



GENERAL FISHERIES COMMISSION  
FOR THE MEDITERRANEAN  
COMMISSION GÉNÉRALE DES PÊCHES  
POUR LA MÉDITERRANÉE



**GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN**

**Thirtieth Session**

**Istanbul, Turkey, 24-27 January 2006**

**ISSUES CONNECTED WITH THE FUNCTIONING  
OF THE COMMISSION**

**BACKGROUND**

1. At its Extraordinary Session, held in St. Julians, Malta, 19-23 July 2004, the General Fisheries Commission for the Mediterranean (GFCM) considered a document entitled “*Issues connected with the functioning of the Commission*” which identified a number of practical, institutional and legal issues regarding the functioning of the Commission that in some way required the attention of the Commission. After a preliminary exchange of views, the Commission agreed that that they should be analyzed in more detail at its forthcoming ordinary session. At its Twenty-ninth Session, held in Rome, 21-25 February 2005, the GFCM considered again a document dealing with issues connected with the functioning of the Commission. However, the Commission examined only a limited number of matters. Thus, the Commission agreed to formalize the Coordinating Meeting of the Sub-Committee (CMSC) of the Scientific Advisory Committee (SAC) as a subsidiary body of the Committee. The Commission endorsed the proposed mandate and composition of the CMSC and approved the Terms of Reference which had been prepared for the Coordinators of the Sub-Committee. The Commission also examined in great detail the procedure for the selection of the Deputy Executive Secretary. The Commission reviewed selected provisions of the Rules of Procedure and endorsed a proposal, put forward by the Secretariat, that a comprehensive document, containing suggestions for revising the GFCM Rules of Procedure be prepared for consideration at the next session<sup>1</sup>.

2. This document seeks to respond to the above request by the Commission. It identifies a fairly substantial number of matters which have been identified by, or referred to, the Commission and its subsidiary bodies in the course of past sessions, as well as matters that the Secretariat has identified. Some of them may ultimately involve amendments to the Rules of Procedure, in reference to Article II, 12 of the GFCM Agreement. Others could simply be reflected on decisions of a policy nature on working methods of the Commission. The manner

<sup>1</sup> Report of the 29th Session of the GFCM, Rome, 21-25 February 2005, paragraph 60.

in which they are listed in this document does not imply any hierarchy of importance among them.

### **COMPENDIUM FOR THE GFCM – STRUCTURE OF THE DOCUMENTS GOVERNING THE PROCEDURES AND ACTIVITIES OF THE COMMISSION**

3. The issue of the respective roles and relationship between the GFCM Agreement, the Rules of Procedure of the Commission, the Financial Regulations and a number of decisions taken by the Commission on procedural matters and matters related to the organization of the Commission and its work, has been raised on several occasions. The hierarchy and the relationship that exists between some of these texts are linked to a number of considerations including the nature of the subject matters dealt with by each of these documents. Thus, the fundamental provisions regarding the Commission itself and its *modus operandi* are obviously set out in the Agreement. It is assumed that these provisions are of an important nature and have a relatively high degree of stability if only because the process of amendment of an international agreement is complex and subject to compliance with a number of requirements. The Financial Regulations are intended to deal with financial issues, while the Rules of Procedure deal with the main operating principles and procedures of the Commission. These various documents of a legal nature are all intended, to variable degrees, to establish rules intended to last for a considerable period of time and governing the functioning of the Commission. To some extent, these documents are of a fairly standard nature, although in practice they may vary substantially from Commission to Commission. In general, it is recommended that these documents should not be too detailed because this may be a hindrance to the functioning of the Commission or because they may need to be revised in light of changing circumstances.

4. It is proposed that, should there be a need to define rules in a more precise manner than is usually done in Agreements or Financial Regulations or Rules of Procedure, this be done in other decisions of a procedural nature by the Commission, such as resolutions. The Commission has taken a number of similar decisions in the past. For instance, as recalled above, at its Twenty-ninth Session, the Commission adopted Terms of Reference of the Coordinating Meeting of the Sub-Committees (CMSC) and of the Coordinators of the Sub-Committees. There might be an increasing number of such decisions in the future. A few bodies of FAO and the World Food Programme, which is a joint autonomous subsidiary programme of the United Nations and FAO, have taken decisions on matters of a procedural nature as “decisions on working methods”.

5. It is in any case suggested that the Commission consider developing a “Compendium” containing in addition to the GFCM Agreement, the Rules of Procedure and the Financial Regulations, all important decisions either of a procedural or substantive nature. These could include recommendations on management measures adopted under Article V of the GFCM Agreement.

