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**Second Meeting of the Parties to the
2009 FAO Agreement on Port State Measures**

Santiago, Chile, 3 - 6 June 2019

RULES OF PROCEDURE FOR MEETINGS OF THE PARTIES¹

The Parties are invited to:

Review the draft Rules of Procedure for meetings of the Parties, and consider their adoption.

¹ This document is without prejudice to the views or interpretation of the Agreement and international law and decisions on implementation of the Agreement by the Parties.

I. BACKGROUND

1. The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereinafter referred to as “the Agreement”) was approved by the FAO Conference at its Thirty-sixth Meeting² under paragraph 1 of Article XIV of the FAO Constitution.
2. The Agreement is concluded under Article XIV of the FAO Constitution and is, therefore, within the framework of FAO.
3. At the First Meeting of the Parties to the Agreement, held in Oslo, Norway from 29 to 31 May 2017, the Parties requested the Secretariat to prepare draft Rules of Procedure for the meetings of the Parties and any subsidiary working groups based on the General Rules of the FAO, and relevant rules of the Committee on Fisheries.

II. DRAFT RULES OF PROCEDURE

4. As requested by the Parties, the Secretariat prepared and circulated a first draft of the Rules of Procedure among the Parties on 10 April 2019, inviting them to provide comments. The Secretariat revised the draft taking into consideration comments and proposals received³, as appropriate. The revised draft Rules of Procedure prepared by the Secretariat is presented in Appendix 1 for further consideration by the Parties at this meeting. All proposed changes to the text received are available in PSMA/2019/Inf.9.
5. The draft Rules of Procedure were developed primarily in accordance with the provisions of the General Rules of the Organization (hereinafter referred to as “GRO”)⁴ and the Principles and Procedures that govern Conventions and Agreements concluded under Articles XIV and XV of the Constitution, and Commissions and Committees established under Article VI of the Constitution (hereinafter referred to as “the Principles”)⁵.
6. In addition, the draft Rules of Procedure take into consideration the rules and practices of Statutory Bodies and the agreements adopted pursuant to Article XIV of the FAO Constitution. Pursuant to paragraph 35 of the Principles, the Rules shall be consistent with the Agreement or the FAO Constitution.
7. The draft Rules of Procedure provide for various matters relating to the meetings of the Parties and subsidiary working groups including: (i) the election of the Chairperson, First Vice-Chairperson and Vice-Chairpersons; (ii) process and requirements for the conduct of meetings; (iii) decision-making; (iv) quorum; (v) languages; (vi) reporting; (vii) participation of observers; and (viii) the application of the GRO.

III. SUGGESTED ACTION BY THE PARTIES

8. The Parties are invited to review the draft Rules of Procedure for meetings of the Parties, and consider their adoption.

² FAO. 2009. FAO Conference Resolution 12/2009. Food and Agriculture Organization of the United Nations, Rome. Available at: www.fao.org/docrep/meeting/017/K6302E/K6302E01.htm#Resolution12

³ Three Parties submitted comments and proposals: Japan, Norway and the United States of America

⁴ FAO. 2017. Basic Texts of the Food and Agriculture Organization of the United Nations. Volumes I and II, 2017 edition. Food and Agriculture Organization of the United Nations. Rome. Available at: www.fao.org/3/a-mp046e.pdf

⁵ FAO. 2017. Basic Texts of the Food and Agriculture Organization of the United Nations. Volume II, Part O.

APPENDIX 1**DRAFT RULES OF PROCEDURE
FOR MEETINGS OF THE PARTIES****Rule 1 - Definitions**

For the purposes of these Rules of Procedure:

“Agreement” means the Agreement on Port State Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

“General Rules of the Organization” means General Rules of the FAO

“Principles and Procedures” means the Principles and Procedures that govern the Conventions and Agreements concluded under Article XIV and Article XV of the FAO Constitution, and Commissions and Committees established under Article VI of the FAO Constitution.⁶

“Officer” means the Chairperson, First Vice-Chairperson and Vice-Chairperson;

“Parties” means the Parties to the Agreement;

“Regular meeting” means a meeting of the Parties convened in accordance with Rule 5.1;

“Representatives” means the delegates, alternates, and other individuals designated by the Party to represent that Party during a meeting of the Parties;

“Special meeting” means a meeting of the Parties convened in accordance with Rule 5.2

⁶ FAO. 2017. Basic Texts of the Food and Agriculture Organization of the United Nations. Volume II, Parts I, K and M.

