

UPDATED 2018



**RULES OF PROCEDURE FOR THE COMMISSION OF THE SOUTH EAST
ATLANTIC FISHERIES ORGANISATION (SEAFO)**

PART I REPRESENTATION

1. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers. However, at its discretion, the Commission may restrict its deliberations to representatives/heads of delegation only, and such other persons that the Commission may invite.
2. Each Member of the Commission shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.
3. Each Member of the Commission shall nominate a correspondent who shall have primary responsibility for liaison with the Executive Secretary between meetings.

PART II TAKING OF DECISIONS

4. The Chairperson shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:
 - a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
 - b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
5. At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the Members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.
6. At a meeting of the Commission, unless it decides otherwise, the Commission shall not discuss or take a decision on any item that has not been included in the provisional agenda for the meeting in accordance with Part IV of these Rules.
7. When necessary, the taking of decisions and votes on any proposal made during the period between meetings may be carried out by post or by other means of textual communication.
 - a) The Chairperson or Member which requests the application of the procedure laid down by this Rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4(a) or Rule 4(b). Any disagreement on this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.
 - b) The Executive Secretary shall distribute copies of the proposal to all members.

- c) If the decision is to be taken in accordance with Rule 4(a):
- i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chairperson shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.
 - ii. If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
 - iii. If the responses include a rejection of the proposal, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
 - iv. If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chairperson shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
 - v. The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- d) If the decision is to be taken in accordance with Rule 4(b):
- i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
 - ii. At the end of the 60-day period, the Chairperson shall count the votes and direct the Executive Secretary to inform all Members of the result.
 - iii. The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- e) A proposal that has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

PART III CHAIRPERSON, VICE-CHAIRPERSON AND EXECUTIVE SECRETARY

8. The Commission shall elect from among its Members a Chairperson and Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairperson shall, however, be elected for an initial term of three years. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.
9. A person representing a Member of the Commission as its Representative who is elected as Chairperson shall cease to act as a Representative upon assuming office and, whilst holding this office, shall not act as Representative, Alternate Representative or Adviser at meeting of the Commission. The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.
10. The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they have been elected, except for the first Chairperson and Vice-Chairperson who shall take office immediately upon their election.
11. The Chairperson shall have the following powers and responsibilities:
 - a) convene the regular and extraordinary meetings of the Commission;
 - b) preside at each meeting of the Commission;
 - c) open and close each meeting of the Commission;
 - d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
 - e) put questions and notify the Commission of the results of votes;
 - f) approve a provisional Agenda for the meeting after consultation with representatives and the Executive Secretary;
 - g) sign, on behalf of the Commission, the reports of each meeting for transmission to its Members, representatives and other interested persons as official documents of the proceedings; and
 - h) exercise other powers and responsibilities as provided in these Rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.
12. Whenever the Chairperson of the Commission is unable to act, the Vice-Chairperson shall assume the powers and responsibilities of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson, the Vice-Chairperson will not act as Representative.
13. In the event of the office of Chairperson falling vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the Commission's next meeting on which occasion a new Chairperson shall be elected. Until the election of a new

Chairperson, the Vice-Chairperson will not act as Representative, Alternate Representative or Adviser.

14. The Commission shall appoint an Executive Secretary to serve the Commission, Compliance Committee and Scientific Committee, according to such procedures and on such terms and conditions as the Commission may determine. His or her term of office shall be for four years and he/she may be eligible for re-appointment.
15. The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.
16. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

PART IV PREPARATION FOR MEETINGS

17. The Executive Secretary shall prepare, in consultation with the Chairperson, a preliminary agenda for each meeting of the Commission and its subsidiary bodies. He or she shall transmit this preliminary agenda to all Members of the Commission not less than 65 days prior to the beginning of the meeting.
18. Members of the Commission proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 45 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.
19. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for each meeting of the Commission. The provisional agenda shall include:
 - a) all items which the Commission has previously decided to include in the provisional agenda;
 - b) all items the inclusion of which is requested by any Member of the Commission;
 - c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.
20. The Executive Secretary shall transmit to all Members of the Commission, not less than one month in advance of the Commission's meeting, the provisional agenda and explanatory memoranda or reports related thereto.
21. The Executive Secretary shall:
 - a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;

- b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 33;
- c) take all the necessary steps to carry out the instructions and directions given to him by the Chairperson.

PART V CONDUCT OF BUSINESS AT MEETINGS

- 22. The Chairperson shall exercise his or her powers of office in accordance with customary practice. He/she shall ensure the observance of the Rules of Procedure and the maintenance of proper order. The Chairperson, in the exercise of his or her functions, shall remain under the authority of the meeting.
- 23. No representative may address the meeting without having previously obtained the permission of the Chairperson. The Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
- 24. The Chairperson or Vice-Chairperson of the Compliance Committee and of the Scientific Committee may attend all meetings of the Commission. They shall be entitled to present the report of the Compliance Committee and the Scientific Committee to the Commission and to address the Commission with regard to it. The Commission shall take full account of the reports of the Compliance Committee and the Scientific Committee.
- 25. Proposals and amendments shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies have been distributed to all delegations in a reasonable time in advance. The Chairperson may, however, permit the discussion and consideration of proposals even though such proposals have not been circulated.
- 26. As a general rule proposals, which have been rejected may not be reconsidered until the next meeting of the Commission.
- 27. A representative may at any time make a point of order and the point of order shall be decided immediately by the Chairperson in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to a vote immediately and the Chairperson's ruling shall stand if upheld by a majority of the representatives present and voting. A representative making a point of order shall not speak on the substance of the matter under discussion. A point of order made during voting may concern only the conduct of the vote.
- 28. A representative may at any time move the suspension or the adjournment of the session. Such motions shall not be debated, but shall be put to the vote immediately. The Chairperson may limit the time to be allowed to each speaker putting such a motion.
- 29. A representative may at any time move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in

favour of, and two against the motion, after which the motion shall be put to the vote immediately. The Chairperson may limit the time to be allowed to speakers.