### **CLARIFICATION OF THE RELATIONSHIP BETWEEN THE COMMITTEE ON AQUACULTURE AND RELATED NETWORKS**

6. The issue of the relationship between the Committee on Aquaculture and its networks specifically referred in current Rule X of the Rules of Procedure was the object of some discussion. In particular the question was raised as to the extent of responsibilities of the Committee *vis-à-vis* those networks and as to possible liabilities arising for the Commission

from the work of the networks, whose legal nature is not defined. The discussions resulted in an integration of these networks into the GFCM overall administrative and technical structure (e.g. SIPAM in 2005). A revised Rule X, consisting of more generic wording, without reference to specific projects or networks, is proposed for the consideration of the Commission. This revised Rule also enables the Committee on Aquaculture and the Scientific Advisory Committee to establish such working parties to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement (on the financial implications of decisions to establish subsidiary bodies). This will allow, for example, to formally establish EAM as a subsidiary body of the Committee on Aquaculture and thereby apply similar working procedures as those presently used for the subsidiaries of SAC. This proposed Rule also provides that the relationship between the Commission and its subsidiary committees and working parties and networks or national focal points, or other entities dealing with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be concluded on behalf of the Commission and relevant interested parties.

### **FUNCTIONS OF CHAIRPERSONS AND VICE-CHAIRPERSONS**

7. Both at sessions of the Commission and its subsidiary bodies, considerable debate has surrounded the desirability of defining more in detail the functions of the officers of the Commission. Discussions have, in particular, centred on two series of matters. The first is whether the functions of the Chairperson and Vice-Chairpersons are limited to chairing the proceedings and conducting the debates, or whether these functions should be extended to discharging coordinating responsibilities during the inter-sessional period or represent the Commission on a number of matters. The second matter discussed concerns the functions of the Chairpersons of the Scientific Advisory Committee and the Committee on Aquaculture. Over the years, these officers have been entrusted with responsibilities in relation to operational, technical and scientific matters such as coordination of particular matters and collation and fine tuning of draft management measures (e.g. through the CMSC).

8. The question of whether any such functions should be reflected in the Rules of Procedure has been raised. It is recommended that the Rules of Procedure limit themselves to reflecting those functions that are traditionally defined in the Rules of Procedure and which relate primarily to the conduct of meetings. This would of course not prevent the Commission from defining, through suitable decisions, the content of other functions that the officers of the Commission may be called upon to perform.

9. It might be useful to recall that, in the past, a number of unforeseen matters arising during the inter-session period used to be dealt with by the former Executive Committee in liaison with the Secretary. At present, there is no comparable institutional mechanism which could exercise similar functions. The Commission may wish to consider the desirability of entrusting the “Bureau” of the Commission, i. e. Chairperson and Vice-Chairperson, together with the secretary, with responsibilities to provide guidance in respect of any unexpected issues that may arise.

10. The financial implications of exercise by the “Bureau” of the Commission of functions during the inter-session period should be looked into by the Commission.

## **FUNCTIONS OF THE SECRETARIAT OF GFCM**

11. Rule V of the Rules of Procedure of the Commission defines in general terms, the functions of the Secretariat of the Commission. At present, these Rules provide that the “*The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General*”. It defines the duties of the Secretary as including “*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 duties as the Commission may direct*”. The Rules of Procedure also provide that “*copies of all communications concerning the affairs of the Commission shall be sent to the Secretary for purposes of information and record*”.

12. With a view to limiting the proposed amendments to the Rules of Procedure and retaining as much as possible their current structure while, at the same time, adjusting the Rules of Procedure in order to reflect the new status and functional needs of the Commission, it is proposed to amend Rule V along the following lines:

### *“Rule V Secretariat*

1. *The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.*

2. *The Executive Secretary is the executive officer of the Commission and, as such, shall service the Commission and its committees, working parties and other subsidiary bodies, carry out their decisions and act on behalf of the Commission. Without prejudice to the general nature of this paragraph, the duties of the Executive Secretary shall include the receipt, collation, and circulation of documents, reports, resolutions and recommendations 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. The Executive Secretary shall prepare the budget for approval by the Commission.*

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

## **REGISTRATION AND CREDENTIALS OF DELEGATES**

13. Current Rule III of the Rules of Procedure requires that at each session, the Executive Secretary should receive the credentials of delegates and observers. Such credentials should conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action. In the practice of FAO, which is in line with the practice of the United Nations, the submission of credentials needs to conform with a number of criteria, including the form of the credentials. In the case of FAO credentials are only required for the Conference, in accordance with Rule III, paragraph 2 of the General Rules of the Organization, and are issued by, or on behalf of, the Head of State, the Head of

Government, the Minister of Foreign Affairs or the minister concerned. A Permanent Representative to the Organization does not require special credentials, if his/her letter of accreditation to the Organization specifies that he/she is authorized to represent his/her government at sessions of the Conference, it being understood that this would not preclude that government from accrediting another delegate by means of special credentials.

