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FOOD AND
AGRICULTURE
ORGANIZATION
OF THE
UNITED NATIONS

ORGANISATION
DES NATIONS
UNIES POUR
L'ALIMENTATION
ET L'AGRICULTURE

ORGANIZACION
DE LAS NACIONES
UNIDAS PARA
LA AGRICULTURA
Y LA ALIMENTACION

منظمة
الغذية
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المتحدة

SAFR/DM/SWIOFC/05/ 2 E

SOUTH WEST INDIAN OCEAN FISHERIES COMMISSION

First Session

Mombasa, Kenya, 18-20 April 2005

RULES OF PROCEDURE¹

RULE I

Membership

1. The Commission shall be composed of such Members and Associate Members of the Food and Agriculture Organization of the United Nations (hereinafter referred to as “the Organization”) that are coastal States, whose territories are situated wholly or partly within the area of competence of the Commission, and that notify in writing to the Director-General their interest in becoming a member of the Commission.
2. Each Member of the Commission shall, before the opening of each session, communicate to the Director-General the name of its representative, who should, as far as possible, have responsibilities related to marine fishery management and development.

RULE II

Officers

1. The Commission shall elect, at the end of every session, a Chairperson and a maximum of three Vice-Chairpersons who shall remain in office until the election of the new Chairperson and new Vice-Chairpersons.
2. The Chairperson, or in his absence a Vice-Chairperson, shall preside at meetings of the Commission and exercise such other functions as may be required to facilitate the work of the Commission. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

¹ To be adopted by SWIOFC at its First Session (18-20 April 2005)
and approved by the Director-General, (*****2005)

3. In the event that both the Chairperson and the Vice-Chairmen are unable to serve, the Director-General or his representative shall act as Chairperson, until an *ad hoc* Chairperson is elected.

4. The Director-General shall appoint, from among the staff of the Organization, a Secretary of the Commission who shall be administratively responsible to him.

RULE III

The Bureau

The Chairperson and Vice-Chairmen of the Commission (hereinafter referred to as the Bureau) will act as a steering committee during sessions of the Commission and in the inter-sessional period.

RULE IV

Sessions

1. The Commission shall hold regular sessions at least once every two years.

2. Extraordinary sessions of the Commission shall be held at such other times as the Commission may decide, or at the request of the Bureau of the Commission, provided that adequate funds are available for such extraordinary sessions in the Programme of Work and Budget of the Organization, or from extra-budgetary funds.

3. The sessions of the Commission shall be convened by the Director-General, who shall decide on the place where they are to be held, in consultation with the Chairperson and the competent authorities of the host country, taking into account the views expressed by the Commission.

4. Notice of the date and place of each session of the Commission shall be communicated at least two months before the session to all Members of the Commission, to such Member Nations and Associate Members of the Organization that are not Members of the Commission and to such non-Member Nations of the Organization and international organizations as may have been invited to attend the session.

5. Each Member of the Commission shall have one representative who may be accompanied by alternates and advisers. An alternate or adviser shall not have the right to vote except when substituting for a representative.

6. Meetings of the Commission shall be held in private unless the Commission decides otherwise.

7. A majority of the Members of the Commission shall constitute a quorum.

RULE V

Agenda

1. The Director-General, in consultation with the Chairperson, shall prepare a provisional agenda for each session of the Commission.

2. The first item on the provisional agenda shall be the adoption of the agenda. No matter referred to the Commission by the Conference or Council of the Organization may be omitted from the agenda.

3. Any Member of the Commission may request the Director-General to include specific items in the provisional agenda.

4. The provisional agenda shall be circulated by the Director-General at least two months before the date on which the opening of the session is scheduled to take place, to all Members of the Commission, to such Member Nations and Associate Members of the Organization that are not Members of the Commission and to such non-Member Nations of the Organization and international organizations as may have been invited to attend the session.

