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COMMITTEE ON FISHERIES

Thirty-first Session

Rome, 9-13 June 2014

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

Executive Summary

This document proposes amendments to Rule I of the Rules of Procedure of the Committee on Fisheries (COFI) and invites the Committee to review and adopt the proposed amendments in accordance with Rule IX.

The Committee is invited to:

- review and adopt the proposed amendments to the Rules of Procedure of the Committee.

BACKGROUND

1. At its 30th Session in July 2012, the Committee on Fisheries (hereinafter referred to as COFI or the Committee) amended its Rules of Procedure, with regard inter alia to the role of the Chairperson and other officers during and between COFI sessions, the composition of its Bureau, and its reporting lines¹.
2. During this COFI session, Thailand, on behalf of some Members of the Asia Regional Group, proposed two amendments to the Rules of Procedure of COFI, with a view to modify the criterion for the composition of the COFI Bureau and for the selection of its Chairperson. On that occasion, “the Committee agreed that the COFI Bureau of the thirty-first session of COFI would examine the proposal made by Thailand, on behalf of some Members of the Asia Regional Group, for the potential endorsement by the thirty-first session of COFI”².
3. In accordance with Rule IX of COFI Rules of Procedure on Amendment of Rules, COFI may, by two-thirds majority of the votes cast, amend its Rules of Procedure. Rule IX of the Rules of Procedure reads as follows:

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

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

4. In pursuance of the mandate by the 30th COFI Session, the Bureau considered two amendments to the COFI Rules of Procedure which had been proposed by Thailand on behalf of some Members of the Asia Regional Group:
 - 1) The introduction of a new paragraph in Rule I setting out a criterion for the composition of the Bureau on the basis of the FAO’s seven regions;
 - 2) The introduction of a new paragraph in Rule I with a view to changing the current practice whereby the first Vice-Chairperson is automatically elected as Chairperson in the succeeding session.

Composition of the Bureau

5. The first proposed amendment aims at expressly providing a criterion for the composition of the Bureau, to ensure that the membership of the Bureau reflects FAO’s seven regions. For this purpose, Thailand proposed additional paragraph to Rule I of the COFI Rules of Procedure reading as follows:

*The Chairperson, the first Vice-Chairperson and five other Vice-Chairpersons should be elected from the following regions: one representative from Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America and Southwest Pacific (FIPI/R1012, paragraph 12)*³.

6. When considering the proposed criterion, the Bureau noted that, in practice, the composition of the Bureau already reflected FAO’s seven regions. At the 30th Session of COFI, in fact, the number

¹ FIPI/R1012, paragraph 9.

² FIPI/R1012, paragraph 12.

³ FIPI/R1012, paragraph 12.

of other Vice-Chairpersons was increased from four to five, bringing the overall number of Bureau members to seven, in order to ensure that all regions be represented in the Bureau⁴. The adoption of this amendment by the Committee at its 30th Session codified a practice which had been in place since 1995, as illustrated in the table in Appendix II.

7. Recognizing the importance of ensuring equal representation of all regions in its membership, the Bureau agreed to expressly provide in the COFI Rules of Procedure that each of the seven officers is elected from one FAO region, as phrased in the proposal from Thailand.

Criteria for election of the Chairperson of the Bureau

8. The second proposed amendment aims at changing “the current practice of granting the first Vice-Chairperson the right of claiming the office of Chairperson in the succeeding session”⁵. In this connection, the Bureau considered the possibility to complement the above mentioned composition criterion with a paragraph setting out the rotation of the office of Chairperson among FAO’s seven regions.

9. It is worth noting that, at its 97th session in October 2013, the Committee on Constitutional and Legal Matters (CCLM) examined a paper entitled “Bureaus and Steering Committees under Article V of the Constitution (Composition and Functions)”⁶. Regarding the position of Chairperson, the document reported that there had been discussions regarding the desirability of ensuring rotation of the office among FAO’s seven regions and that the Committee on Forestry had inserted a paragraph in Rule I of its Rules of Procedure providing that “When electing the Chairperson, the Committee shall give due consideration to the desirability of ensuring equitable rotation of the office among the regions”. However, the CCLM did not recommend at that point in time that a similar provision be adopted by the other Technical Committees. Rather, noting that issues considered were under negotiation by the membership of Technical Committees, it decided to review the matter again at a future session⁷.

10. After reviewing the rules and practice in place in other Technical Committees of FAO, particularly the Committee on Forestry⁸, and bearing in mind that the Chairperson of the Bureau is elected in person, the Bureau agreed on the desirability of ensuring rotation of the office of Chairperson among FAO’s seven regions.

11. Furthermore, noting that the experience as Vice-Chairperson is valuable for better carrying out the functions as Chairperson of COFI and its Bureau, the Bureau members considered that the formalization of the criterion of rotation of the office of Chairperson among FAO regions wouldn’t exclude the practice of allowing to the first Vice-Chairperson to be selected for the office of Chairperson in a succeeding session.