14. The practice of GFCM has been that delegates are not required to submit credentials in accordance with the above criteria. These criteria are those normally followed for the submission of credentials in the United Nations system. In the practice of GFCM the delegates are required to register only, normally on the basis of information received previously by the Secretariat and no credentials as such are received. Consequently, Rule III has not been applied either insofar as the Secretariat has not reported to the Commission on the credentials received. There does not seem to be a need for a system of credentials and consideration could be given to the establishment of a system both more satisfactory and more in line with the practice followed so far where delegates would simply be required to register.

15. The following revised text for Rule III is therefore proposed for consideration by the Commission:

*“Rule III  
Registration*

*The Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Secretary shall report to the Commission on the registration of delegates and observers as may be required.”*

## **PARTICIPATION BY OBSERVERS**

16. The Commission may wish to consider approving a limited amendment to Rule XII of its Rules of Procedure. In essence, the proposed amendment would allow the Commission to adopt rules and procedures regarding participation of international governmental and non-governmental organizations as observers, provided of course that such rules and procedures be compatible with relevant rules and decisions adopted by the Conference and Council of FAO. This would not seem to raise any difficulties insofar as the status of observer has been well defined by practice. At the same time this would allow the Commission to define particular rules and practices which would better respond to its functional needs.

17. The Commission may wish to consider adopting a revised Rule XII of the Rules of Procedure along the following lines:

*“Rule XII  
Participation by observers*

*1. The Commission may adopt rules concerning participation of international organizations, governmental and non-governmental, as observers, provided that such rules shall be consistent with the relevant rules adopted by the Conference or Council of the Organization.*

2. *Members and Associated 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 General Fisheries Commission for the Mediterranean, attend sessions of the Commission and its subsidiary bodies in an observer capacity.*

4. *Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any committee or subsidiary body session which they may be invited to attend. In no case will they be entitled to vote”.*

## **RECOMMENDATIONS ON FISHERIES MANAGEMENT AND OTHER DECISIONS OF THE COMMISSION**

18. In the past practice of the Commission there has sometimes been a lack of coherence as concerns the terminology used in respect of the various decisions taken by the Commission. It is proposed to clarify the situation through an amended Rule of the Rules of Procedure by distinguishing between reports, recommendations and resolutions. The recommendations themselves may be of a generic nature or be adopted under Article V of the Agreement. Consistent with an emerging practice on the part of the Commission, it is proposed that the word resolution should designate decisions dealing primarily with matters of an administrative, institutional, financial and organizational nature.

## **BUDGETARY MATTERS**

19. Following the entry into force of the amendments to the GFCM Agreement involving new obligations for the Members, the adoption of the Financial Regulations and the subsequent adoption of an autonomous budget there is a need to harmonize the provisions of Rule XI of the Rules of Procedure and those of the GFCM Agreement and the Financial Regulations. It should be noted, in this regard, that a precise set of financial provisions is now set out in the Financial Regulations, especially on the autonomous budget. Rule XI of the Rules of Procedure dealt with the situation which prevailed at the time when there was no such autonomous budget. At present, to the extent that this provision serves any purpose, it would concern only contributions towards the functioning of the Commission made by the Organization.

20. A revised Rule XI would have to refer to the possibility that some costs involved in the functions of the officers of the Commission might have to be covered by the autonomous budget of the Commission. However, this calls for a substantive discussion.

21. The Commission is invited to review the following text:

*“Rule XI  
Budget and finance*

1. *Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Secretary to the Commission for approval. Once approved as part of the general budget of the Organization, they will constitute the limits within which funds may be committed for purposes approved by the Conference.*
2. *The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.”*

