

RULES OF PROCEDURE FOR THE COMPLIANCE COMMITTEE OF 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 Compliance Committee may restrict its deliberations to representatives/heads of delegation only, and such other persons that the Compliance Committee may invite.

PART II TAKING OF DECISIONS

2. The Chairperson shall put to the Compliance Committee questions and proposals to be recommended to the Commission. The recommendations shall be taken according to the following provisions:

- a) Recommendations of the Compliance Committee 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) Recommendations on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Compliance Committee present and voting.

3. At a meeting of the Compliance Committee, unless it decides otherwise, the Compliance Committee 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.

4. 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 a 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 Compliance Committee, but may be considered at that meeting.

PART III CHAIRPERSON, VICE-CHAIRPERSON AND EXECUTIVE SECRETARY

5. The Chairperson shall in succession be Members of the Commission in the order of their names arranged alphabetically in the English language. The position of Vice-Chairperson shall be taken up by the Member of the Commission that succeeds the Member of the Commission that provides the Chairperson in the order of names arranged alphabetical in the English language. The 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.

6. 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 Compliance Committee. The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.

7. 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.

8. The Chairperson shall have the following powers and responsibilities:

- a) convene the regular and extraordinary meetings of the Compliance Committee;
- b) preside at each meeting of the Compliance Committee;
- c) open and close each meeting of the Compliance Committee;
- d) make rulings on points of order raised at meetings of the Compliance Committee, 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 Compliance Committee 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 Compliance Committee, the reports of each meeting for transmission to the Commission 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 Compliance Committee is carried out effectively and in accordance with its decisions.

9. Whenever the Chairperson of the Compliance Committee 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.

10. 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 Compliance Committee'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.

11. 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.

12. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Compliance Committee.

PART IV PREPARATION FOR MEETINGS

13. The Executive Secretary shall prepare, in consultation with the Chairperson, a preliminary agenda for each meeting of the Compliance Committee. He or she shall transmit this preliminary agenda to all Members of the Compliance Committee not less than 65 days prior to the beginning of the meeting.

14. Members of the Compliance Committee 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.

15. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for each meeting of the Compliance Committee. The provisional agenda shall include:

- a) all items which the Compliance Committee has previously decided to include in the provisional agenda;
- b) all items the inclusion of which is requested by any Member of the Compliance Committee;
- c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

16. The Executive Secretary shall transmit to all Members of the Compliance Committee, not less than one month in advance of the Compliance Committee meeting, the provisional agenda and explanatory memoranda or reports related thereto.

17. The Executive Secretary shall:

- a) make all necessary arrangements for meetings of the Compliance Committee;
- b) 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

18. 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.

19. 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.

20. The Chairperson or Vice-Chairperson of the Scientific Committee may attend all meetings of the Compliance Committee.

21. 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 Compliance Committee 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.

22. As a general rule proposals which have been rejected may not be reconsidered until the next meeting of the Compliance Committee.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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 Compliance Committee meetings.

PART VI OBSERVERS

29. 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.

30. The Executive Secretary may, when preparing with the Chairperson the preliminary agenda for a meeting of the Compliance Committee, draw to the attention of Members of the Compliance Committee his or her view that the work of the Compliance Committee 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 Compliance Committee when transmitting to them the preliminary agenda under Rule 17. The Chairperson shall request the Compliance Committee 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 Compliance Committee when transmitting to them the provisional agenda under Rule 19.

31. Observers may be present at public and private sessions of the Compliance Committee. If a Member of the Compliance Committee so requests, sessions of the Compliance Committee 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 Compliance Committee may also agree to invite Observers referred to in Rule 33(c).

32. The Chairperson may invite observers to address the Compliance Committee unless a Member of the Compliance Committee objects. Observers are not entitled to participate in the taking of decisions.

33. Observers may submit documents to the Secretariat for distribution to Members of the Compliance Committee as information documents. Such documents shall be relevant to matters under consideration in the Compliance Committee. Unless a Member or Members of the Compliance Committee 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 Compliance Committee documents if so decided by the Compliance Committee. 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 Compliance Committee, 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 organization 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 organization 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

34. 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

35. The official and working languages of the Compliance Committee shall be English and Portuguese.

PART IX REPORTS AND NOTIFICATIONS

36. Reports of meetings of the Compliance Committee shall be prepared by the Executive Secretary in conjunction with the Chairperson of the Compliance Committee. A draft report of such meetings shall be considered by the Compliance Committee before it is adopted at the end of the meeting. The Chairperson of the Compliance Committee shall present the report to the plenary during the Commission meetings.