

March 2012

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联合国
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Food and
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Наций

Organización
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para la
Alimentación y la
Agricultura

COMMITTEE ON FISHERIES

Thirtieth Session

Rome, Italy, 9 - 13 July 2012

Proposed Amendments to the Rules of Procedure of the Committee on Fisheries

Executive Summary

This document presents a background and proposals for amendments to the Rules of Procedure of the Committee on Fisheries (COFI) and invites the Committee to review and adopt the proposed amendments. The document also refers to some aspects of the functioning of the Committee that could be improved by adopting some related changes in practice.

The Committee is invited to:

- review and adopt the proposed amendments to the Rules of Procedure of the Committee;
- endorse the proposed changes in practice. In particular, the Committee is invited to endorse a change in the practice concerning the timing of the elections in order to hold elections at the end of COFI sessions, including the present session (under item 13); and
- provide further guidance for improvements, as appropriate.

INTRODUCTION

1. The Immediate Plan of Action for FAO Renewal (IPA)¹ stated that:

The Committees will report to Council on FAO's budget, and the priorities and strategies for the programmes and directly to the FAO Conference on global policy and regulation becoming Committees of the Conference (action 2.56), and:

- a) Chairs will remain in office between sessions and provide their reports to the Council and Conference (action 2.57);*
- b) Ways of working – Technical Committees will:*
 - i) Meet more flexibly as to duration and frequency, according to needs, normally once in each biennium. They will address priority emerging issues and may be convened especially for this purpose (action 2.58);*
 - ii) The Chair will facilitate full consultation with Members, on agendas, formats and duration (action 2.59);*
 - iii) More use will be made of parallel sessions and side events, taking care that countries with small delegations can participate (informal sessions will include NGOs and the private sector including representation from developing countries) (action 2.60)*

2. According to the IPA these actions were to be implemented through “changes in practices, including ways of working and reporting lines” (action 2.64) and through “Basic Texts changes for functions, reporting lines, etc” (action 2.65).

3. The amendments to the Basic Texts were approved by the Conference during its Thirty-sixth Session (19-23 November 2009). While the Technical Committees were given an enhanced status as a result of these amendments, further amendments might be needed, specifically to the Rules of Procedure of each Technical Committee.

4. The Open-ended Working Group on Measures Designed to Increase the Efficiency of Governing Bodies, Including Representation (OEWG), established by the Thirty-sixth Session of the Conference, was also tasked to address governance issues and working arrangements of Technical Committees and submitted the final report² to the Thirty-seventh Session of the Conference (25 June-2 July 2011).

5. A series of inter-sessional consultations on possible amendments to the Rules of Procedure, as well as related changes in practice, were held between the COFI Bureau and the COFI Secretariat. The First Inter-sessional Meeting (ISM 1) was held on 6 May 2011 and the Second Inter-sessional Meeting (ISM 2) was held on 1 December 2011. As part of the consultation process, the Chairperson of COFI sent out letters to all COFI Members on 14 September 2011 inviting them for comments on the possible changes. The feedback received by the Members was reviewed during the inter-sessional consultation. Based on the consultations with the COFI Bureau, the Secretariat has prepared, in close consultation with the Legal Office, the document attached in Appendix enclosing proposed amendments to the Rules of Procedure.

¹ C 2008/4 actions 2.56-2.60

² C 2011/28

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE AND RELATED CHANGES IN PRACTICE

Proposed Amendments to Rule I on “Officers” (Role of the Chairperson and other officers during and between sessions)

Inter-sessional consultation

6. Background

- The IPA called for an enhanced role of the Chairpersons of the Technical Committees with particular reference to the performance of a number of functions during inter-sessional periods. It provided that the Chairperson should remain in office between sessions (action 2.57) and facilitate full consultation with Members in relation to agendas, formats and other matters (action 2.59).
- The Committee on Constitutional and Legal Matters (CCLM) at its 90th Session³ recommended that the Technical Committees amend their Rules of Procedure in order to provide that the Chairperson and the Vice-Chairpersons would perform functions as a Steering Committee not only during sessions but also “*between sessions*”.
- With regard to cost implications, it was reported to OEWG 3 that “if the *bureaux* of the Technical Committees which meet on a biennial basis were to be convened two to four times between sessions, the incremental costs could be on average around US\$30 000 to 60 000 per *bureau* per biennium”.

7. Proposed amendments to the Rules of Procedure

- To insert “*between sessions and*” as recommended by the CCLM into Rule I, paragraph 1 (see Appendix).