## LANGUAGES OF THE COMMISSION

22. Rule XVIII of the Rules of Procedure deals with the “official languages” of the Commission. The issue of the languages of the Commission has been raised on several occasions from various perspectives. It may be of particular interests to mention, in this regard, that in 1997, the FAO Committee on Constitutional and Legal Matters (CCLM) examined an amendment to the Rules of Procedure of another Commission established under Article XIV of the FAO Constitution to the effect that a particular language only be considered the “official language” of that Commission. At that time, the CCLM “*was of the opinion that the best solution would be to recommend that the official languages remain English and French with the possibility for the Commission to decide on the working language or languages to be used at each of its sessions*” or for each of its documents<sup>2</sup>. There would therefore be a possibility of making a distinction between “official” and “working” languages of the Commission, either through an amendment to the Rules of Procedure or through a decision of the Commission. In the document that was referred to the Commission at its Twenty-ninth Session, the proposal was made to continue to provide interpretation in the Plenary meetings of the Commission into the official languages of the Organization used by the countries in the Mediterranean region (i.e. Arabic, English, French and Spanish) and provide interpretation into English and French at meetings of the Scientific Advisory Committee and the Committee on Aquaculture. This would entail savings of between US\$ 45 000 and US\$ 50 000 as compared to the present situation.

23. Alternatively, the Commission could decide not to establish any distinction between official and working languages, consistent with the provisions of the General Rules of the Organization which refer only to the languages of the Organization. It was considered that the reference to official languages was misleading and inappropriate as it implied the existence of languages that were not official and had a different status. Based on this precedent, it could be proposed that no reference be made in Rule XVIII to “official” languages. A more flexible and generic amended rule could also allow the Commission to take such decisions on the matter as appropriate.

24. The Commission is invited to consider the following revised wording for Rule XVIII:

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<sup>2</sup> Document CL 112/8, paragraph 11.

*“Rule XVIII  
Languages of the Commission*

*The languages of the Commission shall be such languages of the Organization as the Commission itself may decide. Interpretation of meetings and translation of documents shall be in accordance with such decisions as may be taken by the Commission”.*

**OTHER MATTERS**

25. In addition to the subject matters reviewed in this document and for which specific recommendations of revised rules are made, fairly comprehensive amendments are being proposed to the Rules of Procedure. In general, such amendments do not call for specific comments but the Secretariat is obviously prepared to provide such clarifications on such amendments, as may be required.

26. For the sake of clarity and in order to allow the Members of the Commission to compare easily the changes that are being proposed to the Rules of Procedure, Appendix 1 to this document presents the current Rules of Procedure and the revised Rules of Procedure in a table. Appendix 2 provides the suggested amended rules.

**SUGGESTED ACTION BY THE COMMISSION**

27. The Commission is invited to review this document with particular reference to its annex containing revised Rules of Procedure and, as appropriate, approve such revised Rules of Procedure.

## APPENDIX 1

## CURRENT RULES

## RULE I

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

Agreement: The Agreement for the establishment of the General Fisheries Commission for the Mediterranean formulated at Rome (Italy), 24 September 1949 as amended in conformity with Article XII thereof.

Commission: The General Fisheries Commission for the Mediterranean.

Chairman: The Chairman of the Commission.

Vice-Chairman: The Vice-Chairman 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 and Associate Members of the Organization, and non-members of the Organization, as may be 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.

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.

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## RULE I: Definitions

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

Agreement : The Agreement for the establishment of the General Fisheries Commission for the Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended in accordance with Article X thereof, hereinafter referred to as the Agreement;

Commission: The General Fisheries Commission for the Mediterranean:

Chairperson: The Chairperson of the Commission.

Conference: The Conference of the Organization.

Council: The Council of the Organization.

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.

Director-General: The Director-General of the Organization.

Executive Secretary: The Secretary of the Commission.

Headquarters: The headquarters of the Commission under Article II, paragraph 11 of the Agreement.

Member: Members and Associate Members of the Organization, and non-members of the Organization, or regional economic integration organizations as may be Members of the Commission;

Observer nation: A nation that is not a Member of the Commission or a Member of FAO or Associate Member of the Organization, but which is a Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, attending a session of the Commission while not being a Member of the

**CURRENT RULES****RULE II: Sessions of the Commission**

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission, in consultation with the Director-General, shall at each regular session decide 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 Chairman, accordingly, shall issue the announcement of the session.
2. The Chairman may convene a special session of the Commission at the request or with the approval of the majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Secretary on behalf of the Chairman 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.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with 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

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Commission.

Observer international organization: An international organization attending a session of the Commission while not being a Member of the Commission.

Organization: The Food and Agriculture Organization of the United Nations.

Vice-Chairpersons: The Vice-Chairpersons of the Commission.

**RULE II: Sessions of the Commission**

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission shall, at each regular annual session decide the time and place of 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, as appropriate. Sessions of the Commission may be held in a country which is a Member of the Commission or at its headquarters or at the headquarters of the Organization.
2. The Chairperson may convene a special session of the Commission at the request or with the approval of a majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Executive 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.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must be prepared to ensure that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their functions in connection with the session.

