

Report of the

FIRST SESSION OF THE REGIONAL COMMISSION FOR FISHERIES

Muscat, Sultanate of Oman, 6-8 October 2001



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PREPARATION OF THIS REPORT

This is the final version of the report as approved by the first session of the Regional Commission for Fisheries (RECOFI) on 8 October 2001.

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ABSTRACT

The first session of the Regional Commission for Fisheries (RECOFI) was held in Muscat, Sultanate of Oman, from 6 to 8 October 2001. Delegates and potential members of the Commission and Observers from the WorldFish Center (ICLARM), the Cooperation Council for the Arab States of the Gulf (GCC) and the United Nations Environment Programme (UNEP) attended the session.

Official opening was made by Dr Younis Khalfan Al-Akhzami (Director General of Fisheries Resources of the Sultanate of Oman), and Dr Mohammad Saif Abdullah (Senior Regional Fisheries Officer, FAO Regional Office for the Near East and General Secretary of the RECOFI). Main items discussed were: rules of procedures of RECOFI, working methods and subsidiary bodies, annual meetings, status of fisheries in Member Countries, financial arrangements and future activities of RECOFI.

Distribution:

Participants in the first session
 Members of the RECOFI
 Other interested Nations and International Organizations
 FAO Fisheries Department
 Fishery Officers in FAO Regional Offices.

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OPENING OF THE SESSION

1. The first session of the Regional Commission for Fisheries (RECOFI) was held at the Conference Facilities of Holiday Inn Muscat, Oman, at the kind invitation of the Government of the Sultanate of Oman, from 6 to 8 October 2001.
2. The session was attended by delegates from the following Members of the Commission, Islamic Republic of Iran, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates. Representatives from one non member of RECOFI, the State of Bahrain, as well as from the United Nations Environmental Programme (UNEP), from the WorldFish Center (ICLARM) and the University of Sultan Qabous were observers to the session. The list of delegates and observers is given in Appendix E.
3. The Director-General of Fisheries Resources of the Sultanate of Oman, Dr Younis Khalfan Al-Akhzami, welcomed the delegates to Oman and officially opened the session.
4. During the opening ceremony, a statement was made on behalf of the Director-General of FAO, Mr Jacques Diouf, the Assistant Director-General, Fisheries Department, Mr Ichiro Nomura, and the Assistant Director-General, Regional Representative for the Near East, Mr Atif Bukhari, by Mr Mohammad Saif, Secretary of the Regional Commission for Fisheries.
5. Mr Saif recalled the process for the establishment of the Commission and congratulated Members of RECOFI for the establishment of the commission and its entry into force in such a short time. He reminded the Members that the RECOFI was their organization, and emphasized that it was up to the members to make decisions pertaining to the activities of the Commission. He pointed out that in this light the agendas for future sessions would have to be elaborated through an interactive and participatory process. He called on those potential members who have not yet ratified the Agreement to do so as soon as possible. Mr Saif reassured Members of the availability of FAO to continue to work with the Commission to ensure the long-term sustainable management and utilization of the living aquatic resources and the development of environmentally sound aquaculture in the region.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

6. The Commission agreed on a few transitional arrangements, arising from the fact that the Commission was holding its first session and, in line with the usual practice with FAO fishery bodies and the proposed provisions of the Rules of Procedures, the Commission would elect, at the end of its session, a Chairperson and a Vice-Chairperson who would hold office during the intersessional period and, as appropriate, chair the forthcoming session of the Commission until the election of a new Chairperson and Vice-Chairperson. It was explained in some detail that the rationale for this practice was that the Chairperson was required to follow the activities of the Commission and work in close cooperation with the secretariat during the intersessional period and chair the session in the course of which the proposals and work carried out during that period would lead to decisions by the Commission. Therefore, the Commission agreed to elect a Chairperson and a Vice-Chairperson at the beginning of the session who would serve for the duration of the session. In doing so, the Commission noted that these officers could be reelected at the end of the session.
7. The Commission unanimously elected the following office bearers:

Chairman, Dr Younis Al-Akhzami	(Sultanate of Oman)
Vice-Chairman, Dr Haider Ali Murad	(State of Kuwait)
Rapporteur, Mr Ahmad Al- Janahi	(United Arab Emirates)

8. The Commission adopted the agenda shown in Appendix A. The documents made available to the Commission are listed in Appendix B.