Rule 2 - Application

- 2.1** These Rules of Procedure shall apply to all meetings of the Parties to the Agreement.
- 2.2** Unless the Parties decide otherwise, these Rules of Procedure shall also apply, *mutatis mutandis*, to working groups established under the Agreement and by the Parties.

Rule 3 – Chairperson and Vice-Chairpersons

- 3.1** The Parties shall elect from among the Representatives, a Chairperson, a First Vice-Chairperson, and up to five Vice-Chairpersons, who will act as a Bureau between meetings and during meetings. In electing the officers, the Parties shall give due consideration to equitable geographical distribution and the desirability of ensuring rotation of these positions among geographic regions. The First Vice-Chairperson shall be from a FAO region other than the region of the Chairperson.
- 3.2** The Parties may also elect from among the representatives a Rapporteur and such other officers as the Parties deem necessary for the functioning of their meetings.
- 3.3** An officer presiding over a meeting shall not at the same time exercise the rights of a representative.
- 3.4** Except as provided for in Rule 3.8, if the Chairperson, First Vice-Chairperson or one of the Vice-Chairpersons is unable to temporarily carry out any of his or her functions, the Party of the said person may designate an alternate.
- 3.5** The terms of office of the Chairperson, First Vice-Chairperson and the Vice-Chairpersons shall commence with immediate effect at the end of the meeting at which they are elected.
- 3.6** The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall serve as the officers of the regular meeting and any special meeting held during their terms of office and provide guidance to the Secretariat with regard to the preparations for, and conduct of meetings of the Parties. The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall remain in office until a new Chairperson, First Vice-Chairperson and Vice-Chairpersons are elected at the end of each regular meeting.
- 3.7** The Chairperson shall preside at all meetings of the Parties except the election of the Chairperson. Unless otherwise decided by the Parties, the Chairperson shall exercise such other functions as may be required to facilitate the work of the Secretariat.
- 3.8** The Chairperson, if temporarily absent from a meeting or any part thereof or temporarily unable to fulfil his or her functions between meetings, shall designate the First Vice-Chairperson or, in his or her absence, one of the Vice-Chairpersons, to act as Chairperson. The First Vice-Chairperson or any Vice-Chairperson acting as Chairperson shall have the same powers and functions as the Chairperson.

3.9 If the Chairperson, First Vice-Chairperson or any of the Vice-Chairpersons resigns from his or her position or is permanently unable to exercise his or her functions, the Party of such person shall designate another representative so that he or she may replace the said person during the remainder of the term.

Rule 4 - Secretariat

The FAO Secretariat shall discharge the responsibilities of the Secretariat, including performing such functions described under the Agreement or these rules and supporting the work of the Bureau, Rapporteur and such other officers elected by the Parties to perform specific functions.

Rule 5 - Meetings

5.1 In addition to the meeting of the Parties convened in accordance with Article 24.2 of the Agreement, the Parties shall hold regular meetings once every two years to guide effective implementation of the Agreement. A review and assessment of the effectiveness of the Agreement in achieving its objective will take place at regular meetings, at a frequency decided by the Parties.

5.2 Special meetings of the Parties shall be held at such other times as may be deemed necessary by the Parties, or at the written request of any Party, provided that this request is supported by a majority of the Parties. A special meeting convened at the request of a Party shall be held within six months of the request having received the support of a majority of the Parties.

5.3 Meetings of the Parties shall be convened by the Chairperson in consultation with the Bureau, the Director-General of the FAO and the Secretariat.

5.4 Notice of the date and place of each meeting of the Parties shall be communicated to all Parties and observers at least twelve (12) weeks before the opening of any meeting.

5.5 Each Party and observer shall submit the credentials of its representatives and the names of members of its delegation to the Secretariat before the opening of each meeting of the Parties.

5.6 The Secretariat may invite experts to meetings of the Parties, with the agreement of the Bureau.

Rule 6 - Agenda and documents

6.1 The Secretariat shall prepare the provisional agenda in consultation with the Bureau.

6.2 Any Party may request the Secretariat directly or through the Bureau to include specific items in the provisional agenda of a meeting before it is circulated to the Parties and observers invited to attend the meeting.

6.3 The provisional agenda of a meeting shall be circulated by the Secretariat to the Parties and observers invited to attend the meeting at least twelve (12) weeks before the opening of a regular meeting and eight (8) weeks in the case of a special meeting.

6.4 Any Party may propose the inclusion of specific items on the provisional agenda of such meeting, before the opening of the meeting, to be circulated by the Secretariat to all Parties and observers invited to attend the meeting, one (1) week before the opening of the meeting. Any Party may also propose to include, before the adoption of the agenda, any other item that it considers relevant.

