

Northwest Atlantic



Fisheries Organization

Serial No. N1365

NAFO/FC Doc. 87/2

NINTH ANNUAL MEETING - SEPTEMBER 1987

Canadian Proposal for Rules of Procedure for  
the General Council, Fisheries Commission and Scientific Council

by

the Canadian Delegation

1. During the Eighth Annual Meeting a discussion took place regarding the interpretation of what should constitute a quorum for mail or telex votes. A Working Group was set up and developed proposed wording to be inserted in the Rules of Procedure for all 3 bodies of the Organization. During discussion within the General Council agreement could not be reached and it was decided to defer the item until the 1987 Annual Meeting. The proposal of the Working Group is found in Appendix X of the Report of the General Council of the Eighth Annual Meeting (NAFO/GC Doc. 86/4 Revised).
2. Canada has no problem with the new Rules 2.5 and 2.6 in this document, which were adopted by the General Council. However, as was explained during discussion at the last NAFO meeting, the proposed Rule 2.7 (concerning the formation of a quorum) does give Canada concern. If the rule were adopted, any Contracting Party that does not reply to the communication of a mail vote would be deemed "not present" in determining whether there is a quorum for the vote.
3. Canada does not consider this a practical approach. In order to ensure a realistic procedure is developed for any future mail votes, a practical Rule is required.
4. During the last discussion of this issue Canada was of the view that, for a mail or telex vote, there is always a quorum, comprising all Contracting Parties, as all would have received official communication from the Executive Secretary concerning any particular item requiring a vote. If a Contracting Party did not respond in any way to the Executive Secretary's communication by the date specified in the communication, Canada's view was that the non-response should be considered as an abstention.
5. One Contracting Party expressed the view that a non-response should mean that the particular Contracting Party does not wish to participate in the vote and can therefore not be considered as "present" for the purpose of determining if there is a quorum.
6. Contracting Parties are aware that, at the annual meetings there are, at times, Contracting Parties present whose representatives, even after being fully apprised of the details of a particular item being voted upon, decide that they do not wish to actively participate in the voting procedure, in this case they abstain, i.e. there is no procedure to avoid their inclusion in the meeting as regards the determination of whether there is a quorum. By the same token, in the case of a mail or telex vote there may be cases where a Contracting Party does not wish to participate and, in Canada's view, whether or not the Contracting Party formally advises the Executive Secretary of its decision to abstain, a non-reply should be treated as an abstention.
7. Canada has, however, considered the views expressed by the Contracting Party which had difficulties with the original Canadian proposal and wishes to make a new proposal aimed at meeting that Party's legitimate concern. The new proposal is for a requirement for confirmation that the communication from the Executive Secretary calling for a vote has been received. This would guard against a "false quorum", i.e. a situation where, for some reason, a particular Contracting Party did not receive notification of the vote.
8. Accordingly, Canada proposes the following wording for Rule 2.7 of the General Council (which would also become Rule 2.7 for the Fisheries Commission and Rule 2.6 for the Scientific Council):
  - a) "In the case of a vote taken by mail or by telex, each Contracting Party which receives a request from the Executive Secretary for its vote shall be considered as part of the relevant quorum for voting purposes. If no vote from a Contracting Party reaches the Secretariat within the period established under 2.6, that Contracting Party would be recorded as having abstained."
  - b) "Contracting Parties shall promptly acknowledge receipt of any request for a mail or telex vote. If no acknowledgement is received from any particular Contracting Party within one week of the date of transmittal the Executive Secretary will retransmit the request, and will 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 mail or telex vote."