PROPOSED RULES OF PROCEDURE FOR THE COMMISSION

9. The Commission considered document RECOFI/2001/3 entitled “Proposed Rules of Procedure for the Regional Commission for fisheries”.

10. Following some requests for clarifications, which were provided by the secretariat, and discussion on some proposed rules, the Commission approved under Article II.7 of the constituent Agreement of RECOFI, the Rules of Procedure of the Commission. The Rules of Procedure are presented in Appendix C to this report.

POSSIBLE WORKING METHODS AND PRACTICAL OPERATING ARRANGEMENTS FOR THE REGIONAL COMMISSION FOR FISHERIES.

11. The agenda item was introduced and reviewed on the basis of document RECOFI/2001/4 which is given in Appendix D. The Commission expressed appreciation for the opportunity to discuss the issue at its first session. It remarked that the suggestions and modalities contained in the documents could be useful in improving its work and in strengthening the Commission’s role as a fisheries management organization. It was noted that several Non-governmental Organizations (NGOs) and other Intergovernmental Organizations (IGOs) were active in the Commission region that had terms of reference relating to the mandate of the Commission. It was agreed that these organizations should be encouraged to participate and to present formal observer's reports describing their current activities as they relate to the mandate of the commission.

12. The Commission agreed:

- i) That technical and scientific matters should be addressed by subsidiary bodies to be established for such purposes. Member countries may, if they wish, bring national, bilateral (e.g. lantern fish concerns in the Gulf of Oman) and multilateral issues to the consideration of the Commission and its technical members but it was anticipated that the Commission would give most emphasis to marine and fisheries issues of regional importance.
- ii) That the Commission should concern itself with organizational, strategic and policy issues and on reviewing the work of subsidiary bodies.
- iii) To organize annual meetings of the Commission.
- iv) To convene sessions of the Commission during the first two weeks of the month of May. The session of the Commission will start on the second Tuesday of the month of May and would be preceded by a meeting of the technical experts and scientists.
- v) To reduce, as required, the duration of sessions of the Commission while increasing the time allotted to technical and scientific matters.

- vi) To develop and strengthen partnership arrangements and liaison with other organizations, including in the first instance, with the Gulf Cooperating Council, the Regional Organization for the Protection of the Marine Environment, UNEP, ICLARM and other relevant organizations.
- vii) To request Observer status in other regional fishery bodies.
- viii) To communicate to the Secretary the name and title of their country focal point to RECOFI.

13. The Commission regretted that a post-evaluation of the former Gulfs Committee had not been undertaken. It considered that such a study would have contributed in strengthening the work of the Commission. It requested that the Secretariat to undertake such an evaluation for review at its next session.

14. The Commission also agreed on the following schedule for its future meetings:

Second session	May 2003	Sultanate of Oman*
Third session	May 2004	State of Qatar
Fourth session	May 2005	Kingdom of Saudi Arabia
Fifth session	May 2006	United Arab Emirates
Sixth session	May 2007	State of Bahrain*
Seventh session	May 2008	Islamic Republic of Iran*
Eighth session	May 2009	Republic of Iraq*
Ninth session	May 2010	State of Kuwait*

(* Subject to the deposit of an instrument of acceptance with the Director-General of FAO).

WORK PROGRAMME 2001–2003

15. The Commission established two ad hoc Working Groups on Aquaculture and on Stock Assessment and Fisheries Statistics. It agreed that these working groups should meet in Oman in May 2002. At those meetings delegates would be expected to present country reports on the basis of a standard format to be provided by the secretariat. The reports would in addition document with supporting information the state of the fisheries on a stock by stock basis. The meetings will also agree on the terms of reference for the working groups. The Commission agreed that both meetings should be chaired by experts from the Fisheries Department of Oman. The Director General of Fisheries of Oman will communicate to the Secretary the names and titles of the Chairperson. The Secretary in turn should communicate this information to all Members.

16. The Commission agreed that it would receive at its second session in May 2003, the outcome of the meetings of the ad hoc Working Groups and their work between May 2002 and the second session of the Commission.

17. The Commission requested that FAO should facilitate the participation of some Members of the Commission to the sessions/meetings of other regional fisheries bodies such as International Council for the Exploration of the Sea (ICES) and Indian Ocean Tuna Commission (IOTC). It considered that such exposure would contribute in improving the working arrangements within the Commission.

