shall be interpreted into the three other official languages.
2. A representative may speak in a language other than a language of the meeting or conference, if he provides for interpretation into one such language.

Rule 28

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 the official languages and translated into the three other official languages.

Conduct of business Rule 29

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

Rule 30

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.

Points of order Rule 31

Subject to the provisions of rule 46, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Contracting Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

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 procedural motions even though these amendments and motions have not been circulated or have been circulated only 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

Any representative may request 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 two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 36

If the motion referred to in rule 35 is adopted, those parts of a proposal or of an amendment 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 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 proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or 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 session, unless the meeting or the conference, by a two-thirds 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.A. A Contracting Party that is more than twenty-four months in arrears with its contribution shall not be entitled to vote. However, the meeting may authorize this Contracting Party to participate in the vote if it finds out that arrears are due to circumstances beyond its control.
- 2.B. Without prejudice to the provisions of paragraph A above, article 19 of the Convention shall apply with regard to the European Economic Community and its member States.

Rule 42

1. Unless otherwise provided by the Convention, the protocols or the financial terms of reference, substantive decisions, recommendations and resolutions shall be made by a two-thirds 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 at the sitting at which voting takes place and casting an affirmative or negative vote or abstaining from voting.

Rule 43

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 is equally divided, the proposal shall be regarded as rejected.

Rule 44

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 names of the Contracting Parties in French, beginning with the Contracting Party whose name is drawn by lot by the President. Any Contracting Party may also request a secret ballot.

Rule 45

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 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 practice of the United Nations.

Ad hoc Meetings 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 these 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 body 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 two-thirds 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.

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