Functions of the Steering Committee or Bureau

8. Background

- The IPA referred to an increased role of the Chairperson on consultation with Members “*on agendas, formats and durations*” (action 2.59).
- The CCLM at its 90th Session⁴ considered that a generic reference to the functions of the steering committee or bureau such as “*ensuring preparations for the sessions*” could be added to the Rules of Procedure of the Technical Committees and that a more detailed description of such functions might not be required in view of the dynamic nature of the functions of these bodies.
- The Committee on Forestry (COFO) adopted amendments to its Rules of Procedure (October 2010) which provide for an additional new paragraph in Rule I as follows: “*Between sessions, the Steering Committee shall facilitate consultation with Members in relation to agendas, formats and other matters, and perform other actions relevant for ensuring preparations for the sessions.*”
- The Council has stressed the desirability of consistency among the Rules of Procedure of all Technical Committees.⁵

9. Proposed amendments to the Rules of Procedure

- To insert a new paragraph 2 into Rule I as follows: “*Between sessions, the Steering Committee shall facilitate consultation with Members in relation to agendas, formats and*

³ CL 139/6

⁴ See footnote 3

⁵ CL 139/REP paragraphs 55-56

other matters, and perform other actions relevant for ensuring preparations for the sessions”
(see Appendix)

Officers

Number of Officers

10. Background

- The CCLM considered that broader membership in order to ensure representation of all regions in the bureau or steering committee could be achieved in some Technical Committees *“through an increase in the overall number of officers up to seven (one per geographic region) or six officers, as is the case with COFI and COFO”*⁶. The CCLM underlined that this was a matter to be reviewed by each Technical Committee taking into account all relevant considerations including the fact that some regions could have difficulties in fulfilling all the positions.
- There has been no consensus on this matter in OEWG and each Committee is expected to determine the composition of its own bureau or steering committee with due consideration given to the incremental costs involved, as well as the additional workload for Members attending bureau or steering committee meetings.
- COFO (October 2010) amended its Rules of Procedure in order to have a Steering Committee composed of the Chairperson and the six Chairpersons of the Regional Forestry Commissions.

11. Proposed amendments to the Rules of Procedure

- To change “four” to “five” in Rule I, paragraph 1 with regard to the number of “*other Vice-Chairpersons*” in order to reflect the current practice (see Appendix).

12. Proposed changes in the related practice

- No amendments to the Rules of Procedure are proposed with regard to the change in the practice of nominations. However, it is proposed that the Committee endorses a change in the practice by which the officers are nominated by each regional group in order to ensure equal representation of all regions with appropriate consideration given to the manner in which the Chairperson and the First Vice-Chairperson will be elected among the seven nominees, if each regional group nominates one representative.

Timing of the Election

13. Background

- The CCLM noted that the issue of the timing of the elections needed to be addressed, in particular, whether this should be done at the beginning or the end of the sessions. The rationale for holding elections at the end of the session is that officers elected at the end of a session would follow preparatory work for the implementation of actions decided upon at that session until their actual approval. They would then follow up with the implementation of the work prepared during the inter-sessional period. The CCLM considered that current Rules of Procedure of the Technical Committees do not specify whether the election of officers takes place at the beginning or at the end of the session of the Committee, thus providing sufficient flexibility for an election either at the beginning or at the end of the sessions.
- The OEWG supported the emerging trend of having the elections take place at the end of sessions, which was consistent with the expected proactive role of a bureau or steering committee between sessions.
- At its 22nd Session (June 2010) COAG agreed to hold the elections at the end of its session instead of doing so at the beginning. This was done without amending the Rules of Procedure

⁶ In the case of COFI, seven members of Bureau had been already elected for the last session in practice, namely Chairperson (Islamic Rep. of Iran), First Vice-Chairperson (Norway) and other five Vice-Chairpersons (Canada, Chile, India, Spain, Zimbabwe).

but by agreeing to a change in practices. COFO has proceeded in a similar manner, without amending its Rules of Procedure in this respect.

14. Proposed changes in the related practice

- No amendments to the Rules of Procedure are proposed with regard to the change in the practice of the timing of elections. However, it is proposed that the Committee endorses a change of practice by which the elections would be held at the end of the session.

Proposed Amendments to Rule II on “Sessions”: Revised schedule of sessions of the Governing Bodies of the Organization

15. Background

- The Conference decided in the IPA (actions 3.7 and 3.8) and Resolution 10/2009, to introduce a revised schedule of sessions of the Organization’s Governing Bodies for the implementation of the new Programming, Budgeting and Results-Based Monitoring system. The revised schedule takes into account the fact that the Conference holds its regular session in June of the year prior to the beginning of the biennium and allows the Technical Committees to participate in the process of preparation and adjustment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget, and monitor performance against relevant performance indicators. In this new schedule, the Technical Committee meetings will take place in the third quarter of the first year of the biennium, subject to necessary adjustments meet unforeseen circumstances or particular requirements.
- The CCLM recommend that the Technical Committees examine whether their Rules of Procedure should be amended to reflect the revised schedule of sessions of the Governing Bodies.
- COFO amended its Rules of Procedure as follows: “Sessions of the Committee shall normally be held once in each biennium, with timing that enables of the Programme and Finance Committees to take into consideration the report of the Committee in formulating advice to the Council.”