18. The meeting discussed the merits and possible structure of a one-day Conference to be held prior to the Commission meetings in 2003 and 2004. Two topics were proposed:

- i) destructive fishing: Implications for Fisheries Conservation in the RECOFI Area (2003); and
- ii) traditional fisheries: their management challenges and opportunities for co-management.

It was noted that the Secretariat would assist with the planning of these events.

FUTURE ACTIVITIES OF RECOFI

19. The issue of what are the relevant issues or concerns for the Commission was discussed. There was common agreement that there were two particular such issues:

- i) problems and activities relating to aquaculture (including pathology, genetic contamination, etc.) and
- ii) the assessment of the status of fish stocks in the Commission area and the provision of advice relating to their conservation and “rational” management.

20. A number of other potentially relevant issues were also noted. These included:

- i) a statistics and information sub-committee
- ii) establishing a Web site to act as a common archive for relevant data relating to the Commission area. The Commission requested the General Secretary to investigate the option for creating a RECOFI Web site, and report to the next session;
- iii) developing a communications and media relations policy for the Commission;
- iv) preparing an annual review of the “state of the RECOFI region” which would document relevant oceanographic and meteorological information;
- v) reviewing and advising on access rights and appropriate levels of fishing effort in the respective fisheries;
- vi) undertaking studies on specific issues such as the fisheries biology of kingfish (*Scomberomorus*);
- vii) regional bio-diversity and conservation concerns;
- viii) global warming and other mega and meso-scale physical processes; and
- ix) reviewing on the possible effects draining the Marshes of Shat Al Arab on the fisheries and marine environment.

21. It was agreed that the members would undertake to identify what were deemed to be issues of national interest to facilitate the Commission in preparing a relevant agenda of future technical and programme activities

22. The Commission noted the need to communicate to the media appropriate information concerning the activities and findings of the RECOFI as it was agreed that this would be essential in promoting support for the Commission and its objectives.

FINANCIAL ARRANGEMENTS

23. The Commission was informed that, pending the adoption of the financial regulations for the administration of the budget for cooperative activities referred to in Article IX paragraph 1 of the constituent Agreement of RECOFI, the financial regulations of the

Organization (FAO), as implemented by the Administrative Manual and Memoranda and procedures based thereon, applied to the Commission.

24. The Commission took note of the renewed commitment of each Member to make an annual contribution of US\$5 000 into the core budget of RECOFI. It further affirmed its willingness to undertake cooperative activities. The Commission requested the Secretary to initiate action for the establishment of a trust fund account in FAO in the name of RECOFI, and to communicate as soon as possible the number of the trust fund account to Members so that Members could pay their dues.

COUNTRY REPORTS AND OBSERVER'S PRESENTATIONS

25. Several delegates presented country reports containing significant progress made in the fisheries sector as well as problems faced in some areas. The reports also included a number of important recommendations for topics to be included in the strategic and operational plans for RECOFI. Some of these recommendations were:

- a) Stock assessment and statistics and biological studies.
- b) Training of fishermen.
- c) Quality control.
- d) Study of demersal and pelagic fisheries.
- e) Hydrological and hydro biological studies.

Representative from ICLARM presented ICLARM's areas of competence and offered full cooperation with RECOFI.

The Sultanate of Oman suggested to host a workshop on quality control.

ANY OTHER MATTERS

26. The Secretariat reported that the IFAD initiative to secure funding for a regional trawl survey in the Commission area had been unsuccessful and that it was unlikely that this situation would change in the future. There was common agreement that a regional trawl survey was a highly desirable technical activity and that finding means of undertaking such a programme in the future was of great importance. It was noted that the Kuwait Foundation for Advancement of Science had expressed considerable interest in funding such a programme in the past however; insufficient political support had existed to convince them to fund this programme. It was agreed that this issue must be examined further in the future. The Commission emphasized the need for a regular regional resource survey and the need to find funding to enable this. It was agreed that this item must be kept under active consideration.

27. The Islamic Republic of Iran suggested to:

- a) host the aquaculture information centre when it is approved;
- b) host training courses in coastal management and shrimp hatchery techniques;
- c) host a regional training centre in Bushair.