5. Any Member of the Commission and the Director-General may, after the dispatch of the provisional agenda, but not later than one month before the date on which the opening of the session is scheduled to take place, propose the inclusion of specific items in the agenda. Such proposals shall be accompanied by a written explanation of the reasons why the inclusion of the items in the agenda is considered desirable. These items shall be placed on a supplementary list, which shall be dispatched by the Director-General to all Members of the Commission, other Member Nations and Associate Members of the Organization attending the session and to such non-Member Nations and international organizations invited to the session, failing which the items shall be communicated to the Chairperson for submission to the Commission.

6. Documents to be submitted to the Commission at any session shall be furnished by the Director-General to the Members of the Commission, the other Members of the Organization attending the session and to the non-Member Nations and international organizations invited to the session, at the time the agenda is dispatched, or as soon as possible thereafter.

7. Subject to paragraph 2 of this Rule, the Commission may, at any session, decide by a two-thirds majority to amend the agenda by the deletion, addition or modification of any item.

RULE VI

Voting Procedures

1. Subject to paragraph 2 of this Rule, each Member of the Commission shall have one vote.

2. Voting by Member Organizations of the Organization that are Members of the Commission shall be governed by the provisions of Article II.10 of the Constitution of the Organization.

3. Decisions of the Commission shall be taken by a majority of the votes cast, unless otherwise provided in these Rules.

4. Upon the request of any Member of the Commission, voting shall be by roll-call, in which case the vote of each Member shall be recorded.

5. When the Commission so decides, voting shall be by secret ballot.

6. Voting in the Commission shall be carried out *mutatis mutandis* in accordance with the pertinent provisions of Rule XII of the General Rules of the Organization.

RULE VII

Observers

1. Any Member or Associate Member of the Organization that is not a Member of the Commission may, upon request communicated to the Director-General, attend sessions of the Commission, its subsidiary bodies or ad hoc meetings, in an observer capacity. Such Members of the Organization or Associate Members may submit memoranda and participate without vote in the discussions.

2. 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 may, upon their request and with the approval of the Commission, attend sessions of the Commission, its subsidiary bodies, and *ad hoc* meetings in an observer capacity. The status of States invited to such sessions or meetings shall be governed by the relevant provisions adopted by the Conference of the Organization.

3. Intergovernmental organizations having an interest in the work of the Commission shall be invited to attend sessions of the Commission, its subsidiary bodies, and ad hoc meetings in an observer capacity.

4. International non-governmental organizations having special competence in the field of activity of the Commission shall, upon request communicated to the Director-General, be invited to attend sessions of the Commission, its subsidiary bodies or *ad hoc* meetings, in an observer capacity.

5. 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 Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the Conference and Council of the Organization. All such relations shall be dealt with by the Director-General.

RULE VIII

Records and Reports

1. At each session, the Commission shall approve a report embodying its views, recommendations and decisions including, when requested, a statement of minority views. Such other records for its own use as the Commission may on occasion decide shall also be maintained.

2. The conclusions and recommendations of the Commission shall be transmitted to the Director-General at the close of each session, and he shall circulate them to Members of the Commission and to nations and international organizations that were represented at the session and, upon request, to other Members and Associate Members of the Organization for their information.

3. 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.

4. The Director-General may request Members of the Commission to supply information to him in order to keep the Commission informed on action taken by its Members on the basis of its recommendations.

RULE IX

Scientific Committee

1. The Commission shall establish a Scientific Committee to consider the state of fisheries in the area of competence of the Commission and to advise on the scientific basis for possible regulatory measures to be considered for adoption by Members of the Commission.

2. The Scientific Committee shall be composed of scientists. Each Member of the Commission shall have the right to appoint a representative and an alternate, if needed, both with suitable scientific qualifications, who may be accompanied by experts and advisers.

3. The Members of the Commission shall finance the participation of their representatives, alternates, experts and advisers at Scientific Committee meetings, as well as at its working parties. The Members of the Commission shall also finance any out of session work carried out within the framework of the Scientific Committee. The Commission may finance the participation of experts invited to participate in meetings of the Scientific Committee or its working parties in their individual capacity.