16. Proposed amendments to the Rule of Procedure

- To insert, into Rule II, paragraph 1, the same wording as the COFO did in Rule II, paragraph 2 of its Rules of Procedure as follows: “with timing that enables of the Programme and Finance Committees to take into consideration the report of the Committee in formulating advice to the Council” (see Appendix).

Proposed Amendments to Rule IV on “Agenda and Documents”

17. Proposed amendments to the Rules of Procedure

- To insert, into Rule IV, paragraph 1, “the Steering Committee through” in order to ensure the involvement of the Steering Committee in the preparation of the provisional agenda through the Chairperson (see Appendix).

Proposed Amendments to Rule VI on “Records and Reports”- Reporting Lines

18. Background

- The IPA provided that the Technical Committees will report to the Council on programme and budget matters and to the Conference on policy and regulatory matters (action 2.56).
- In order to implement this action the Conference adopted amendments to Article V, paragraphs 6 and 7 of the Constitution and to Rule II, paragraph 2 (c) (xii) and XXIV paragraph 2 (e) of the General Rules of the Organization (GRO) in November 2009.

- The 84th CCLM (February 2009) recommended the following amendments to Rule VI, paragraph 1 of the Rules of Procedure of Technical Committees: “At each session, the Committee shall approve a report embodying its views and recommendations, including when required, a statement of minority views. *The committee shall make every effort to ensure that recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council.* Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate committees of the Council”.
- COFO amended its Rules of Procedure in this regard clarifying its reporting lines and adding the reference suggested by the CCLM concerning recommendations.

19. Proposed amendments to the Rules of Procedure

- To amend Rule VI, paragraph 1 of the Rules of Procedure as recommended by the CCLM, in the following terms: “At each session, the Committee shall approve a report ~~to the Council~~ embodying its views, recommendations and decisions, including when requested a statement of minority views. *The Committee shall make every effort to ensure that recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council.* Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate subsidiary committees of the Council.” (see Appendix).

APPENDIX

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE ON FISHERIES

In the text of the draft amendments reproduced below, the proposals regarding deletions are indicated using ~~strike through text~~ and the proposals for insertions are indicated using underlined italics.

Rule I

Officers

1. At the first session in each biennium, the Committee shall elect a Chairperson, a first Vice-Chairperson and ~~four~~ five other Vice-Chairpersons from among the representatives of its Members, who shall remain in office until the election of a new Chairperson and new Vice-Chairpersons and who will act as a Steering Committee between sessions and during sessions.

2. Between sessions, the Steering Committee shall facilitate consultation with Members in relation to agendas, formats and other matters, and perform other actions relevant for ensuring preparations for the sessions.

~~2~~ 3. The Chairperson, or in his absence the first Vice-Chairperson, shall preside at meetings of the Committee and exercise such other functions as may be required to facilitate its work. In the event of the Chairperson and the first Vice-Chairperson not being able to preside at a meeting, the Committee shall appoint one of the other Vice-Chairpersons or, failing these, a representative of its Members to take the chair.

~~3~~ 4. The Director-General of the Organization shall appoint a Secretary, who shall perform such duties as the work of the Committee may require and prepare the records of the proceedings of the Committee.

Rule II

Sessions

1. The Committee shall hold sessions as provided in Rule XXX, paragraphs 4 and 5 of the General Rules of the Organization with timing that enables the Programme and Finance Committees to take into consideration the report of the Committee in formulating advice to the Council.

2. Any number of separate meetings may be held during each session of the Committee.

3. The sessions of the Committee shall in the years immediately following a regular session of the Conference be held at the seat of the Organization; in other years they may be held in another place in pursuance of a decision taken by the Committee in consultation with the Director-General.

4. Notice of the date and place of each session shall normally be communicated at least two months in advance of the session to all Member Nations and Associate Members of the Organization, and to such non-member States and international organizations as may have been invited to attend the session.

5. Each Member of the Committee may appoint alternates and advisers to its representative on the Committee.

6. Presence of representatives of a majority of the Members of the Committee shall constitute a quorum for any formal action by the Committee.