28. The State of Kuwait offered to host the Aquaculture Information Centre when it is approved.

DATE AND PLACE OF NEXT SESSION

29. The Commission re-elected Chairman, Dr Younis Al-Akhzami (Sultanate of Oman) and, as Vice-Chairman, Dr Haider Ali Murad (State of Kuwait). The Commission further welcomed the offer of the delegation of the Sultanate of Oman to host the next session. The venue and date will be agreed upon between the authorities of Oman and the Director-General.

30. The Commission expressed its gratitude to the Government of the Sultanate of Oman for its kind hospitality in serving as the host of the first session of the Regional Commission for Fisheries.

ADOPTION OF THE REPORT

31. This report was adopted at Oman by the Commission, on 8 October 2001

APPENDIX A**Agenda**

1. Opening of the session (two speeches, one from the host country and one from FAO).
2. Adoption of the agenda.
3. Review of intersessional activities.
4. Functioning of the Commission (Rules of Procedures).
5. Programme of work and budget 2001–2003.
6. Financial arrangements.
7. Any other matters.
8. Date and place of the next session.

APPENDIX B

List of documents

RECOFI/2001/1	Provisional agenda
RECOFI/2001/3	Proposed Rules of Procedure for the Regional Commission for Fisheries
RECOFI/2001/4	Possible working methods and practical operating arrangements for the Regional Commission for Fisheries (RECOFI) and related matters
	Programme of work and budget 2001–2003
	Financial arrangements
RECOFI/2001/Inf.1	List of documents

APPENDIX C

Proposed Rules of Procedure for the Regional Commission for Fisheries

RULE I

Definitions

For the purpose of these Rules, the following definitions apply:

Agreement:	The Agreement for the Establishment of the Regional Commission for Fisheries adopted by the Council of FAO on 11 November 1999, at its Hundred and Seventeenth Session.
Commission:	The Regional Commission for Fisheries.
Chairperson:	The Chairperson of the Commission.
Vice-Chairperson:	The Vice-Chairperson of the Commission.
Delegate:	The representative of a Member as specified in Article II, paragraph 1, of the Agreement.
Delegation	The delegate and his alternate, experts, and advisers.
Member:	Members of the Commission.
Secretary:	The Secretary of the Commission.
Organization:	The Food and Agriculture Organization of the United Nations.
Conference:	The Conference of the Organization.
Council	The Council of the Organization.
Director-General:	The Director-General of the Organization.
Observer Nation, Associate Member or Organization:	A nation that is not a Member of the Commission or of the Organization, or an international organization invited to attend a session of the Commission, or a Member or Associate Member of the Organization attending a session of the Commission while not a Member of the Commission.
Observer:	The representative of an observer nation or organization.

RULE II

Sessions of the Commission

1. In pursuance of, and in accordance with Article II, paragraph 4 of the Agreement, the Commission, in consultation with the Director-General, shall at each session consider the time and place for the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairperson, accordingly, shall issue the announcement of the session, provided that, if the Commission at a regular session is unable to fix a time and place for the next session, it

shall, in consultation with the Director-General, take a decision as to the calendar year in which the next session is to be held, and the Chairperson, in consultation with the Director-General, is then authorized to fix the time and place of the session provided that the approval of a majority of the Members of the Commission has been secured.

2. The Chairperson, in consultation with the Director-General, may call a special session of the Commission at the request of, or with the approval of the majority of the Members, and decide the time and place of such a session.

3. Invitations to a regular session of the Commission shall be issued by the Secretary, on behalf of the Chairperson, not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.

RULE III

Credentials

At each session the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action.

RULE IV

Agenda

1. The agenda of each regular session shall include:

- a. election of the Chairperson and two Vice-Chairpersons as provided under Article II, paragraph 3 of the Agreement;
- b. adoption of the agenda;
- c. a report by the Secretary on the financial affairs of the Commission;
- d. consideration of the proposed budget;
- e. reports of subsidiary committees and working parties (taking decisions and making recommendations as appropriate);
- f. consideration of management measures and decisions as appropriate);
- g. programme of work for the intersessional period;
- h. consideration of the time and place of the next session;
- i. proposals for amendments to the Agreement and the present Rules of Procedure;
- j. items referred to the Regional Commission for Fisheries by the Conference, the Council or the Director-General of the Organization.

