
**PREPARATORY CONFERENCE FOR THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN
AND CENTRAL PACIFIC**

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RULES OF PROCEDURE FOR THE COMMISSION AND ITS SUBSIDIARY BODIES

Submitted by the United States

1. The draft rules of procedure that follow are intended to govern the activities of the Commission as well as its subsidiary bodies and to supplement, but not repeat, applicable provisions of the Convention. In the event of inconsistency between these draft rules and the Convention, the provisions of the Convention shall prevail.

REPRESENTATION

Rule 1

Each member of the Commission shall notify the Executive Director as far as possible in advance of any meeting of the names of its representatives, alternates, experts, and advisers who will attend. Invited observers may also attend meetings subject to Rules 8.1-8.3. The Scientific Committee may take steps to accord permanent observer status to appropriate scientific organisations.

DECISION MAKING

Rule 2

2.1 Upon the invitation of the chairman, invited observers, experts, and advisers may address the Commission or meetings of subsidiary bodies, but shall not be entitled to vote.

2.2 Decisions shall be taken in accordance with Article 11(4), Article 11(7), or Article 20 of the Convention, as the case may be, provided that a quorum of at least two-thirds of all members are present. Each member of the Commission shall designate one representative to act on its behalf. Votes shall be taken by a show of hands, or by a roll call, as in the opinion of the chairman appears to be most suitable.

2.3 To address an emergency between meetings, a decision may be taken by mail or electronic means. In such cases, the Executive Director shall address the question to the members of the Commission.

2.4 The result of a decision taken by mail or electronic means shall be ascertained by the Executive Director at the end of a period of at least thirty (30) days after the date of the initial request for a decision, and such period shall be specified in the text of the request.

2.5 (a) In case of a decision requested to be taken by mail or electronic means, if no reply from a member of the Commission is received by the Executive Director within the period established under Rule 2.4, that member shall be recorded as having abstained, but shall be considered part of the necessary quorum.

(b) Members of the Commission shall promptly acknowledge receipt of any request for decision by mail or electronic means. If no acknowledgment is received within one week of the date of transmittal, the Executive Director shall retransmit the request and shall use all additional means available to ensure that the request has been received.

CHAIRMEN AND VICE-CHAIRMEN

Rule 3

3.1 The chairman and vice-chairman of the Commission shall be elected in accordance with Article 9(4) of the Convention. Each Committee shall elect a chairman and a vice-chairman from among the Contracting Parties, who shall be of different nationalities. They shall be elected for a period of two years and shall be eligible for re-election. All chairmen and vice-chairmen shall remain in office until the election of their successors.

3.2 All chairmen and vice-chairmen shall take office at the conclusion of the annual meeting at which they are elected, except that the initial chairmen and vice-chairmen shall take office upon their elections and serve through the conclusion of the respective second annual meetings.

3.3 The powers and duties of all chairmen shall be to:

- (a) declare the opening and closing of each meeting;
- (b) preside at meetings;
- (c) rule on points of order, subject to the right of any representative to request that any ruling of the chairmen be submitted to the meeting for decision;
- (d) if appropriate, call for and announce the results of votes;
- (e) determine, after consultation with the Executive Director, the draft provisional agenda and the provisional agenda for each annual and other meeting;
- (f) sign a report of the proceedings of each meeting for transmission to the Commission or its members and others concerned, as appropriate; and
- (g) generally, make such decisions and give such directions to the Executive Director as will ensure, especially in the interval between meetings, that the business of the Commission or the subsidiary body, as the case may be, is carried out efficiently and in accordance with its decisions.

3.4 Whenever any chairman is unable to act, the respective vice-chairman shall exercise the powers and duties prescribed for that chairman.

3.5 If the office of any chairman is vacated, the respective vice-chairman shall become chairman for the balance of the vacated term.

3.6 No chairman, or vice-chairman when acting as chairman, shall vote; another representative of his or her delegation shall exercise this function.