30. A representative may at any time move the closure of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak against the motion, after which the motion shall be put to the vote immediately. If the meeting is in favour of the closure, the Chairperson shall declare the closure of the debate and a decision shall be taken immediately on the item under discussion. The Chairperson may limit the time to be allowed to speakers under this rule.
31. Subject to Rule 27 the following motions shall have precedence in the following order over all other proposals or motions before the session:
 - a) to suspend the session;
 - b) to adjourn the session;
 - c) to adjourn the debate on the item under discussion;
 - d) for the closure of the debate on the item under discussion.
32. With the exception of recording the devices for use by the Secretariat, the use of film, video, sound and any other media devices to record meeting proceedings shall be prohibited for all participants in Commission or subsidiary body meetings.

PART VI OBSERVERS

33. The Commission may:
 - a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 36, 37 and 38 below, as observers in meetings of the Commission;
 - b) invite as appropriate, any non-Contracting Party to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
 - c) invite, as appropriate, organisations referred to in Article 18 (1) and (2) of the Convention to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
 - d) invite, as appropriate, non-governmental organisations referred to in Article 8(8) of the Convention, to attend in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission unless the majority of the Contracting Parties object. Invitations to these organisations shall be issued in accordance with the procedure set forth in Rule 39 below.
34. The Executive Secretary may, when preparing with the Chairperson the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his or her view that the work of the Commission would be facilitated by the

attendance at its next meeting of an observer referred to in Rule 33, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 17. The Chairperson shall request the Commission to take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 19.

35. Observers may be present at public and private sessions of the Commission. If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 33(a) and Rule 33(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 33(c).
36. The Chairperson may invite observers to address the Commission unless a Member of the Commission objects. Observers are not entitled to participate in the taking of decisions.
37. Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission. Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted. Such documents shall only be considered as Commission documents if so decided by the Commission.
38. Observers shall be granted timely access to documents subject to the terms of the confidentiality rules that the Commission may decide. Invitations to these organisations shall be issued in accordance with the following procedure:
 - a) Any non-governmental organisation concerned with the stocks found in the Convention area, which desires to participate as an observer in meetings of the Commission, shall notify an application for observer status to the Executive Secretary at least 60 days in advance of the meeting. This application must include:
 - b) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation;
 - c) address of all its national/regional offices;
 - d) aims and purposes of the organisation and a statement that the organisation generally supports the objectives of the Convention;
 - e) information on the organisation's total number of members, its decision-making process and its funding;
 - f) a brief history of the organisation and a description of its activities;
 - g) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;
 - h) a history of SEAFO observer status granted/revoked, where appropriate;
 - i) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Executive Secretary for review by

Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

- j) The Executive Secretary shall review applications received within the prescribed time and, at least 50 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of non-governmental organisations having fulfilled the requirements stipulated this Rule. Contracting Parties shall reply in writing within 20 days of the date at which the notification was sent, stating whether they approve or object to the application and giving reasons thereon. The application shall be considered accepted unless a simple majority of the Contracting Parties that replied objects. An organisation whose application has been rejected may submit a new complete application prior to any subsequent meeting of the Commission.
- k) Any Contracting Party may propose, giving its reasons in writing, that the observer status granted to a non-governmental organisation be revoked. Decisions to revoke observer status shall be taken by a simple majority of the Contracting Parties present and voting. The Commission may agree that this decision becomes effective at its following meeting.

PART VII SUBSIDIARY BODIES

- 39. The Commission may determine the composition and terms of reference of any subsidiary body established by it. Insofar as they are applicable these Rules of Procedure shall apply to any subsidiary body of the Commission unless the Commission decides otherwise.

PART VIII LANGUAGES

- 40. The official and working languages of the Commission shall be English and Portuguese.

PART IX REPORTS AND NOTIFICATIONS

- 41. Reports of meetings of the Commission shall be prepared by the Executive Secretary as required by the Commission before the end of each meeting. A draft report of such meetings shall be considered by the Commission before it is adopted at the end of the meeting. The Executive Secretary shall transmit reports of meetings of the Commission to all Members of the Commission, and to Observers that have attended the meeting, as soon as possible after the meeting.
- 42. The Executive Secretary shall:
 - a) notify each Member of the Commission immediately after each meeting of all decisions, measures or recommendations made or adopted by the Commission;
 - b) notify each Member of the Commission of any notification by a Member of the Commission pursuant to Article 23 (c) of the Convention that it is unable to accept any

conservation measure, in whole or in part, adopted by the Commission or of the withdrawal of any such notification.