2. The agenda shall also include, upon approval by the Commission:

- a. items that were not fully discussed at the previous session;
- b. items proposed by a Member.

3. The provisional agenda shall be sent by the Secretary to members and observer nations and organizations not less than sixty days before the date of the session, together with reports and documents available in connection therewith.

4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

RULE V

The Secretariat

1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General.

2. The duties of the Secretary shall include the receipt, collation, and circulation of documents, reports, and resolutions of the sessions of the Commission and its committees the record of their proceedings, the certification of expenditures and financial commitments, and the performance of such other duties as the Commission may direct.

3. Copies of all communications concerning the affairs of the Commission shall be sent to the Secretary for purposes of information and record.

RULE VI

Plenary Meetings of the Commission

Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VII

Election of Chairperson and Vice-Chairpersons

1. The Commission shall, during each regular session, elect the Chairperson and two Vice-Chairpersons of the Commission who shall assume office immediately following the regular session at which they were elected.

2. Nominees must be delegates or alternates. They shall be eligible for re-election.

RULE VIII

Functions of the Chairperson and Vice-Chairpersons

1. The Chairperson shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:

- a. declare the opening and closing of each plenary meeting of the Commission;
- b. direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
- c. rule on points of order;
- d. subject to these Rules, have complete control over the proceedings of the session;
- e. appoint such ad hoc committees of the session as the Commission may direct.

2. In the absence of the Chairperson, or at his request, his functions shall be exercised by the first Vice-Chairperson or, in the absence of the latter, by the second Vice-Chairperson.

3. The Chairperson or Vice-Chairpersons, when acting as Chairperson shall not vote and another member of their delegations shall represent their governments.
4. The Secretary shall temporarily exercise the functions of the Chairperson in the event the Chairperson and Vice-Chairpersons are unable to serve.

RULE IX

Voting Arrangements and Procedures

1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.
2. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order.
3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.
4. Voting on matters relating to individuals, including the election of officers of the Commission and its Committees and Working Groups, shall be by secret ballot, unless the Commission or the concerned committee or working group decides otherwise.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.
6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.
7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed *mutatis mutandis* by the provisions of the General Rules of the Organization.

RULE X

Subsidiary Committees and Working Groups

1. The establishment of Committees and Working Parties shall be subject to the provisions of Article VII, paragraph 3 of the Agreement.
2. The procedures of such Committees and Working Groups shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

RULE XI**Budget and Finance**

1. Subject to paragraph 5 of this Rule, the Financial Regulations of the Organization, as implemented by the Administrative Manual and memoranda and the procedures based thereon, shall apply to the Commission.
2. A proposed budget of the Commission for the next succeeding financial period consisting of proposed expenses of the secretariat, including publications and communications, the proposed travelling expenses of the Chairperson and Vice-Chairpersons, when engaged in the work of the Commission between its sessions, and the expense, if any, of the Committees and Working Groups, shall after approval by the Commission be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.
3. When adopted by the Conference, as part of the general budget of the Organization, the budget of the Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.
4. All cooperative projects shall be submitted to the Council or the Conference of the Organization prior to implementation.
5. The Commission shall adopt Financial Regulations for the administration of the budget for cooperative activities referred to in Article IX, paragraph 1 of the Agreement.

RULE XII**Participation by Observers**

1. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization.
2. Members and Associate Members of the Organization that are not members of the Commission may, upon their request, be represented by an observer at sessions of the Commission and its subsidiary bodies.
3. States that are not Members of the Commission, nor Members or Associate Members of the Organization, but are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization and of the Regional Commission for Fisheries, attend sessions of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.
4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any technical sessions of the Committees or Working Groups which they may be invited to attend. In no case will they be entitled to vote.

RULE XIII
Cooperative Projects

In the furtherance of cooperative projects provided for in Article III e) of the Agreement arrangements may be made with governments that are not members of the Commission. All such arrangements shall be made by the Director-General of the Organization.

RULE XIV
Records, Reports and Recommendations

1. Summary records shall be made of each plenary meeting of the Commission and each meeting of the Committees and Working Groups, and shall be distributed as soon as possible to the participants.

2. A summary shall be prepared of the proceedings of each session of the Commission and shall be published together with such reports of committees or groups, technical papers and other documents as the Commission may consider advisable.

3. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested a statement of minority views.