ORDER OF BUSINESS

Rule 4

4.1 A draft provisional agenda for each annual or other meeting shall be prepared by the Executive Director in accordance with instructions from each of the chairmen and dispatched by the Executive Director to all members of the Commission, their representatives, and invited observers not less than ninety (90) days before the date fixed for the opening of the meeting.

4.2 A provisional agenda for each annual or other meeting shall be prepared by the Executive Director in accordance with instructions from each of the chairmen, taking into account any suggestions or comments received following distribution of the draft provisional agenda, and dispatched by the Executive Director to all members of the Commission, their representatives, and invited observers not less than sixty (60) days before the date fixed for the opening of the meeting.

4.3 Except for proposals to amend the rules of procedure, no order of business shall be the subject of a decision unless the subject matter has been included in the provisional agenda circulated by the Executive Director.

SECRETARIAT

Rule 5

5.1 The Secretariat shall carry out functions and duties specified in Article 15 of the Convention.

5.2 The Commission shall designate staff positions to be filled through appointments made by the Executive Director in accordance with Article 16 of the Convention. The Commission shall fix the tenure, rate of remuneration, and travelling expenses for members of the Secretariat.

5.3 The Commission and its subsidiary bodies shall, in the exercise of their functions and duties, use the services of the Secretariat.

5.4 The Executive Director shall prepare and transmit the draft provisional agenda and provisional agenda in accordance with Rules 4.1 and 4.2, respectively.

5.5 The Executive Director shall receive the credentials of representatives and invited observers at annual and other meetings and report thereon to the Commission or subsidiary bodies, as required.

LANGUAGE

Rule 6

English shall be the official and working language of the Commission and its subsidiary bodies, although, if desired, any other language may be used on condition that persons doing so will provide interpreters. All official publications and communications shall be in English.

RECORDS AND REPORTS

Rule 7

7.1 Draft summary reports of each annual and other meeting shall be drafted and distributed as soon as possible to participants by the Executive Director.

7.2 Summary reports, resolutions, proposals, and decisions adopted shall be transmitted as soon as possible after each meeting to members of the Commission, their representatives, and invited observers by the Executive Director.

7.3 The Commission shall adopt an annual report of its activities.

OBSERVERS

Rule 8

8.1 The Executive Director shall invite any non-member of the Commission, international governmental organisation, or non-governmental organisation whose work or interests are relevant to the implementation of the Convention to be represented at meetings of the Commission and its subsidiary bodies as an observer, subject to Rule 8.2.

8.2 Non-governmental organisations with recognised experience in matters under the purview of the Commission shall be eligible to participate as observers in the meetings of the Commission and its subsidiary bodies other than meetings held in executive session or meetings of Heads of Delegations. Non-governmental organisations desiring to participate as observers shall notify the Executive Director at least fifty (50) days before the date fixed for the opening of the meeting. The Executive Director shall circulate such notifications to all members of the Commission and their representatives at least forty-five (45) days before the date fixed for the opening of the meeting. Non-governmental organisations that have made such notifications shall be invited by the Executive Director to participate as observers at that meeting and all subsequent meetings unless a majority of members objects for cause in writing at least thirty (30) days before the date fixed for the opening of that meeting or a subsequent meeting. The Executive Director may require invited non-governmental organisation observers to pay reasonable fees to cover costs attributable to their attendance (eg copying expenses). If a meeting is to be held with less than fifty (50) days notice, the Executive Director shall have discretion to modify the procedures regarding observers as appropriate to ensure transparency.

8.3 Observers invited to participate in meetings shall be sent or otherwise provided with the same documentation generally available to members of the Commission and their representatives,, except documentation containing business-confidential data. Observers invited to participate in the meetings may distribute documents, make oral statements, and engage in other activities, as appropriate and as approved by the chairman. Invite observers shall comply with all rules and procedures applicable to other participants at the meetings.

AMENDMENT

Rule 9

These rules of procedure may be amended by a decision of the Commission taken by consensus.

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