

Northwest Atlantic



Fisheries Organization

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

by

Delegation of Denmark (in respect of
the Faroe Islands and Denmark)

1. The Eighth Annual Meeting of NAFO discussed what should constitute a quorum for mail or telex votes.
2. Different views were expressed as to how to define quorum. The main problem was how to deal with the situation where a Contracting Party or several Contracting Parties do not reply.

One Contracting Party was of the opinion 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.

Another Contracting Party was essentially of the opinion that a non-response from a particular Contracting Party should be treated as an abstention (following verification attempts from the Executive Secretary).

3. All Contracting Parties having taken part in the discussion on how to establish a quorum seem implicitly to accept the general rule that no vote shall be taken unless there is a quorum of at least two-thirds of all members of the relevant subsidiary body.

The fraction (two-thirds) of all members of the relevant body necessary to establish a quorum is an important part in any solution to the procedural problem facing NAFO.

4. In the present situation there is a considerable discrepancy between the total number of Contracting Parties and the number of Contracting Parties actually present at meetings. Quorum was established in Council last year, but barely. NAFO has to face the situation that the fraction of all members of the relevant body at meetings necessary to establish quorum used up to now (two-thirds) might be too high. It would be even more difficult to secure a quorum of two-thirds if a vote was taken by mail or telex.

If NAFO wants to avoid a possible procedural impasse in the future then the fraction of members constituting a quorum will have to be lowered.

Denmark (in respect of the Faroe Islands and Greenland) consequently proposes that the fraction of members constituting a quorum is lowered to 50 pct. This proposal covers the General Council, the Fisheries Commission and the Scientific Council. The proposal covers both quorum at meetings and quorum for mail and telex votes.

In addition Denmark proposes, when a vote is taken by mail and telex, that a Contracting Party is given the clear possibility to indicate that it will not participate in the voting. This possibility will contribute to clarity. It might furthermore be added that this possibility - in the telex and mail world - is similar to the situation where a member does not wish to participate in a meeting.

Accordingly, Denmark (in respect of the Faroe Islands and Greenland) proposes the following

- Changes for Rule 2.2 of the General Council and Rule 2.2 of the Fisheries Commission
 - = substitute "two-thirds" with "one-half"
- 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).
 - = When a vote is taken by mail or telex, decisions shall be taken by a majority of votes of all members of the relevant subsidiary body, casting affirmative or negative votes, provided that a quorum of at least one-half of all members of the relevant subsidiary body participate in the vote by casting an affirmative or negative vote or abstaining.