4. Subject to the provisions of Article V of the Agreement, the conclusions and recommendations of the Commission shall be transmitted to the Director-General of the Organization at the close of each session, who shall circulate them to Members of the Commission, nations and international organizations that were represented at the session and make them available to other Members and Associate Members of the Organization for their information.

5. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.

6. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of recommendations made by the Commission.

RULE XV
Recommendations to Members

1. The Commission may take recommendations for action by Members on any matter pertaining to the functions described in Article III of the Agreement.

2. The Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

RULE XVI**Amendments to the Agreement**

1. Proposals for the amendment of the Agreement, as provided by Article XII of the Agreement, may be made by any Member in a communication addressed to the Secretary. The Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.
2. No action on a proposal for the amendment of the Agreement shall be taken by the Commission at any session, unless it has been included in the provisional agenda of the session.

RULE XVII**Suspension and Amendment of Rules**

1. Subject to the provisions of the Agreement any of the foregoing Rules, other than Rules IV, V, X, paragraphs 1, XI, XII, XIV, paragraph 4, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.
2. Amendments of, or addition to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.
3. Any amendment to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule, shall not become effective until the next session of the Commission.

RULE XVIII**Languages**

1. The official languages of the Commission shall be such languages of the Organization as the Commission may itself decide. The delegations may use any of these languages at sessions and for their reports and communications. A delegation using a non-official language shall provide for interpretation into one of the official languages.
2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat, when requested by one of the delegates present.
3. Publications or reports and communications shall be in the language in which they are submitted and, when requested by the Commission, abstracts in translation may be published.
4. Notwithstanding the provisions of this Rule, the Commission may decide on the working language or languages to be used at its meetings or in publications and reports.

APPENDIX D

Possible working methods and practical operating arrangements for the Regional Commission for Fisheries (RECOFI) and related matters

SUMMARY

During the negotiations on the Agreement for the establishment of a Regional Commission for Fisheries (RECOFI), it was underlined that in order for the Commission to discharge its responsibilities efficiently there was a need to develop appropriate working methods and practical operating arrangements. This document contains a number of proposals regarding possible working methods and practical operating arrangements, which would operate under the framework of the Agreement and the Rules of Procedure and might improve the efficiency of the Commission. In addition, the document makes a number of suggestions regarding the possible establishment of subsidiary bodies under the terms of Article VII of the Agreement.

BACKGROUND

1. The Regional Commission for Fisheries (RECOFI) was set up by an Agreement adopted by Resolution 1/117 of the Hundred and Seventeenth Session of the FAO Council held in November 1999. The Agreement came into force on 26 February 2001, the date of receipt by the Director-General of the third instrument of acceptance¹.

FUNCTIONS OF THE COMMISSION

2. The functions of the Commission are defined as follows in Article III of the Agreement:

- “1. The purpose of RECOFI shall be to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Area, and to these ends it shall have the following functions and responsibilities:
- (a) to keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;
 - (b) to formulate and recommend, in accordance with the provisions of Article V, appropriate measures:
 - (i) for the conservation and rational management of living marine resources, including measures:
 - regulating fishing methods and fishing gear,

¹ The following States have accepted the Agreement: Qatar (12 July 2000); Saudi Arabia (3 November 2000) and United Arab Emirates (26 February 2001).

- prescribing the minimum size for individuals of specified species,
 - establishing open and closed fishing seasons and areas,
 - regulating the amount of total catch and of fishing effort and their allocation among Members,
- (ii) for the implementation of these recommendations;
- (c) to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;
- (d) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;
- (e) to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;
- (f) to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;
- (g) to promote programmes for aquaculture and fisheries enhancement;
- (h) to carry out such other activities as may be necessary for RECOFI to achieve its purpose as defined above.
2. When formulating and recommending measures under paragraph 1b) above, the Commission shall apply the precautionary approach to conservation and management decisions, and take into account also the best scientific evidence available and the need to promote the development and proper utilization of the marine living resources.”

POSSIBLE WORKING METHODS AND OPERATING ARRANGEMENTS

3. In the course of the negotiations for the establishment of the Regional Commission for Fisheries, in particular during the Technical Meeting held in Tehran, Iran, from 3 to 5 May 1998, the view was expressed that, in order for the Commission to discharge its responsibilities in an efficient manner, there was a need to develop appropriate working methods and practical operating arrangements for the Commission. The Secretariat considered the matter in some detail and, as a result, presents in this document a number of suggestions.