Rule III

Attendance

1. Participation of international organizations in an observer capacity in the work of the Committee shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization,⁷ as well as by the general rules of the Organization on relations with international organizations.
2. Attendance by non-member States of the Organization at sessions of the Committee shall be governed by the principles relating to the granting of observer status to nations adopted by the Conference.
3.
 - a) Meetings of the Committee shall be held in public, unless the Committee decides to meet in private for discussion of any items on its agenda.
 - b) Subject to the provisions of subparagraph (c) below, any Member Nation not represented on the Committee, any Associate Member or any non-member State invited to attend in an observer capacity a session of the Committee may submit memoranda and participate without vote in any discussion at a public or private meeting of the Committee.
 - c) In exceptional circumstances, the Committee may decide to restrict attendance at private meetings to the representative or observer of each Member Nation of the Organization.

Rule IV

Agenda and Documents

1. The Director-General, in consultation with the Steering Committee through the Chairperson of the Committee, shall prepare a provisional agenda and shall normally circulate it at least two months in advance of the session to all Member Nations and Associate Members of the Organization and to all non-member States and international organizations invited to attend the session.
2. All Member Nations of the Organization and Associate Members acting within the limits of their status may request the Director-General normally not less than 30 days before the proposed date of the session to insert an item in the provisional agenda. The Director-General shall thereupon circulate the proposed item to all Members of the Committee, together with any necessary papers.
3. The first item on the provisional agenda shall be the adoption of the agenda. The Committee in session may by general consent amend the agenda by the deletion, addition or modification of any item, provided that no matter referred to it by the Council or on the request of the Conference be omitted from the agenda.
4. Documents not already circulated shall be dispatched with the provisional agenda, or as soon as possible thereafter.

Rule V

Voting

1. Each Member of the Committee shall have one vote.
2. The decisions of the Committee shall be ascertained by the Chairperson, who shall resort, upon the request of one or more Members, to a vote, in which case the pertinent provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis*.

⁷ It is understood that in this context the terms "Constitution" and "the General Rules of the Organization" are to be taken to include all general rules and policy statements formally adopted by the Conference and intended to supplement the Constitution and the Rules, such as the "Statement of principles relating to the granting of observer status to nations", and the general rules regarding relationships between the Organization and governmental and non-governmental organizations.

Rule VI

Records and Reports

1. At each session, the Committee shall approve a report ~~to the Council~~ embodying its views, recommendations and decisions, including when requested a statement of minority views. The Committee shall make every effort to ensure that recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate subsidiary committees of the Council.
2. Reports of sessions shall be circulated to all Member Nations and Associate Members of the Organization and to non-member States invited to attend the session, as well as to interested international organizations entitled to be represented at the session.
3. The comments of the Committee on the report of any of its subsidiary bodies and, if one or more Members of the Committee so request, the views of those Members shall be incorporated into the Committee's report. If any Member so requests, this part of the Committee's report shall be circulated as soon as possible by the Director-General to the States or international organizations which normally receive the reports of the subsidiary body in question. The Committee may also request the Director-General, in transmitting the report and records of its proceedings to Members, to call particular attention to its views and comments on the report of any of its subsidiary bodies.
4. The Committee shall determine the procedures in regard to press communiqués concerning its activities.

Rule VII

Subsidiary Bodies

1. In accordance with the provisions of Rule XXX, paragraph 10 of the General Rules of the Organization, the Committee may, when necessary, establish subcommittees, subsidiary working parties or study groups, subject to the necessary funds being available in the relevant chapter of the approved budget of the Organization, and may include in the membership of such subcommittees, subsidiary working parties or study groups Member Nations that are not Members of the Committee and Associate Members. The membership of such subcommittees, subsidiary working parties and study groups established by the Committee may include States which, while not Member Nations or Associate Members of the Organization, are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency.
2. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Committee shall have before it a report from the Director-General on the administrative and financial implications thereof.
3. The Committee shall determine the terms of reference of its subsidiary bodies, who shall report to the Committee. The reports of the subsidiary bodies shall be made available for information to all members of the subsidiary bodies concerned, all Member Nations and Associate Members of the Organization, non-member States invited to the sessions of the subsidiary bodies, and to interested international organizations entitled to attend such sessions.

Rule VIII**Suspension of Rules**

The Committee may decide to suspend any of the foregoing Rules of Procedure, provided that 24 hours' notice of the proposal for the suspension has been given and that the action contemplated is consistent with the Constitution and the General Rules of the Organization.⁸ Such notice may be waived if no Member objects.

Rule IX**Amendment of Rules**

The Committee may, by a two-thirds majority of the votes cast, amend its Rules of Procedure, provided that such amendment is consistent with the Constitution and the General Rules of the Organization. No proposal for the amendment of these Rules shall be included in the agenda of any session of the Committee unless notice thereof has been dispatched by the Director-General to Members of the Committee at least 30 days before the opening of the session.

⁸ See footnote to Rule III, paragraph 1.