



**SCIENTIFIC COMMITTEE
SECOND REGULAR SESSION**

7-18 August 2006
Manila, Philippines

DRAFT RULES OF PROCEDURE

WCPFC-SC2-2006/GN WP-2

Paper prepared by the Secretariat

Introduction

1. Rule 31 of the Rules of Procedure for the Commission states that, subject to the provisions of the Convention, each subsidiary body of the Commission may formulate and submit to the Commission, for approval, such rules as may be necessary for the efficient conduct of its functions. Pending the approval of such rules, and except as otherwise provided in the Convention, the rules of procedure apply, *mutatis mutandis*, to the proceedings of subsidiary bodies, including the Scientific Committee and the Technical and Compliance Committee.
2. Following initial consideration of the need for rules of procedure for the Scientific Committee at its First Regular Session (SC1), 8-19 August 2005 (refer to paragraphs 10.1 to 10.10 inclusive in the Report of the Session), the Committee agreed that to facilitate the development of Scientific Committee rules of procedure:
 - a) “Written comments on the tabled draft are to be provided to the Executive Director by 13 Nov 2005;
 - b) The Executive Director will use those comments, and any discussions during the TCC on rules of procedure to prepare a draft that harmonized common elements between the Commission and its subsidiary bodies;
 - c) This draft would go to a drafting committee, facilitated by the Chairman of Scientific Committee in March 2006;
 - d) the drafting committee will be comprised of representatives from any interested participant in the Scientific Committee; and
 - e) The comments of the drafting committee and a revised draft would be tabled at the next regular session of the Scientific Committee.”

Secretariat response

3. In addition to the draft tabled by the United States at SC1, Chinese-Taipei and New Caledonia provided written comments.

4. The First Regular Session of the Technical and Compliance Committee, 5-9 December 2006, agreed to defer discussion of rules of procedure for that Committee until its Second Session.

5. Taking into account comments received, a small drafting group, coordinated by the Executive Director in consultation with the Acting Chairman of the Scientific Committee, prepared draft Rules of Procedure to apply to both the Scientific Committee and the Technical and Compliance (Appendix A). This draft will be considered at SC2 in Manila. It is also intended that the Second Regular Session of the Technical and Compliance Committee consider these same draft Rules of Procedure at its meeting to be held 28th September to 3 October 2006, taking into account, to the extent possible, refinements proposed by SC2. The resulting draft ROP for the SC and TCC could then be submitted to the Commission at its third annual session in Apia for its approval.

Recommendation

6. The Second Regular Session of the Scientific Committee is:
- Invited to review the Draft Rules of Procedure at Appendix A and refine them as necessary;
 - Invited to recommend that the draft Rules of Procedure, with SC2 amendments, be forwarded to the Second Regular Session of the Technical and Compliance Committee for further review and possible refinement; and
 - Invited to recommend that the consolidated draft Rules of Procedure for the SC and TCC be submitted to the Third Regular Session of the Commission, 11-15 December, for its approval, providing no matters of substance with implications for the Scientific Committee are added to the revised Draft Rules of Procedure by the Second Regular Session of the Technical and Compliance Committee. The submission would be a joint submission of both the Scientific Committee and the Technical and Compliance Committee and be in accordance with Rule 31 of the Commission Rules of Procedure.

DRAFT RULES OF PROCEDURE FOR WCPFC SUBSIDIARY BODIES

Preamble

P.1 Except for the rules provided below, the Rules of Procedure for the Commission shall apply to the proceedings of the Scientific Committee and the Technical and Compliance Committee established under Article 11 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention), including, as necessary, to working groups, sub-committees and task forces that may be established to support the work of those subsidiary bodies.

P.2 The following rules were formulated in accordance with Rule 31 of the Commission Rules of Procedure for the efficient conduct of the functions of the Scientific Committee (SC) and Technical and Compliance Committee (TCC). These rules, together with the Commission Rules of Procedure for all other issues not covered below, shall govern the proceedings of the SC and TCC.

Rule 1 Regular Sessions

1.1 With primary consideration being given to cost effectiveness and efficiency the SC and TCC shall each hold one regular annual session unless otherwise decided by the Commission. The regular annual session shall be held at least two calendar months before each regular annual session of the Commission.

1.2 Before the end of each regular annual session of the Commission the SC and TCC shall prepare a recommendation to the Commission on the date of commencement, duration and place of their next regular annual session. The Commission shall consider the recommendation and confirm those, or alternate dates or location. In the event that the Commission, at its regular annual session, does not decide on the dates or place of the next regular annual session of either the SC or TCC, the Executive Director, following consultation with the respective chairman of the relevant subsidiary body, shall notify the members of the Commission, each territory referred to in article 43 of the Convention, and observers referred to in Rule 36 of the Rules of Procedure of the Commission, of the dates and place of the regular annual session of the SC and TCC at least ninety days in advance of the opening of their respective regular annual sessions.