4. However, prior to outlining any suggested proposals, the Secretariat wishes to underline two important considerations.

5. First, the proposals contained in this document concern working methods and practical operating arrangements for the Commission. They would not constitute legally binding procedures and would always need to be seen under the legal framework of the Agreement for the establishment of the Regional Commission for Fisheries, and the Rules of Procedure that the Commission is due to approve, and conform to that framework. In particular, in the event

that a given recommended practice or operating arrangement should not be consistent with any of the provisions of the Agreement and the Rules of Procedure, the latter would prevail.

6. Second, it is suggested that, irrespective of the decision taken at its first session, the Commission should keep under review the suggested working methods and practical operating arrangements set out in this document in the course of its forthcoming sessions in order to improve them, as appropriate.

7. The following are specific proposals regarding working methods and operating arrangements being submitted to the consideration of the Commission:

- The elaboration of provisional agendas for the sessions is a responsibility of the Secretary who has to conform to various relevant provisions set out in the Rules of Procedure of the Commission. Under this framework it is suggested that, prior to the dispatch of the agenda and through a participatory process involving the Chairman and the Members, the Secretary should seek through an informal participatory process with a view to ensuring that the issues to be discussed reflect the priorities, needs and aspirations of the Members.
- In doing so, and with due regard to the provisions of the Rules of Procedure on the Agenda, consideration should be given to restricting agendas to a number of priority items that could be efficiently examined during a specified number of sittings.
- To the greatest extent possible, sessions should be structured, in practice, in such a manner as to distinguish technical and scientific matters from organizational and strategic matters. Technical issues should be addressed in the first instance by a subsidiary body and reported to the Commission for decision.
- The Commission should seek to limit its activities to a number of key areas that could be supported on a long-term basis, with emphasis on shared stocks.
- The Commission should request Members to designate national focal points in order to facilitate and to expedite contacts and the work of the Commission.
- The Commission should request that inter-session work programmes reflect priority themes and ensure the activities are implemented.
- The Commission should encourage active participation, both in its sessions and in the sessions of its subsidiary bodies, by officials at an appropriate administrative level with responsibilities for policy development and programme implementation. Such officials should also be empowered by their Governments to take decisions particularly of a technical nature.
- Subject to review of the financial implications arising there from, the Commission should convene and coordinate an increased number of meetings to address emerging issues. This implies that the duration of sessions of the Commission, itself, should be short, and, without prejudice to any relevant statutory requirement, concentrate mainly on the review of the work of the subsidiary bodies and address policy issues. Subsidiary bodies should be encouraged to meet often and regularly. Thus activities of members during the intersessional period are ensured for the final outcome of the Commission.
- The Commission should request Members to maintain and effectively disseminate, as appropriate, data and information.
- Consideration could be given to developing partnership arrangements and liaison with other organizations, including, in the first instance, with the Gulf Cooperating Council

and the Regional Organization for the Projection of the Marine Environment (ROPME) through established procedures regarding relations with international organizations.

- The Commission should encourage its members to seek additional financial support for the work of the Commission.

POSSIBLE SUBSIDIARY BODIES

8. Article VII of the Agreement, entitled “Committees, Working Groups and Specialists, provides:

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Commission and working groups to study and recommend on specific technical problems.
2. The committees and working groups referred to in paragraph 1 above shall be convened by the Chairperson of the Commission at such times and places as are determined by the Chairperson in consultation with the Director-General of the Organization, as appropriate.
3. The establishment of committees and working groups referred to in paragraph 1 above and the recruitment or appointment of specialists shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Commission. Before taking any decision involving expenditures in connection with the establishment of committees and working groups and the recruitment or appointment of specialists, the Commission shall have before it a report from the Secretary of the Commission on the administrative and financial implications thereof”.

9. The work of the Commission would be enhanced through the establishment, under the above provisions, of temporary, special or standing Committees and working groups to study and make recommendations on specific technical problems.

10. The determination of the subsidiary bodies that should be set up is obviously a matter for the Commission to decide upon. However, in taking its decisions on the matter, the Commission may wish to take into due account the following considerations.

11. In keeping with Article VII of the RECOFI Agreement, the establishment of subsidiary bodies is subject to the availability of necessary funds. Information on the costs involved therein will be made available to the Commission.