**RULE III: Registration**

The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The

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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) as appropriate, election of the Chairman and of two Vice-Chairmen as provided under Article II, paragraph 9 of the Agreement;
  - b) adoption of the agenda;
  - c) a report by the Secretary on the financial affairs and activities of the Commission;
  - d) consideration of the proposed budget;
  - e) reports of committees;
  - f) consideration of the time and place of the next session;
  - g) proposals for amendments to the Agreement and the present Rules of Procedure;
  - h) applications for membership, in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
  - i) items referred to the General Fisheries Commission for the Mediterranean 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 approved 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.

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Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.

**RULE IV: Agenda**

1. The agenda for each regular session shall include the following items:
  - (a) as appropriate, election of the Chairperson and of two Vice-Chairpersons as provided under Article II, paragraph 9 of the Agreement;
  - (b) adoption of the agenda;
  - (c) a report by the Executive Secretary on the financial and administrative affairs of the Commission and a report by the Chairperson or the Executive Secretary on the activities of the Commission;
  - (d) consideration of the proposed budget;
  - (e) reports of the committees;
  - (f) consideration of the time and place of the next session;
  - (g) applications for membership in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
  - (h) items referred to the General Fisheries Commission for the Mediterranean 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 approved at the previous session;
  - (b) items proposed by a Member.
3. The provisional agenda shall be sent by the Executive Secretary to Members and observer nations and international organizations not less than thirty days before the opening of the session, together with reports and documents available in connection therewith. Where this is not possible, every effort shall be made to circulate reports and documents for the session as early as possible in advance of the session.
4. The agenda of a special session shall consist only of the items relating to the purpose for which the session was called.

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#### **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 Chairman and Vice-Chairmen**

1. The Commission shall elect the Chairman and first and second Vice-chairman of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions.

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#### **RULE V: The Secretariat**

1. The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.
2. The Executive Secretary is the executive officer of the Commission and, as such, shall service the Commission and its committees, working parties and other subsidiary bodies, carry out their decisions and act on behalf of the Commission. Without prejudice neither to the general nature of this paragraph, nor to any specific decisions or documents adopted by the Commission which might define his functions, the duties of the Executive Secretary shall include the receipt, collation, and circulation of documents, report, recommendations 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. The Executive Secretary shall prepare the budget for approval by the Commission.
3. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.
4. The procedure for the selection and appointment of the Executive Secretary is appended to these Rules of Procedure and shall form an integral part thereof.

#### **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-Chairperson**

The Commission shall elect, from among the members of delegations, the Chairperson and the first and second Vice-Chairperson of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for re-election for a further two regular

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2. Nominees must be delegates or alternates present at the regular session at which they are to be elected. They shall be eligible for re-election for a further two regular sessions.

#### RULE VIII: Functions of the Chairman and Vice-Chairmen

1. The Chairman 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 committees of the session as the Commission may direct.

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

3. The Chairman or Vice-Chairmen, when acting as Chairman shall not vote and another member of their delegations shall represent their governments.

4. The Secretary shall temporarily exercise the functions of the Chairman in the event the Chairman and Vice-Chairmen 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

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sessions.

#### RULE VIII: Functions of the Chairperson and Vice-Chairpersons in connection with meetings of the Commission

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 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 Vice-Chairperson or, in the absence, of the latter, by the second Vice-Chairperson.

3. The Chairperson, or the Vice-Chairpersons when acting as Chairpersons, shall not vote and another member of their delegations shall represent their governments.

4. The Executive Secretary shall temporarily exercise the functions of the Chairpersons in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.

5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the inter-session period.

#### RULE IX: Voting arrangements and procedures

1. Except as otherwise provided in paragraph 4 of this Rule, voting in plenary meetings shall be by show of hands, expect 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

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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 French 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, except the election of officers of the Commission and its committees, shall be by secret ballot.
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 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: Committees**

1. There shall be established a Committee on Aquaculture which shall be open to all members of the Commission and which shall:
  - (a) monitor developments and trends of aquaculture practices in the region;
  - (b) monitor the interaction between aquaculture development and the environment;
  - (c) oversee and guide work of the four networks created as a result of the activities of MEDRAP II and in particular by monitoring the progress, evaluating the proposed programmes of the various networks, and directing the work of the SIPAM network through the FAO Secretariat;
  - (d) seek additional support to complement the contribution of the institutions, which support the established networks, namely, CIHEAM, MAP-PAP/RAC and FAO, and to enhance the work of the four networks;

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vote by roll call is made by any delegation.