Rule 2 Agenda for Regular Sessions

2.1 In consultation with the Executive Director, each Chair shall prepare a preliminary agenda for the regular annual session the SC and TCC. The preliminary agenda shall utilize, to the extent practicable, the agenda adopted for its previous regular annual session as a template. The Executive Director shall distribute the preliminary agenda to the members of the Commission, each territory referred to in article 43 of the Convention and each cooperating non-member (CNM) no later than 90 days prior to the beginning of the meeting.

2.2 Any member of the Commission, each territory referred to in article 43 of the Convention, each CNM, the Chair, or the Executive Director may, at least sixty days before the date fixed for the opening of a regular annual session, request the inclusion of supplementary items in the agenda. A request for the inclusion of a supplementary item on the agenda shall be accompanied by a written explanation of the proposed supplementary item.

2.3 The Executive Director shall prepare, in consultation with the Chair, a provisional agenda for each meeting of the subsidiary body. The provisional agenda shall include items requested by any member of the Commission, participating territory referred to in article 43 of the Convention or CNM in response to the preliminary agenda circulated by the Executive Director. The Executive Director shall distribute the provisional agenda and written explanations of the proposed supplementary items to the members of the Commission, each territory referred to in article 43 of the Convention, CNM and observers referred to in Rule 36 of the Rules of Procedure of the Commission no later than 40 days prior to the beginning of the meeting.

Rule 3

Election of Chair and Vice-chair

3.1 The SC and TCC shall elect a Chair and a Vice-Chair from among the representatives of different Members, or territories referred to in article 43 of the Convention. The Chair and Vice-Chair shall assume office at the end of the regular annual session of the Commission at which they are elected and shall remain in office until the elected successors assumes office. Subject to Rule 4 of these Rules of Procedure, they shall serve a two-year term and may be re-elected for one additional consecutive two-year term.

3.2 In the absence of the Chair, the Vice-Chair shall assume all duties and responsibilities of the Chair.

3.3 If the Chair cannot be elected by consensus, the Chair shall be elected by secret ballot based on one vote per representative by a simple majority vote of representatives of Members attending the meeting. If a Chair is elected, voting for a Vice-Chair shall take place immediately using the same procedure. If no candidate obtains in the first ballot the necessary majority of the votes cast to be elected Chair, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the balloting shall be continued until one candidate secures the necessary majority of the votes cast.

3.4 The runner-up candidate in the second or subsequent round of the election for Chair shall be offered the position of Vice-Chair. If only one nominee results from the first round of the election for Chair or the runner-up does not accept the position of Vice-Chair, the Chair election process shall be applied to elect a Vice-Chair.

Rule 4

Replacement of the Chair or Vice-chair

4.1 If the Chair or Vice-Chair is unable to carry out his or her functions or ceases to be a representative of a Member or territory referred to in article 43 of the Convention, or if a member of which the Chair or the Vice-Chair, as the case may be, ceases to be a Member of the Commission, he or she shall cease to hold office and a new Chair or Vice-Chair shall be elected for the unexpired term. A person so elected may stand for re-election on expiry of that term and may serve for a maximum of two consecutive terms in accordance with Rule 3 of these Rules of Procedure.

4.2 Pursuant to Rule 4.1 above, the Executive Director shall coordinate nominations and elections for a new Chair or Vice-Chair electronically.

Rule 5

Functions of the Chair

- 5.1 The powers and duties of the Chair or Vice-Chair, when acting as the Chair, shall be to:
- a). in consultation with the Executive Director, prepare a preliminary agenda and approve a provisional for each regular annual session;
 - b). declare the opening and closing of, and preside, at meetings of their subsidiary body;
 - c). direct discussions and rule on points of order, subject to the right of any representative to request that any ruling of the Chair be submitted to the meeting for decision;
 - d). strive for consensus, and if efforts to achieve consensus fail, report majority and minority views and, where relevant, include the differing views of the representatives of the members on all or any part of the report;
 - e). transmit a report of the proceedings of each meeting to the Commission, each Members, each territory referred to in article 43 of the Convention, each Cooperating Non Member, and others concerned, as appropriate; and
 - f). make such decisions and give such directions as will ensure, especially in the interval between meetings, that the business of the subsidiary body, is carried out efficiently and in accordance with its decisions and directives from the Commission.

Rule 6

Representation

6.1 Each Member of the Commission and each territory referred to in article 43 of the Convention, shall be entitled to appoint one representative to each session of the SC and TCC who may be accompanied by other experts and advisers. Such representatives shall have appropriate technical qualifications or relevant experience.

6.2 Each Cooperating Non Member shall be invited to participate in the work of the annual regular sessions of the SC and TCC.

6.3 The representatives of the Pacific Islands Forum Fisheries Agency, the Oceanic Fisheries Programme of the Secretariat of the Pacific Community, the Inter-American Tropical Tuna Commission, the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific or their successor organizations, and observers that have met the conditions of Rule 36 of the Rules of Procedure of the Commission shall be invited to participate in the work of the annual regular sessions of the SC and TCC.

6.4 Each Member of the Commission, territory referred to in article 43 of the Convention, CNM, and organization or observer, pursuant to rule 6.3 above, shall submit the names of its representatives and advisers to the Chair of the subsidiary body concerned not later than twenty-four (24) hours after the opening of the session in such standard form of designation as the Secretariat shall develop.