4. The Scientific Committee shall elect, preferably by consensus, a Chairperson and a Vice-Chairperson from among its members for a term of two years. The Chairperson and the Vice-Chairperson shall be eligible for re-election.

5. The Chairperson of the Scientific Committee shall have, during the meetings of the Scientific Committee, the same powers and duties as the Chairperson of the Commission has in relation to the meetings of the Commission itself.

6. Meetings of the Scientific Committee shall be convened by the Chairperson of the Scientific Committee after consultation with the Chairperson of the Commission and the Director-General.

7. The Secretary of the Commission shall act as Secretary to the Scientific Committee.

8. The Scientific Committee shall:

- a) Recommend policies and procedures for the collection, processing, dissemination and analysis of fishery data;
- b) Facilitate the exchange and critical review among scientists of information on fisheries of relevance to the Commission;
- c) Develop and coordinate cooperative research programmes involving Members of the Commission in support of fisheries management;

- d) Assess and report to the Commission on the status of stocks of relevance to the Commission and the likely effects of further fishing and of different fishing patterns and intensities;
- e) Formulate and report to the Commission or to individual Members of the Commission, as appropriate, on recommendations concerning fisheries conservation, management and research;
- f) Carry out other technical activities and consider any other matter referred to it by the Commission.

RULE X

Other Subsidiary Bodies

1. The Commission may establish, on an *ad hoc* basis, such other subsidiary bodies as it deems necessary for the accomplishment of its task.
2. Membership in such other subsidiary bodies may be made up of all or selected Members of the Commission or of individuals appointed in their personal capacity.
3. The Commission may recommend to the Director-General the convening of *ad hoc* meetings, either of representatives of members of the Commission or of experts serving in an individual capacity, in order to study problems that because of their specialized nature could not fruitfully be discussed during the normal sessions of the Commission.
4. Experts who are to serve in their personal capacity as members of any subsidiary body or who are to be invited to attend *ad hoc* meetings shall be chosen by the Commission unless the Commission decides otherwise, and shall be appointed by the Director-General in accordance with established procedures.
5. The terms of reference of the subsidiary bodies and the questions to be discussed by *ad hoc* meetings shall be determined by the Commission.
6. The establishment of subsidiary bodies and the convening of *ad hoc* meetings shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization, or to the availability of extra-budgetary funds. The determination of such availability shall be made by the Director-General.
7. Before taking any decision involving expenditures in connection with the establishment of subsidiary bodies or the convening of an *ad hoc* meeting, the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.
8. Each subsidiary body and *ad hoc* meeting shall elect its own officers.
9. The Rules of Procedure of the Commission shall apply *mutatis mutandis* to its subsidiary bodies and *ad hoc* meetings.

RULE XI

Expenses

1. Expenses incurred by representatives of Members of the Commission, their alternates or advisers, when attending sessions of the Commission, committees, working parties or *ad hoc* meetings, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations.
2. Expenses of experts invited by the Director-General to attend sessions or meetings in their individual capacity shall be borne by the Organization.
3. Any financial operations relating to the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

RULE XII

Languages

English and French shall be the working languages of the Commission.

RULE XIII

Amendment and Suspension of Rules of Procedure

1. Amendment of, or addition to, these Rules may be adopted by a two-thirds majority of the membership of the Commission provided that 24 hours' notice of the proposal for the amendment or addition has been given. Amendments or additions to these Rules shall come into force upon approval by the Director-General.
2. Any of the above Rules of the Commission, other than Rules I-1; II-4; IV-1, 2, 3, 5 and 7; V-2; VI-1, 2 and 3; VII; VIII-3 and 4. X-5, 6 and 7; XI and XIII-1 and 2, may be suspended by the Commission by a two-thirds majority of the votes cast, provided that 24 hours' notice of the proposal for the suspension has been given. Such notice may be waived if no Member of the Commission objects.