2. A vote by roll call shall be conducted by calling upon delegations in the French 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, except the election of officers of the Commission and its committees, shall be by secret ballot.
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 Chairperson 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 then 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 Rule XII of the General Rules of the Organization.

**RULE X: Committees, working parties and other subsidiary bodies**

1. There shall be established a Committee on Aquaculture, open to all Members of the Commission, which shall:
  - (a) monitor developments and trends of aquaculture practices in the region;
  - (b) monitor the interaction between aquaculture development and the environment;
  - (c) oversee and guide, as appropriate, the activities of networks or national focal points, or other entities as may be established in the area of aquaculture promotion, management and development in the region;
  - (d) carry out such other duties related to aquaculture promotion, management and development as may be referred to it by the Commission.
2. Members of the Committee on Aquaculture have an obligation to provide information on aquaculture production and other data relevant to the

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(e) carry out other duties related to aquaculture promotion and development that may be referred to it by the Commission.

2. (a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.

(b) The Committee shall be open to all members of the Commission. Each Member of the Commission may designate a member of the Committee, and a member may be accompanied by experts.

(c) The Committee may establish working groups to analyze data and to advise the Committee on the state of shared and straddling resources.

(d) The Committee shall provide independent advice on the technical and scientific bases for decisions concerning fisheries conservation and management, including biological, social and economic aspects, and in particular, it shall:

- (1) assess information provided by members and relevant fisheries organizations or programmes on catches, fishing effort, and other data relevant to the conservation and management of fisheries;
- (2) formulate advice to the Commission on the conservation and management of fisheries;
- (3) identify cooperative research programmes and coordinate their implementation;
- (4) undertake such other functions or responsibilities as may be conferred on it by the Commission.

(e) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

3. The Commission may establish such other committees and working parties as it considers desirable.

4. The establishment of committees and working parties under this Rule shall be subject to the provisions of Article VII, paragraph 3 of the Agreement.

5. The procedures of such committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the Commission.

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functions of the Committee.

3. (a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.

(b) The Committee shall be open to all Members of the Commission. Each Member of the Commission may designate a member of the Committee and a member may be accompanied by experts.

(c) The Committee shall provide independent advice on the technical and scientific basis for decisions concerning fisheries conservation and management, including biological, environmental, social and economic aspects and, in particular, it shall:

- (1) assess information provided by members and relevant fisheries organizations or programmes on catches, fishing effort, fleet capacity, and other data relevant to the conservation and management of fisheries;
- (2) formulate advice to the Commission on the conservation and management of fisheries;
- (3) identify cooperative research programmes and coordinate their implementation;
- (4) undertake such other functions or responsibilities as may be conferred on it by the Commission.

4. The Committees may establish such working parties to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement.

5. The Commission may establish such other committees and working parties as it considers desirable, subject to the provisions of Article VII, paragraph 3 of the Agreement.

6. The committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with the present Rules, as the Commission established.

7. The relationship between the Commission and its subsidiary committees and working parties and networks or national focal points, or other entities as may deal with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be

**CURRENT RULES****RULE XI: Budget and Finance**

1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as amplified 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 Chairman and Vice-Chairmen, when engaged in the work of the Commission between its sessions, and the expense, if any, of the committees, 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.

**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

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concluded on behalf of the Commission and relevant interested parties.

**Rule XI: Budget and finance**

1. Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of the general budget of the Organization, they will constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.
2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.

**RULE XII: Participation by observers**

1. The Commission may adopt rules concerning participation of international organizations, governmental and non-governmental, as observers, provided that such rules shall be consistent with the relevant rules adopted by the Conference or Council of the Organization.
2. Members and Associated 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,

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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 General Fisheries Commission for the Mediterranean, 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 committee sessions 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, 1e) of the Agreement, and of studies undertaken outside the region referred to in the Preamble 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.

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any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization, 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 committee or subsidiary body session which they may be invited to attend. In no case will they be entitled to vote.

#### **RULE XIII: Reports, recommendations and resolutions**

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

2. Subject to the provisions of Article V of the Agreement, the conclusions, resolutions and recommendations of the Commission shall be transmitted to the Director-General at the end of the session. The Executive Secretary shall, on behalf of the Chairperson, circulate them to Members of the Commission, nations and international organizations which were represented at the session. Similarly, these documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.

3. Resolutions and 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.

4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply information on action taken on the basis of the recommendations made by the Commission.

