



## **40<sup>th</sup> ANNUAL MEETING – SEPTEMBER 2018**

### **Amendments to the NAFO Rules of Procedure (Proposal by Norway)**

#### **EXPLORATORY MEMORANDUM**

At the 2017 NAFO Annual Meeting the NAFO Rules of Procedure were updated to bring the Rules of Procedure in line with the new NAFO Convention. During the discussions in STACFAD Norway expressed the view that parts of the Rules of Procedure are unclear and sometimes tend to blur the actual meaning of the provisions in question. Norway thus indicated its intent to propose amendments to the Rules of Procedure in advance of the 2018 Annual Meeting.

Excerpt from the Report of STACFAD:

*Norway indicated its intent to review the NAFO Rules of Procedure, particularly Rule 2 regarding Vote, to develop a proposal to improve their clarity and understandability for consideration at the 2018 Annual Meeting. The Committee would welcome such a proposal but requests that it be provided well in advance to ensure adequate time for review. This proposal, along with any recommendations regarding NAFO Rules of Procedure, Financial Regulations and Staff Rules that may arise from the Performance Review panel will be considered at the 2018 Annual Meeting. The Committee also noted that a holistic review of the Rules of Procedure may be warranted.*

After reviewing the NAFO Rules of Procedure, Norway proposes to amend Rules 2.4, 2.7, 2.8 and 3.5. A new Rule 2.9 is also proposed. Whereas the amendments to Rules 2.7, 2.8 and 2.9 aims to improve their clarity and understandability, the amendments proposed to Rules 2.4 and 3.5 are of a more substantive character. Explanations are provided below.

#### **Rule 2.4 The decision on the use of voting type**

According to Rule 2.4 it is under the responsibility of the Chairperson to determine whether votes shall be taken by show of hands, or by roll call, or by ballot.

Looking at the Rules of Procedure of other RFMOs, the decision on voting type is taken either by the Commissions in accordance with its respective decision-making procedures or it may be decided upon request by one Contracting Party. To our knowledge no other RFMO has given the power to decide on voting type to the Chairperson.

Norway believes voting type should be decided by the Commission, not the Chairperson. This is particularly important when it comes to secret ballots taking into consideration NAFOs commitment to ensure transparency in the decision-making process.

### **Rule 2.7 Postal votes – voting period and communication of results**

Rule 2.7 provides rules both regarding deadline for postal vote and the duty of the Executive Secretary to communicate the results of the vote. The two rules should be separated and the rule on deadline should come first. The current wording is also complicated and difficult to understand. Norway therefore proposes to clarify and split Rule 2.7 into Rule 2.7 on deadlines and a new Rule 2.9 on communication of results.

### **Rule 2.8 Quorum and votes**

Quorum is required also for postal votes. This is obtained by counting the acknowledgements received by the Executive Secretary. The procedure is described in the present Rule 2.8 b) and should precede the present Rule 2.8 a), which describes how votes shall be counted after the quorum is obtained. Norway also proposes to substitute «will» by «shall» in the second sentence of the new Rule 2.8 a).

### **Rule 3.5**

The role of the Chairperson should not be to represent his or her Contracting Party, but to lead and guide the work of the Commission. This corresponds to NAFO's practice today. However, Rule 3.5 only prohibits voting by the Chairperson or Vice-Chairperson acting as Chairperson. Norway proposes to amend Rule 3.5 to align the Rules of Procedure with today's practice.

## **PROPOSALS**

### **Rule 2.4**

Votes shall be taken by show of hands, or by roll call, in English alphabetical order of the names of the Contracting Parties, or by ballot, as determined by the ~~Commission~~Chairperson.

### **Rule 2.7**

~~The result of a vote taken by e-mail or other electronic means shall be ascertained by the Executive Secretary at the end of a period of at least thirty (30) days after the date of the initial request for the vote and such period shall be made clear in the text of that request.~~

The Executive Secretary shall without undue delay communicate to all Contracting Parties the request for the vote and the closing date of a 30-day period that Contracting Parties have to reply.

### **Rule 2.8**

a) Contracting Parties shall promptly acknowledge receipt of any request for vote by e-mail or other electronic means. If no acknowledgement is received from any particular Contracting Party within one week of the date of transmittal the Executive Secretary ~~will~~shall retransmit the request, and ~~will~~shall use all additional necessary means available to ensure that the request has been received. Confirmation by the Executive Secretary that the request has been received shall be deemed conclusive regarding the inclusion of the Contracting Party in the quorum for the purpose of the relevant vote by e-mail or other electronic means.

b) If no reply from a Contracting Party, in the case of a vote taken by e-mail or other electronic means, reaches the Secretariat within the period established under 2.7, that Contracting Party

would be recorded as having abstained and it shall be considered part of the relevant quorum for voting purposes.

**Rule 2.9**

The Executive Secretary shall immediately communicate the result of a vote taken by e-mail or other electronic means to all Contracting Parties.

**Rule 3.5**

TheWhen exercising the function of Chairperson, he or she shall no longer represent his or her Contracting Party and may not vote. This also applies to the ~~or Vice-Chairperson when acting as Chairperson, shall not vote and another representative of his or her delegation shall exercise this function.~~