6.5 Each representative shall have the primary responsibility for correspondence with the Chair and Vice-Chair of the subsidiary body concerned and the Secretariat during the periods between meetings.

6.6 The SC Chair and TCC Chair, in consultation with the Executive Director, may invite other organizations or individuals with technical expertise in matters related to the work of the Commission and the subsidiary body concerned to participate in their meetings.

Rule 7

Technical Contact

7.1 Each Member of the Commission, territory referred to in article 43 of the Convention, and CNM shall notify the Executive Director of the person or persons who shall be the technical point of contact(s) for the subsidiary body concerned.

7.2 Each Technical Contact, who may also be the representative referred to under Rule 6 of these Rules of Procedure shall have primary responsibility for correspondence on technical matters, including meeting all requirements for timely submission of complete and accurate data on behalf of the Member, territory referred to in article 43 of the Convention, or CNM in relation to the subsidiary body concerned.

Rule 8

Invited Experts

8.1 Technical experts, who are not representatives or advisors to the subsidiary body concerned, may be invited to participate in the deliberations or work of a session of the SC or TCC following nomination by representative(s) of the subsidiary body, except where opposed by any other representatives of the subsidiary body concerned. The Chair, in consultation with the Secretariat, shall be responsible for preparing and distributing the list of nominees to representatives for approval, no later than 60 days before the meeting. If no objections are received within 45 days prior to the meeting, the list of nominees shall be considered as approved by the subsidiary body and the Chair shall then issue invitations to approved nominees.

8.2 Invited experts will be introduced by the representative responsible for their nomination. The manner of invited experts' participation shall be decided by the representatives to the session of the subsidiary body concerned.

Rule 9

Specialist working Groups, Sub-committees or Task Groups

9.1 A subsidiary body may establish specialist working groups, sub-committees or task groups which shall meet in conjunction with the regular session of the SC or TCC or work inter-sessionally and report to the subsidiary body concerned. The inter-sessional meetings of any specialist working groups, sub-committees or task groups established shall, to the maximum extent possible, be undertaken electronically.

9.2 Each specialist working group, sub-committee or task group shall develop their own terms of reference for the approval of the subsidiary body it is responsible to. The terms of reference shall include a timeframe for the work of the specialist working group, sub-committee or task group and interim and final reporting schedules.

9.3 Specialist working groups, sub-committees or task groups will be comprised of nominated representatives of Members, each territory referred to in article 43 of the Convention, CNMs, and other organizations or observers that have met the conditions of Rule 36 of the Rules of Procedure of the Commission with expertise in matters related to the work of the subsidiary body concerned, which have been invited to participate in the work of the subsidiary body concerned in accordance with these Rules of Procedure.

9.4 Invited experts, pursuant to Rule 8 of these Rules of Procedure, may also be invited to participate in the deliberations or work of a specialist working group, sub-committee or task group. Decisions on inviting experts, nominated by representatives, shall be made by consensus of representatives of the subsidiary body establishing the specialist working group, sub-committee or task group.

Rule 10

Chair of Specialist Working Groups, Sub-Committees or Task Groups

10.1 Each specialist working group, sub-committee or task group shall elect a Chair with appropriate expertise and knowledge who shall be a representative to the subsidiary body concerned, pursuant to Rule 6 of these Rules of Procedure, an accompanied expert or advisor to a representative, or an Invited Expert pursuant to Rule 8 of these Rules of Procedure.

10.2 The functions and duties of the Chair shall include the development of multi-year work plans and coordinating work plan assignments, coordinating communications, organizing meetings, including advanced preparation of agendas, scheduling of presenters, appointing of rapporteurs, providing assignments for reports, and ensuring that subsidiary body assignments are completed as required. The Chair will also serve as facilitate the discussion, so to ensure that participants with differing views get an opportunity to be heard. The Chair shall strive for consensus in reporting of findings, conclusions and recommendations of the subsidiary body concerned.

10.3 The Chair will report to the subsidiary body concerned on the status of the work of the specialist working group, sub-committee, or task group, as requested. Upon completion of its work, the Chair will provide a final report to the subsidiary body concerned on the work and findings of the specialist working group, sub-committee, or task group.

10.4 The Chair shall serve for the duration of the work of the specialist working group, sub-committee or task group or for up to two-years from the date of first election, which ever comes first. The Chair is eligible for re-election.

Rule 11

Meetings of Specialist Working Groups, Sub-Committees or Task Groups

11.1 With a view to the efficient use of time and financial resources, the time and place of specialist working group, sub-committee or task group meetings will to be decided in consultation with the Chair of the subsidiary body responsible for their establishment.

Rule 12

Advice and Recommendations

12.1 The SC and TCC shall prepare summary reports of findings, conclusions, advice and recommendations for the record and for distribution to the Commission and others concerned, as appropriate.

12.2 As provided for at Rule 5.1 (d), all findings, conclusions, advice and recommendations of the SC and TCC, except as provided for in Rules 3 and 4, shall be made by consensus. If every effort to achieve consensus fails, then the report of the subsidiary body shall indicate the majority and minority views and may include the differing views of the representatives of the members on all or any part of the report.