SUGGESTED ACTION BY THE COMMITTEE

12. Based on the recommendations of the Bureau, the Committee may wish to review and adopt the proposed amendments to its Rules of Procedure, as set out in Appendix I.

⁴ *Cfr.* FIPI/R1012, paragraph 9 and COFI/2012/9, paragraphs 10-12.

⁵ FIPI/R1012, paragraph 12.

⁶ CCLM document 97/3.

⁷ CL 148/2 Rev.1, paragraphs 6-7.

⁸ Rule I.2 of the Rules of Procedure of the Committee on Forestry.

APPENDIX I

**PROPOSED AMENDMENTS TO THE
RULES OF PROCEDURE OF THE COMMITTEE ON FISHERIES⁹**

Rule I**Officers**

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

2. The Chairperson, the first Vice-Chairperson and five other Vice-Chairpersons shall be elected from the following regions: one representative each from Africa, Asia, Europe, Latin America and Caribbean, Near East, North America and Southwest Pacific¹⁰.

3. When electing the Chairperson, the Committee shall give due consideration to the desirability of ensuring rotation of the office among the regions¹¹.

~~2-~~ 4. Between sessions, in relation to agendas, formats and other matters, and to perform other actions relevant for ensuring preparations for the sessions, the representatives of the regional groups in the Bureau shall consult with Members in a timely way.

~~3-~~ 5. The Chairperson, or in his absence the first Vice-Chairperson, shall preside at meetings of the Committee and exercise such other functions as may be required to facilitate its work. In the event of the Chairperson and the first Vice-Chairperson not being able to preside at a meeting, the Committee shall appoint one of the other Vice-Chairpersons or, failing these, a representative of its Members to take the chair.

~~4-~~ 6. The Director-General of the Organization shall appoint a Secretary, who shall perform such duties as the work of the Committee may require and prepare the records of the proceedings of the Committee.

Rule II**Sessions**

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

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

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

⁹ In the text of the draft amendments reproduced below, the proposals regarding deletions are indicated using strikethrough text and the proposals for insertions are indicated using *underlined italics*.

¹⁰ The insertion was proposed by Thailand, on behalf of some Members of the Asia Regional Group, during the 30th Session of COFI held in July 2012.

¹¹ The insertion is proposed in response to the proposal by Thailand to change current practice whereby the Vice-Chairperson is automatically elected as Chairperson at the succeeding COFI session. The proposed phrasing is similar to Rule I, paragraph 2, of the RoP of the Committee on Forestry. It is worth noting, at its 97th session in October 2013, the CCLM has considered the possibility to recommend that a similar provision be adopted by the other Technical Committees. On that occasion, the CCLM considered document CCLM 97/3 on *Bureaus and Steering Committees of Technical Committees under Article v of the Constitution (Composition and Functions)* and, noting that issues considered were under negotiation by the membership of Technical Committees, decided to review the matter again at a future session (CL 148/2 Rev.1, paragraphs 6-7).

4. Notice of the date and place of each session shall normally be communicated at least two months in advance of the session to all Member Nations and Associate Members of the Organization, and to such non-member States and international organizations as may have been invited to attend the session.
5. Each Member of the Committee may appoint alternates and advisers to its representative on the Committee.
6. Presence of representatives of a majority of the Members of the Committee shall constitute a quorum for any formal action by the Committee.

Rule III

Attendance

1. Participation of international organizations in an observer capacity in the work of the Committee shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization,¹² as well as by the general rules of the Organization on relations with international organizations.
2. Attendance by non-member States of the Organization at sessions of the Committee shall be governed by the principles relating to the granting of observer status to nations adopted by the Conference.
3.
 - a) Meetings of the Committee shall be held in public, unless the Committee decides to meet in private for discussion of any items on its agenda.
 - b) Subject to the provisions of subparagraph (c) below, any Member Nation not represented on the Committee, any Associate Member or any non-member State invited to attend in an observer capacity a session of the Committee may submit memoranda and participate without vote in any discussion at a public or private meeting of the Committee.
 - c) In exceptional circumstances, the Committee may decide to restrict attendance at private meetings to the representative or observer of each Member Nation of the Organization.

Rule IV

Agenda and Documents

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

¹² It is understood that in this context the terms "Constitution" and "the General Rules of the Organization" are to be taken to include all general rules and policy statements formally adopted by the Conference and intended to supplement the Constitution and the Rules, such as the "Statement of principles relating to the granting of observer status to nations", and the general rules regarding relationships between the Organization and governmental and non-governmental organizations.

