

**SCIENTIFIC COUNCIL MEETING - JUNE 2009****PROPOSED RULES OF PROCEDURE FOR OBSERVERS AT NAFO MEETINGS**

By

NAFO Secretariat

Scientific Council, at its June 2008 meeting, accepted the concept of modifying the rules of procedures for observers to SC meetings, and made several suggestions regarding the development of a common application process among the three constituent bodies of NAFO (NAFO Sci. Coun. Report, 2008, p. 235, VIII.3.b). The Secretariat presented STACFAD WP 08/4 Rev to STACFAD in September 2008 with suggestions to revise the General Council and Fisheries Commission rules of procedure to give accreditation to observers, subject to various conditions, and to harmonize the rules for observers among the constituent bodies. STACFAD supported the amendments with some minor changes (STACFAD Report, September 2008, Item 12 and Annex 5). General Council reviewed the STACFAD recommendation and deferred decisions on this matter to the 2009 Annual Meeting (GC Doc. 08/4, paragraph 17).

It is here suggested that a common set of rules for the admission and accreditation of observers could be placed at the back of the "NAFO Rules of Procedure and Financial Regulations" booklet and apply equally to GC, FC and SC. It is suggested that these rules would be under the management of GC, as the body dealing with external relations within NAFO, and that modification and amendments, if and when necessary, be undertaken after consultation with NAFO's other constituent bodies.

The following is the version presented and recommended by STACFAD in September 2008 (STACFAD WP 08/4 Rev., see Appendix 1 below) with subsequent modifications shown as underlined (insertions) and strikethrough (deletions). The "common" observer rule would be placed at the back of the "NAFO Rules of Procedure and Financial Regulations" booklet, and on the appropriate NAFO webpage, and apply equally to GC, FC and SC. GC Rule 9, FC rule 10 and SC rule 1.3 (see Appendix 2, 3 and 4 below) would be deleted.

Application for Observer Status to NAFO Meetings**(General Council, Fisheries Commission and Scientific Council)**

- 1 The Executive Secretary shall invite, as observers:
 - a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or *vice-versa*; and[9.1a]
 - b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.[9.1b]
- 2 Any NGO that supports the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO, and desires to participate accreditation as an observers to NAFO in meetings, ~~of the Commission~~ shall notify the Secretariat ~~of its desire to participate~~ at least 100 days in advance of the first meeting it wishes to attend. This application must include:[9.2 & 9.3]
 - a) name, address, telephone, fax number of the organization;[9.3a]
 - b) address of all its national/regional offices;[9.3b]
 - c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;[9.3c]
 - d) information on the organization's total number of members, its decision-making process and its funding;[9.3d]
 - e) a brief history of the organization and a description of its activities;[9.3e]

f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; and[9.3f]

g) a history of NAFO observer status granted/revoked;[9.3g]

3 Observer status shall apply to all non-restrictive sessions ~~of the Commission~~, whether at the Annual Meeting or at intersessional meetings. [9.5]

4 ~~NGO applications shall be reviewed by the Executive Secretary shall review applications received and who~~ shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule ~~9.32~~. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.[9.4]

5 Any NGO with observer status:

a) ~~Any NGO with observer status that wishes to attend a Commission meeting~~ is required to register its representatives at the NAFO Secretariat at least *fourteen* days in advance of the meeting;[9.6]

b) ~~may be required to limit their number of observers at any meeting The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings.~~ The Executive Secretary will transmit any such determination in the conditions of participation;[9.14]

c) ~~Observers~~ may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary;[9.13]

d) ~~Any NGO with observer status to the Commission~~ that has not communicated with the Secretariat or attended at least one meeting ~~of the Commission~~ in the previous three years ~~shall~~*should* cease to be an accredited NGO ~~to the Commission~~ but may reapply in writing to the Executive Secretary; and[9.7]

e) ~~The Executive Secretary will have their accreditation of an approved NGO reviewed by the Executive Secretary every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties.~~ If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.[9.11]