5. The Commission may adopt recommendations for action by Members on any matters pertaining to the functions covered by Article III of the Agreement. Recommendations adopted under Article V of the Agreement shall be governed by the provisions of that Article.

**CURRENT RULES****RULE XIV: Records, Reports and Recommendations**

1. Summary records shall be made of each plenary meeting of the Commission and each committee meeting, 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, 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 Chairman 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

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6. The Executive 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.
7. The Commission may also adopt resolutions which will deal primarily with matters of an administrative, institutional, financial and organizational nature.

### CURRENT RULES

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 5 and 6, 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.

### PROPOSED RULES

#### **RULE XIV: 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 Executive Secretary. The Executive 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 XV: Suspension and amendment of Rules**

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XIV paragraph 2, 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 additions 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 amendments 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.

**CURRENT RULES****RULE XVIII: Official Languages**

1. The official languages of the Commission shall be such languages of the Organization as the Commission itself may decide. The delegations may use any one 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 of reports and communications shall be in the language in which they are submitted and, when required by the Commission, abstracts in translation may be published.

**PROPOSED RULES****RULE XVI: Languages of the Commission**

The languages of the Commission shall be such languages of the Organization as the Commission itself may decide. Interpretation of meetings and translation of documents shall be in accordance with such decisions as may be taken by the Commission.

**APPENDIX 2****RULES OF PROCEDURE****Rule I  
Definitions**

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

- Agreement :** The Agreement for the establishment of the General Fisheries Commission for the Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended in accordance with Article X thereof, hereinafter referred to as the Agreement;
- Commission:** The General Fisheries Commission for the Mediterranean;
- Chairperson:** The Chairperson of the Commission;
- Conference:** The Conference of the Organization.
- Council:** The Council of the Organization.
- 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.
- Director-General:** The Director-General of the Organization.
- Executive Secretary:** The Secretary of the Commission.
- Headquarters:** The headquarters of the Commission under Article II, paragraph 11 of the Agreement.
- Member:** Members and Associate Members of the Organization, and non-members of the Organization, or regional economic integration organizations as may be Members of the Commission;
- Observer nation:** A nation that is not a Member of the Commission or a Member of FAO or Associate Member of the Organization, but which is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, attending a session of the Commission while not being a Member of the Commission.
- Observer international organization:** An international organization attending a session of the Commission while not being a Member of the Commission.
- Organization:** The Food and Agriculture Organization of the United Nations.

Vice-Chairpersons: The Vice-Chairpersons of the Commission.

## **Rule II**

### **Sessions of the Commission**

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission shall, at each regular annual session decide the time and place of 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, as appropriate. Sessions of the Commission may be held in a country which is a Member of the Commission or at its headquarters or at the headquarters of the Organization.
2. The Chairperson may convene a special session of the Commission at the request or with the approval of a majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Executive 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.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must be prepared to ensure that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their functions in connection with the session.

## **Rule III**

### **Registration**

The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.

## **Rule IV**

### **Agenda**

1. The agenda for each regular session shall include the following items:
  - (a) as appropriate, election of the Chairperson and of two Vice-Chairpersons as provided under Article II, paragraph 9 of the Agreement;
  - (b) adoption of the agenda;

- (c) a report by the Executive Secretary on the financial and administrative affairs of the Commission and a report by the Chairperson or the Executive Secretary on the activities of the Commission;
  - (d) consideration of the proposed budget;
  - (e) reports of the committees;
  - (f) consideration of the time and place of the next session;
  - (g) applications for membership in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
  - (h) items referred to the General Fisheries Commission for the Mediterranean 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 approved at the previous session;
  - (b) items proposed by a Member.
3. The provisional agenda shall be sent by the Executive Secretary to Members and observer nations and international organizations not less than thirty days before the opening of the session, together with reports and documents available in connection therewith. Where this is not possible, every effort shall be made to circulate reports and documents for the session as early as possible in advance of the session.
4. The agenda of a special session shall consist only of the items relating to the purpose for which the session was called.

#### **Rule V** **The Secretariat**

1. The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.
2. The Executive Secretary is the executive officer of the Commission and, as such, shall service the Commission and its committees, working parties and other subsidiary bodies, carry out their decisions and act on behalf of the Commission. Without prejudice neither to the general nature of this paragraph, nor to any specific decisions or documents adopted by the Commission which might define his functions, the duties of the Executive Secretary shall include the receipt, collation, and circulation of documents, report, recommendations 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. The Executive Secretary shall prepare the budget for approval by the Commission.

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

4. The procedure for the selection and appointment of the Executive Secretary is appended to these Rules of Procedure and shall form an integral part thereof.