Rule V**Voting**

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

Rule VI**Records and Reports**

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

Rule VII**Subsidiary Bodies**

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

Rule VIII**Suspension of Rules**

The Committee may decide to suspend any of the foregoing Rules of Procedure, provided that 24 hours' notice of the proposal for the suspension has been given and that the action contemplated is consistent with the Constitution and the General Rules of the Organization.¹³ Such notice may be waived if no Member objects.

Rule IX**Amendment of Rules**

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

¹³ See footnote to Rule III, paragraph 1.

APPENDIX II

OFFICERS OF COFI BUREAU FROM ITS ESTABLISHMENT TO DATE

CHAIRPERSONS AND VICE-CHAIRPERSONS OF COFI			
Session	Chairperson	First Vice	Other Vice Chairpersons
31st - 2014	Mr Johán H. Williams Norway	Mr Fabio Hazin Brazil	Iran, Islamic Republic of, Morocco, New Zealand, Sri Lanka, United States of America
30th - July 2012 29th - Feb 2011	Mr Mohammed Pourkazemi Islamic Rep. of Iran	Mr Johán H. Williams Norway	Canada, Chile, India, Spain, Zimbabwe
28th - Mar 2009	Mr Zbigniew Karnicki Poland	Mr Javad S. Tavakolian Islamic Rep. of Iran	Australia, Netherlands, Nicaragua, Russian Federation
27th - Mar 2007	Mr A. Hettiarachchi Sri Lanka	Mr Zbigniew Karnicki Poland	El Salvador, Iceland, Islamic Republic of Iran, New Zealand, United Republic of Tanzania
26th - Mar 2005	Mr Glenn Hurry Australia	Mr Kapila Perera Sri Lanka	Cameroon, Canada, Chile, Iceland, Libyan Arab Jamahiriya
25th - Feb 2003	Mr J. Ramos Saenz Pardo Mexico	Mr Glenn Hurry Australia	Egypt, India, Mauritania, Poland, United States of America
24th - Mar 2001	Mr Masayuki Komatsu Japan	Ms M.A. Murillo Correa Mexico	Australia, Canada, Libyan Arab Jamahiriya, Malta, United Republic of Tanzania
23rd - Feb 1999	Mr Mike Akyeampong Ghana	Mr Minoru Morimoto Japan	Canada, Italy, New Zealand, Peru, Sudan
22nd - Mar 1997	Mr William Martin United States of America	Mr Mike Akyeampong Ghana	Australia, Colombia, Estonia, Islamic Republic of Iran
21st - Mar 1995	Mr M. Tangi Morocco	Mr T.A. Forbord United States of America	Australia, India, Iraq, Peru, Poland
20th - Mar 1993	R. Conde de Saro Spain	Mr B. Abdellatif Morocco	Brazil, Malta, Sweden, Thailand
19th - Apr 1991	Ms M. de los Angeles Moreno Mexico	Ms C. Soto Spain	Islamic Republic of Iran, Morocco, Netherlands, Sudan

18th - Apr 1989	Mr Z. Karnicki Poland	Ms C. Jusidman Mexico	Canada, Islamic Republic of Iran, Madagascar, Netherlands
17th - May 1987	Mr H. Akrouf Tunisia	Mr R. Pospieszynski Poland	Belgium, Canada, Malaysia, Senegal
16th - Apr 1985	Mr W.G. Gordon United States of America	Mr Hadj Ali Salem Tunisia	Colombia, India, Italy, Madagascar
15th - Oct 1983	Admiral Abdu Rachman Indonesia	Mr V.G. Gordon United States of America	Angola, Germany, Nicaragua, Tunisia
14th - May 1981	Mr N. Odero Kenya	Mr R. Verdugo Górmaz Chile	Canada, Indonesia, Morocco, Norway
13th - Oct 1979 12th - Jun 1978	Mr M. Ruivo Portugal	Mr N. Odero Kenya	Australia, Cuba, Poland, Republic of Korea
11th - Apr 1977	Mr M. Ruivo Portugal	Mr B.T. Cunningham New Zealand	Argentina, Guinea, Poland, Republic of Korea
10th - Jun 1975 9th - Oct 1974	Mr R. Pérez Prieto Peru	Mr K. Løkkegaard Denmark	Cuba, Egypt, Nigeria, Thailand
8th - Apr 1973 7th - Apr 1972	Mr E.G. Goonewardene Sri Lanka	Mr F. Marcitllach Guazo Spain	Islamic Republic of Iran, Panama, Sierra Leone, United States of America
6th - Apr 1971 5th - Apr 1970	Mr K. Sunnanaa Norway	Mr N. Zachman Indonesia	Brazil, Canada, Peru, Uganda
4th - Apr 1969 3rd - Apr 1968	Mr B. Diop Senegal	Mr K. Sunnanaa Norway	Chile, India, Japan, United States of America
2nd - Apr 1967 1st - Jun 1966	Mr A.W.W. Needler Canada	Mr V. Labarthe Correa Peru	France, India, Japan, Senegal