6 Observers admitted to a meeting

a) ~~All observers admitted to a meeting~~ shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.[9.15]

b) may attend meetings, as set forth above, but may not vote;[9.12a]

c) may make oral statements during the meeting upon the invitation of the Chair;[9.12b]

d) may only distribute documents at meetings ~~through the Secretariat via the general information table~~;[9.12c]

e) may engage in other activities as appropriate and as approved by the Chair;[9.12d]

f) ~~Any NGO admitted to a meeting of the Commission~~ may not use films, videos, tape-recording devices, etc. to record meeting proceedings; and[9.9]

g) ~~During all NAFO meetings accredited NGOs may not issue press releases or other information to the media on agenda items under discussion at the meeting D~~during all NAFO meetings, ~~until after the Commission has agreed its own Press Release.~~[9.8]

7 ~~All~~Observers admitted to a meeting shall comply with the above and all rules and procedures applicable to other

participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of their observer accreditation status.[9.10]

- 8 These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted by General Council in the light of the need of NAFO to function effectively when conducting its business.[9.16]

General explanation of changes

General restructuring and reordering. Bringing the “NGO” and “observer” paragraphs under a common umbrella that allows for clearer identification of “NGO” guidelines and “observer” guidelines.

[xx] The number in brackets refers to the original location of the paragraph in Annex 5 of the September 2008 STACFAD report (see Appendix 1 below).

Removal of “permanent”. Acceptance is not “permanent” but for a period of time. The above makes greater use of “accreditation” instead.

Removal of “commission”. “Commission” removed throughout and replaced by header “(General Council, Fisheries Commission and Scientific Council)”.

Removal of “participate”. Participate means “share or take part (in)” and is misleading with respect to the privileges granted to observers.

New Rule 1c. Last clause redundant in light of new para 3.

New Rule 2. GC/FC used “NGO” whereas SC Rule 1.3 used “public or private organization”. These are here taken to represent the same kind of organization and the term “NGO” is kept for the harmonized rule.

New Rule 3. “non-restrictive meetings” . Leave undefined in rules and clarify in relevant reports when above item is discussed. For GC/FC this is the plenary sessions; for SC this is the plenary and standing committee sessions.

New Rule 6d. See GC Report, GC Doc. 08/4, paragraph 17 (see Appendix 5 below)

New Rule 6g. Not sure “until after the Commission has agreed its own Press Release” is practical and in any case it applies only to the annual meeting, changed to “during NAFO meetings”. (*n.b.* The Annual Meeting press release normally goes out on the last day of the meeting.)

Appendix 1. STACFAD September 2008

Annex 5. Proposed Revision of Rules of Procedure for Observers Rules of Procedure 9 for the Commission (GC Rule 9, FC Rule 10)

Rule 9

9.1 The Executive Secretary shall invite:

- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
- b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all non-restricted meetings of the Commission.

9.3. Any NGO desiring to participate as an observer in meetings of the Commission shall notify the Secretariat of its desire to participate at least 100 days in advance of the first meeting it wishes to attend. This application must include:

- a) name, address, telephone, fax number of the organization;
- b) address of all its national/regional offices;
- c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- d) information on the organization's total number of members, its decision-making process and its funding;
- e) a brief history of the organization and a description of its activities;
- f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
- g) a history of NAFO observer status granted/revoked;

9.4 The Executive Secretary shall review applications received and shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 9.3. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

9.5 Observer status shall apply to all non-restrictive sessions of the Commission, whether at the Annual Meeting or at intersessional meetings.

9.6 Any NGO with observer status that wishes to attend a Commission meeting is required to register its representatives at the NAFO Secretariat at least fourteen days in advance of the meeting.

9.7 Any NGO with observer status to the Commission that has not communicated with the Secretariat or attended at least one meeting of the Commission in the previous three years should cease to be an accredited NGO to the Commission but may reapply in writing to the Executive Secretary.

9.8 During all NAFO meetings accredited NGOs may not issue press releases or other information to the media on agenda items under discussion at the meeting, until after the Commission has agreed on its own Press Release.

9.9 Any NGO admitted to a meeting of the Commission may not use audio or video recording devices etc. to record meeting proceedings.

9.10 All observers admitted to a meeting shall comply with these and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status;

9.11 The Executive Secretary will review the accreditation of an approved NGO every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article V.2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

9.12 Any NGO admitted to a meeting of the Commission may:

- a) attend meetings, as set forth above, but may not vote;
- b) make oral statements during the meeting upon the invitation of the Chair;
- c) distribute documents at meetings through the Secretariat;
- d) engage in other activities as appropriate and as approved by the Chair.

9.13 Observers may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.14 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

9.15 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.