### **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-Chairperson**

The Commission shall elect, from among the members of delegations, the Chairperson and the first and second Vice-Chairperson of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for re-election for a further two regular sessions.

### **Rule VIII** **Functions of the Chairperson and Vice-Chairpersons in connection with meetings of the Commission**

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 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 Vice-Chairperson or, in the absence, of the latter, by the second Vice-Chairperson.

3. The Chairperson, or the Vice-Chairpersons when acting as Chairpersons, shall not vote and another member of their delegations shall represent their governments.
4. The Executive Secretary shall temporarily exercise the functions of the Chairpersons in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.
5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the inter-session period.

### **Rule IX**

#### **Voting arrangements and procedures**

1. Except as otherwise provided in paragraph 4 of this Rule, voting in plenary meetings shall be 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 French 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, except the election of officers of the Commission and its committees, shall be by secret ballot.
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 Chairperson 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 then 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 Rule XII of the General Rules of the Organization.

### **Rule X**

#### **Committees, working parties and other subsidiary bodies**

1. There shall be established a Committee on Aquaculture, open to all Members of the Commission, which shall:
  - (a) monitor developments and trends of aquaculture practices in the region;

- (b) monitor the interaction between aquaculture development and the environment;
  - (c) oversee and guide, as appropriate, the activities of networks or national focal points, or other entities as may be established in the area of aquaculture promotion, management and development in the region;
  - (d) seek additional support to supplement the contributions of institutions which support the established networks or other entities as may be established and to enhance their work;
  - (e) carry out such other duties related to aquaculture promotion, management and development as may be referred to it by the Commission.
2. Members of the Committee on Aquaculture have an obligation to provide information on aquaculture production and other data relevant to the functions of the Committee.
3.
  - (a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.
  - (b) The Committee shall be open to all Members of the Commission. Each Member of the Commission may designate a member of the Committee and a member may be accompanied by experts.
  - (c) The Committee shall provide independent advice on the technical and scientific basis for decisions concerning fisheries conservation and management, including biological, environmental, social and economic aspects and, in particular, it shall:
    - (1) assess information provided by members and relevant fisheries organizations or programmes on catches, fishing effort, fleet capacity, and other data relevant to the conservation and management of fisheries;
    - (2) formulate advice to the Commission on the conservation and management of fisheries;
    - (3) identify cooperative research programmes and coordinate their implementation;
    - (4) undertake such other functions or responsibilities as may be conferred on it by the Commission.
4. The Committees may establish such working parties to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement.

5. The Commission may establish such other committees and working parties as it considers desirable, subject to the provisions of Article VII, paragraph 3 of the Agreement.

6. The committees and working parties shall be governed “*mutatis mutandis*” by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with the present Rules, as the Commission established.

7. The relationship between the Commission and its subsidiary committees and working parties and networks or national focal points, or other entities as may deal with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be concluded on behalf of the Commission and relevant interested parties.

### **Rule XI Budget and finance**

1. Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of the general budget of the Organization, they will constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.

2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.

### **Rule XII Participation by observers**

1. The Commission may adopt rules concerning participation of international organizations, governmental and non-governmental, as observers, provided that such rules shall be consistent with the relevant rules adopted by the Conference or Council of the Organization.

2. Members and Associated 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, 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

committee or subsidiary body session which they may be invited to attend. In no case will they be entitled to vote.

### **Rule XIII**

#### **Reports, recommendations and resolutions**

1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views.
2. Subject to the provisions of Article V of the Agreement, the conclusions, resolutions and recommendations of the Commission shall be transmitted to the Director-General at the end of the session. The Executive Secretary shall, on behalf of the Chairperson, circulate them to Members of the Commission, nations and international organizations which were represented at the session. Similarly, these documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.
3. Resolutions and 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.
4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply information on action taken on the basis of the recommendations made by the Commission.
5. The Commission may adopt recommendations for action by Members on any matters pertaining to the functions covered by Article III of the Agreement. Recommendations adopted under Article V of the Agreement shall be governed by the provisions of that Article.
6. The Executive 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.
7. The Commission may also adopt resolutions which will deal primarily with matters of an administrative, institutional, financial and organizational nature.

### **Rule XIV**

#### **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 Executive Secretary. The Executive 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 XV** **Suspension and amendment of Rules**

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XIV paragraph 2, 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 additions 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 amendments 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 XVI** **Languages of the Commission**

The languages of the Commission shall be such languages of the Organization as the Commission itself may decide. Interpretation of meetings and translation of documents shall be in accordance with such decisions as may be taken by the Commission.