12. It is suggested, in any case, that participants in these subsidiary bodies should include senior scientists in their countries or other persons with multidisciplinary or specialized skills and background relevant to the immediate agenda items/activities to be addressed by the body in question.

13. The Commission would need to evaluate the extent to which such bodies will be allowed flexibility in internal practices in order to ensure the highest level of independent and objective advice. Other issues to be resolved include:

- The degree to which all participants should reflect a national stance, or whether some proportion of independent experts can participate in the debate of some bodies. However, it is noted that, in practice, the distinction between experts reflecting a national stance and independent experts may not be easy to make.
- The issue of the languages to be used.
- The precise definition of the terms of reference for the subsidiary bodies.
- If appropriate, the definition of the mandate of the Chairpersons, including or not the power to convene ad hoc panels of experts for any specific purpose.

14. As regards the composition of the subsidiary bodies, these bodies should, unless otherwise specifically provided for, be multidisciplinary (biologists, economists, managers, users). Routine work should be carried out through e-mail and correspondence. The bodies would also need to meet periodically, preferably every year in order to ensure continuity. This is particularly valid for stock assessment and provision of management advice based on the best information available. The cost of these meetings, which could be kept low by various means, would have to be borne by the members of the particular body or by alternative sources other than FAO.

15. The work programme of each specific body should both reflect national priorities and be included in the programme of work and budget of the national fisheries management agency. In this way, the body would be assisting in the implementation of national priorities. In addition, the countries would be able to obtain immediate tangible benefits for their respective national processes for the management of fisheries. Countries should participate in only what is of importance or relevant to their national priorities.

16. The Commission should endeavour to keep the size of the subsidiary bodies small so that detailed analysis of technical matters can be undertaken. Furthermore, although it has been suggested to have multidisciplinary bodies (Cf. Paragraph 13 above), care should be exercised, bearing in mind that unlimited numbers of advisers or experts from a wide range of disciplines will make the work and agenda of the bodies very unwieldy.

17. Subject to any relevant provisions, the agenda and work programme of the bodies should be set by the Commission, as adjusted in order to take into account the need to consider technical issues which might arise in the course of the implementation of the work programme of the subsidiary bodies. It is also advisable that the agenda be focussed, where possible, on a limited number of subject matters so that the number of specialized advisers attending any one session could be limited to the extent possible. The subsidiary bodies should report to the Commission preferably through their respective Chairpersons.

18. It is suggested that some consideration be given to the possibility of setting up a subsidiary body dealing with aquaculture, given the importance of this sub-sector in the countries concerned. Other bodies could address stock assessment and fisheries management matters. In this connection, it should be noted that there is a partial vacuum in the region with regard to fisheries management and, thus, it might be appropriate for RECOFI to take the initiative in this area. Below is some guidance on the criteria for setting up these bodies, their composition and possible working procedures.

19. In the event that RECOFI should not wish to establish a Scientific Advisory Committee immediately, or in the very near future, the Commission may consider creating a

standing working party on fishery management consisting of scientists and fishery managers from the region. This multidisciplinary group should meet periodically, and in any case before each session of the Commission, to assess progress made in fisheries management in the region, provide guidance to the subsidiary bodies, review their work and also advise the Commission. In this manner, the role of FAO should be limited to that of a facilitator and coordinator, as the major activities and decisions are undertaken and agreed on by the Members.

SUGGESTED ACTION BY THE COMMISSION

20. The Commission is invited to review the issues raised in this document and take such decisions as it will deem appropriate.

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The first session of the Regional Commission for Fisheries (RECOFI) was held in Muscat, Sultanate of Oman, from 6 to 8 October 2001. Delegates and potential members of the Commission and Observers from the WorldFish Centre, the Cooperation Council for the Arab States of the Gulf and the United Nations Environment Programme attended the session.

Official opening was made by Dr Younis Khalfan Al-Akhzami (Director General of Fisheries Resources of the Sultanate of Oman), and Dr Mohammad Saif Abdullah (Senior Regional Fisheries Officer, FAO Regional Office for the Near East and General Secretary of the RECOFI).

Main items discussed were: rules of procedures of RECOFI, working methods and subsidiary bodies, annual meetings, status of fisheries in Member Countries, financial arrangements and future activities of RECOFI.