9.16 These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Appendix 2: Rules of Procedure for the General Council

OBSERVERS

Rule 9

9.1 The Executive Secretary shall invite:

- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or *vice-versa*.
- b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the General Council, except meetings held in executive session or meetings of Heads of Delegations.

9.3. Any NGO desiring to participate as an observer in a meeting of the General Council shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:

- a) name, address, telephone, fax number of the organization and the person(s) proposed to represent the organization;
- b) address of all its national/regional offices;
- c) aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- d) information on the organization's total number of members, its decision-making process and its funding;
- e) a brief history of the organization and a description of its activities;
- f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
- g) a history of NAFO observer status granted/revoked;
- h) information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

9.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 9.3. With respect to the plenary meetings of the General Council, if one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting

Parties may include with their vote on this matter.

9.5 Any NGO admitted to a meeting of the General Council may:

- a) attend meetings, as set forth above, but may not vote;
- b) make oral statements during the meeting upon the invitation of the Chair;
- c) distribute documents at meetings through the Secretariat;
- d) engage in other activities as appropriate and as approved by the Chair.

Any NGO admitted to a meeting of the General Council may not use films, videos, tape-recording devices, etc. to record meeting proceedings.

9.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

9.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.

9.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

9.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), when the Secretariat will prepare a report on the Observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Appendix 3: Rules of Procedure for the Fisheries Commission

OBSERVERS

Rule 10

10.1 The Executive Secretary shall invite:

- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or *vice-versa*.
- b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

10.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all plenary meetings of the Fisheries Commission, except meetings held in executive session or meetings of Heads of Delegations.

10.3. Any NGO desiring to participate as an observer in a meeting of the Fisheries Commission shall notify the Secretariat of its desire to participate at least 100 days in advance of the meeting. This application must include:

- a) name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization;
- b) address of all its national/regional offices;
- c) aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- d) information on the organization's total number of members, its decision-making process and its funding;
- e) a brief history of the organization and a description of its activities;
- f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies;
- g) a history of NAFO observer status granted/revoked;
- h) information or input that the organization plans to present at the meeting in question and that it would wish to

be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

- 10.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 10.3. With respect to the plenary meetings of the Fisheries Commission, if one or more of the Contracting Parties objects giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the provisions laid down in Article XIV para 2 of the Convention at least 30 days prior to the meeting. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.
- 10.5 Any NGO admitted to a meeting of the Fisheries Commission may:
- a) attend meetings, as set forth above, but may not vote;
 - b) make oral statements during the meeting upon the invitation of the Chair;
 - c) distribute documents at meetings through the Secretariat;
 - d) engage in other activities as appropriate and as approved by the Chair.

Any NGO admitted to a meeting of the Fisheries Commission may not use films, videos, tape-recording devices etc. to record meeting proceedings.

- 10.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.
- 10.7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.
- 10.8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- 10.9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.
- 10.10 These rules shall be subject to review and revision, as appropriate, at or after the 23rd Annual Meeting (2001), when the Secretariat will prepare a Report on the observers' participation. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Appendix 4: Rules of Procedure for the Scientific Council

Rule 1

- 1.1 The Scientific Council may invite any non-Member Government and any public or private organization to be represented at meetings of the Scientific Council or its subsidiary bodies by an observer or observers.

Appendix 5: GC September 2008 Paragraph 17 (part only)

The European Union stated that while it welcomed the new rules for NGO observers, it would like to propose the following amendment in view of occurrences during this meeting: "9.12.c. Make documents available only after they have been considered by the Executive Secretary in consultation with the Chairs of General Council and Fisheries Commission." Denmark (in respect of the Faroe Islands and Greenland) shared the concerns voiced by the European Union with regard to disclosing insights and opinions gained during the meeting outside the confines of NAFO meetings but did not agree with the proposal made by the European Union. Alternatively, the Delegate of DFG suggested not allowing distribution of documents presented by NGO observers through the Secretariat (pigeon-holes) and instead making available a "General Information Table" for such materials. Denmark (in respect of the Faroe Islands and Greenland) proposed to defer the amendments to the current Rules of Procedures for Observers to the next Annual Meeting in 2009. This was supported by Canada and the United States of America. On account of the interventions made, the European Union withdrew its proposal and the meeting agreed to revisit this item in 2009.