6.5 After the agenda of a meeting has been adopted, the Parties may decide to amend the agenda of such meeting by the deletion, addition or modification of any item.

6.6 Documents to be submitted to any meeting of the Parties shall be made available to the Parties and observers invited to attend the meeting by the Secretariat at the time the provisional agenda is circulated or as soon as possible thereafter, but no later than six (6) weeks prior to the opening of the meeting.

6.7 Documents to be provided by the Secretariat for meetings of the Parties shall comprise the working documents of meetings.

6.8 Formal proposals relating to items on the agenda and amendments thereto introduced during any meeting of the Parties shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to representatives at the meeting.

6.9 Documents for meetings of the Parties shall be published as documents of the Parties to the Agreement.

Rule 7 - Decision-making

7.1 The presence of a representative of the majority of the Parties shall be necessary to constitute a quorum at any meeting of the Parties for the purposes of making decisions.

7.2 All decisions of the Parties shall be taken by consensus, unless decided otherwise by the Parties.

7.3 Where the Parties decide to use voting as the means for taking a decision, such voting shall be conducted in accordance with the General Rules of the Organization, taking into account the Principles and Procedures.

Rule 8 - Observers

8.1 Unless decided otherwise by the Parties, the Secretariat shall, at least twelve (12) weeks before any meeting of the Parties, notify all non-Party States and observers to the most recent session of FAO's Committee on Fisheries so that they may indicate their intention to be

represented as observers to the meeting. Such observers may participate in the meeting without the right to participate in decision-making.

8.2 Before the opening of a meeting of the Parties, the Secretariat shall circulate a list of observers who have indicated their intention to be represented at the meeting.

Rule 9 - Records and Reports

9.1 At each meeting, the Parties shall approve a report recording its decisions, views and recommendations. The Parties may decide to maintain such other records, for their own use, as appropriate.

9.2 Unless the Parties decide otherwise, the report of the meetings of the Parties shall be in the six languages of the United Nations.

9.3 The report of the meetings of the Parties shall be circulated by the Secretariat within sixty (60) days of approval to all Parties and observers that were represented at the meeting, the Director-General of FAO, and, made publically available.

Rule 10 - Working groups

10.1 In addition to the Ad Hoc Working Group established pursuant to Article 21 (6) of the Agreement, the Parties may establish such working groups as it deems necessary for the accomplishment of its functions.

10.2 The establishment and functioning of all working groups shall be subject to the availability of the necessary funds required for the implementation of the Agreement. Where the related expenses are to be borne by the FAO, the determination of availability of finances to cover such expenses shall be made by the Director-General of the FAO.

10.3 Before taking any decision involving expenditure in connection with the establishment of working groups where related expenses may be borne by the FAO, the Parties shall have before it a report from the Secretariat or the Director-General of the FAO, as appropriate, on the administrative and financial implications thereof.

10.4 The membership, terms of reference and working arrangements of the working groups shall be determined by the Parties.

Rule 11 - Expenses

11.1 The expenses of the representatives of the Parties, the Bureau and observers for their participation in meetings of the Parties or working groups shall be borne by their respective governments or organizations.

11.2 Provision shall be made to support the participation of developing States Parties in the meetings of the Parties or working groups in accordance with Article 21 of the Agreement.

11.3 Where the Parties have agreed to accept an offer of a Party to host a meeting, such Party bears the expenses for hosting the meeting.

11.4 Any financial operations of the meetings of the Parties and the working groups shall be governed by the appropriate provisions of the financial rules. [In the absence of financial rules agreed by the Parties, the financial rules of the FAO shall apply.]

11.5 Recommendations and decisions of the Parties having policy, programme or financial implications for the FAO shall be brought by the Secretariat, through the Director-General of the FAO, to the attention of the Conference or Council of the FAO for appropriate action.

Rule 12- Languages

12.1 [Unless the Parties decide otherwise,] the language of the meetings of the Parties shall be the six languages of the United Nations.

12.2 Any representative using a language other than one of the languages referred to in Rule 12.1 shall bear all costs for interpretation in such language.

Rule 13 - Amendment of the Rules

The Parties may adopt amendments to these Rules, which shall be decided by consensus. Consideration of proposals of amendments to these Rules shall be subject to Rule 6 and documents on the proposals shall be circulated in accordance with Rule 6 prior to their consideration by the Parties.

Rule 14 – Agreement prevails

In the event of any conflict between any provision of these Rules and any provision of the Agreement, the Agreement shall prevail.

Rule 15 - Entry into Force

These Rules and any amendments thereto shall come into force upon their approval by the Parties unless the Parties decide otherwise.