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منظمة  
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للأمم المتحدة

## FIRST MEETING OF THE PARTIES TO THE FAO AGREEMENT ON PORT STATE MEASURES

Oslo, Norway, 29 – 31 May 2017

### ARRANGEMENTS FOR THE FIRST MEETING AND FUTURE MEETINGS OF THE PARTIES TO THE FAO AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING<sup>1</sup>

#### The Parties are invited to:

- Provide guidance or take preliminary decisions on the procedures to be followed at the first meeting of the Parties.
- Consider whether to adopt specific rules of procedure for future meetings of the Parties and, in that event, consider mandating the Secretariat to develop draft rules of procedure to be submitted to the next meeting

<sup>1</sup> This document is to facilitate discussion at the meeting of the Parties and 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 Session<sup>2</sup> under paragraph 1 of Article XIV of the FAO Constitution. The Agreement entered into force on 5 June 2016, 30 days after the deposit with the FAO Director-General of the 25<sup>th</sup> instrument of ratification, acceptance, approval or accession.
2. At its Thirty-second Session,<sup>3</sup> the FAO Committee on Fisheries welcomed the entry into force of the Agreement and encouraged the Parties to the Agreement (hereinafter “the Parties”) to convene an inception meeting to address various aspects of the implementation of the Agreement and to establish the ad hoc working group referred to in Article 21 of the Agreement, and called on FAO to establish points of contact for reporting and electronic exchange of information.
3. The Agreement is concluded under Article XIV of the FAO Constitution and is, therefore, within the FAO legal framework. The Agreement vests FAO with a special role in facilitating its implementation and convening the meetings of the Parties (see document PSMA/2017/4). Furthermore, the FAO Director-General is the Depositary of the Agreement.

## II. ARRANGEMENTS FOR THE MEETING

4. As this is the first meeting, the Parties are required to provide guidance or take preliminary decisions on the rules of procedure (hereinafter referred to as “the Rules”) to be followed. Parties may consider conducting this meeting in accordance with the provisions of the General Rules of the Organization (hereinafter referred to as “GRO”)<sup>4</sup> 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”)<sup>5</sup>. The relevant provisions of the GRO on the election of the bureau, designation of rapporteur, the adoption of the agenda and arrangements for the meeting are outlined in the Appendix to this document. The Parties are invited to consider these arrangements and decide on their application to this first meeting.

## III. RULES OF PROCEDURE FOR FUTURE MEETINGS OF THE PARTIES

5. For future meetings, the Parties may consider applying the GROs or developing and adopting specific rules of procedure. In the event that the Parties decide to develop a specific set of rules of procedure that will apply to future meetings, the Parties may consider mandating the Secretariat to develop draft Rules to be considered at the next meeting of the Parties for approval.
6. These specific rules could be modelled on the provisions of the GRO and the Principles, taking into consideration the rules and practices developed by other Statutory Bodies established

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<sup>2</sup> 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](http://www.fao.org/docrep/meeting/017/K6302E/K6302E01.htm#Resolution12)

<sup>3</sup> FAO. 2016. Report of the 32<sup>nd</sup> session of the Committee on Fisheries. Food and Agriculture Organization of the United Nations, Rome. Available at: [www.fao.org/3/a-mr484e.pdf](http://www.fao.org/3/a-mr484e.pdf)

<sup>4</sup> FAO. 2015. Basic Texts of the Food and Agriculture Organization of the United Nations. Volumes I and II, 2015 edition. Food and Agriculture Organization of the United Nations, Rome. Available at: [www.fao.org/3/a-mp046e.pdf](http://www.fao.org/3/a-mp046e.pdf)

<sup>5</sup> FAO. 2015. Basic Texts of the Food and Agriculture Organization of the United Nations. Volumes II, Part O.

pursuant to Article XIV of the Constitution. Pursuant to paragraph 35 of the Principles, the Rules shall be consistent with the Agreement and the FAO Constitution.

7. The Rules could include provisions on the: (i) bureau; (ii) meetings; (iii) adoption and amendment of the agenda; (iv) representation and credentials of participating States, and composition of delegations; (v) quorum and decision-making; (vi) subsidiary bodies; (vii) languages; (viii) reporting; (ix) observers; and (x) suspension and amendment of the rules of procedure.

#### **IV. SUGGESTED ACTION BY THE PARTIES**

8. The Parties are invited to:

- Provide guidance or take preliminary decisions on the rules of procedure to be followed at the first meeting of the Parties.
- Consider whether to adopt specific rules of procedure for future meetings of the Parties and, in that event, consider mandating the Secretariat to develop draft rules of procedure to be submitted to the next meeting of the Parties for consideration and approval.

**APPENDIX****Proposed arrangements for the first meeting of the Parties****Election of the Chairperson and Vice-Chairperson(s)**

The Parties shall elect a Chairperson and Vice-Chairperson(s) among the representatives of the Parties. Considering the practice of other treaties concluded on the basis of Article XIV of the Constitution and having a global scope and area of application, the Parties may consider the desirability of ensuring equitable geographical representation when electing the Chairperson and the Vice-Chairperson(s). The Parties may decide to elect multiple Vice-Chairpersons, each coming from one of the following geographical regions: Africa, Asia, Europe, Latin America and Caribbean, Near East, North America and Southwest Pacific.

At the opening of the meeting, the Director-General, or his authorized representative, shall preside until the Parties have elected a Chairperson.

**Designation of the Rapporteur**

The Parties are invited to designate a Rapporteur for the meeting or assign the responsibilities to the Secretariat. The report of the meeting will be prepared in all working languages of the meeting for consideration and adoption by the Parties.

**Agenda and arrangements for the Meeting**

The Chairperson shall submit the provisional agenda to the Parties for approval. Items on the agenda may be added, amended or deleted by the Parties.

The Chairperson declares the opening and closing of the meeting, directs the discussions, ensures observance of the applicable rules, accords the right to speak, puts questions and announces decisions. The Chairperson shall rule on points of order and, subject to the relevant rules, have control over the proceedings. He/she may, in the course of the discussion of an item, propose to the Parties the limitation of the time to be allowed to speakers, the number of times each delegation may speak on any question, the closure of the list of speakers, the suspension or adjournment of the meeting, or the adjournment or closure of the debate on the item under discussion.

The participation of observers representing the FAO Member Nations and Associate Members which are not parties to the Agreement, intergovernmental organizations, and non-governmental organizations will be subject to the relevant provisions of the GRO and the FAO Basic Texts<sup>6</sup>.

In accordance with paragraph 27 of the Principles, States which are not parties to the Agreement (hereinafter referred to as “non-Parties”) may, upon request, participate in an observer capacity.

In accordance with Rule XVII, paragraphs 1, 2 and 3 of the GRO, the representatives of the following Intergovernmental and Non-Governmental Organizations were invited to participate in the meeting as observers: (a) the United Nations (UN) and any UN Specialized Agency; (b) Intergovernmental

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<sup>6</sup> FAO. 2015. Basic Texts of the Food and Agriculture Organization of the United Nations. Volumes II, Parts I, K and M.

Organizations with which FAO has concluded an agreement providing for representation; and (c) International Non-Governmental Organizations in consultative status with FAO.

In accordance with Rule XVII.4 of the GRO, the representatives of the following Intergovernmental and Non-Governmental Organizations were provisionally invited, subject to approval by the Parties: (a) Intergovernmental Organizations without formal relations with FAO to send observers; (b) Non-Governmental Organizations in specialized consultative or liaison status with FAO and (c) Non-Governmental Organizations without formal relations with FAO to send observers.