

**RULES OF PROCEDURE
OF THE
CARIBBEAN REGIONAL FISHERIES MECHANISM**

5 AUGUST 2002

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CHAPTER I MEETINGS

RULE 1 Regular Sessions

The Ministerial Council (hereinafter referred to as the Council) and the Forum shall meet in regular session once a year and in such special sessions as may be necessary to perform their functions.

RULE 2 Special Sessions

At the request of a Member State or where the Executive Director of the Caribbean Regional Fisheries Mechanism (hereinafter referred to as the Mechanism) considers it necessary or expedient to do so, and with the concurrence of a simple majority of the Member States, the Executive Director shall convene a session of the Council or the Forum, as the case may be, within ten days of such concurrence. Any such session shall be designated a special session.

RULE 3 Notice of Sessions

1. The Executive Director shall notify Members of the Council and the Forum, as the case may require, of the date and place of each session of the Council or the Forum at least forty-two (42) days before a regular session and at least fourteen (14) days before a special session.

2. Notice of sessions of the Council and the Forum shall also be given to those entities which have been accorded associate membership of the Mechanism or observer status at sessions of the Council or the Forum.

3. Notice of sessions shall be given in writing, specify the date and place of the session and the purpose for which it is being convened **and be accompanied with the Provisional Agenda.**

4. All sessions of the Council and Forum shall be attended by Member States, Associate Members and such other entities as the aforementioned organs may decide.

RULE 4
Closed Sessions

All sessions of the deliberative organs of the Mechanism shall be conducted in closed session, unless the organ concerned decides otherwise.

CHAPTER II

AGENDA

RULE 5

Agenda for Regular Sessions

1. There shall be a Provisional Agenda for every regular session which shall include:

- (a) items which have been approved by a majority vote of the Council or the Forum at a previous session;
- (b) items requested by any member of the Council or the Forum; and
- (c) other relevant items which the Executive Director considers fit to include.

2. Items proposed under paragraph 1(b) shall be accompanied by an explanatory memorandum and, if possible, by basic documents, for circulation to other Member States, Associate Members, and entities accorded observer status at meetings of the Council or the Forum together with the Provisional Agenda as may be required. As a general rule, proposals shall be circulated to all members of the Council or the Forum not later than seventy-two (72) hours prior to the convening of the session.

3. The Provisional Agenda shall be submitted to Member States, Associate Member and Observers prior to convening of a session.

RULE 6

Agendas for Special Sessions

The Agenda for a special session shall be circulated at the time of giving notice of the session.

RULE 7

Adoption of Agenda

1. Notwithstanding paragraph 2 of Rule 5, any Member State or Associate Member State may propose an item for inclusion in the Provisional Agenda at the beginning of any session of the Council or the Forum and which members of the aforementioned organs may approve by a simple majority vote.

2. The Agenda for any regular or special session shall be adopted by a simple majority vote.

CHAPTER III

REPRESENTATION

RULE 8

Representation at Meetings

1. Each Member of the Mechanism shall nominate a Minister of Government to represent it on the Council.
2. The Forum shall comprise:
 - (a) one representative of each Member of the Mechanism;
 - (b) one representative of each Associate Member of the Mechanism;
 - (c) representatives of the following groups, institutions and bodies, approved by the Council as Observers:
 - (i) Fisher Folk Organisations and Private Fishing Companies with the Caribbean Region;
 - (ii) Regional bodies and institutions and regional organisations whose work in the area of fisheries contributes to the work of the Mechanism;
 - (iii) Non-Government Organisations whose work in the area of fisheries contributes to the work of the Mechanism.
3. A representative of a Member State or Associate Member may be accompanied at sessions of the Council or the Forum by such advisers as may be required.
4. There shall be no restrictions imposed on the number of such advisers except that the authority to act as an adviser in relation to any Member State or Associate Member

shall, as far as practicable, be communicated to the Executive Director of the Technical Unit (hereinafter called the Executive Director) in advance sessions of the Council or the Forum.

5. Advisers may participate in the proceedings of the sessions but may not vote on any issue before the Council or the Forum, unless designated to act as the representative of a Member State or Associate Member, as the case may be.

6. Whenever it is practicable to do so, each Member State, Associate Member or entity accorded observer status at sessions of the Council or the Forum shall notify the names of the members of its delegation to the Executive Director in advance of all sessions.

7. The Council and the Forum shall elect a chairperson from among the Member States of the Mechanism at the regular session of the Council or the Forum as the case may be.

RULE 9

The Executive Committee

1. The Executive Committee established at the first regular session of the Forum shall comprise five (5) / seven (7) Members, of whom three (3) / five (5) shall be Members of the Mechanism and two (2) Associate Members.

2. The Executive Director shall be an ex-officio Member of the Executive Committee.

3. The Members of the Executive Committee shall be elected annually. The Chairman of the Executive Committee shall be elected from among the Members of the Mechanism.

4. Decisions of the Executive Committee shall be reached by a majority of the Members present and voting. In the event of a tie, the Chairman shall exercise a casting vote.

5. The Executive Committee shall function as necessary between meetings of the Forum using as appropriate, modern communication facilities, and shall keep the Forum informed of its activities.

RULE 10

Subsidiary Committees and Other Bodies of the Council

1. The Council may establish such sub-committees, working parties or other subsidiary bodies as it considers necessary from time to time and refer to them any subjects within the terms of reference of the Council for study and report. The Council may authorise such sub-committees, working parties or other subsidiary bodies to meet as often as may be necessary and they shall be responsible to the Council.

2. These Rules of Procedure shall, as far as practicable, apply to the proceedings of the sub-committees, working parties or other subsidiary bodies of the Council, unless the Council decides otherwise.

RULE 11

Sub-Committees and Other Bodies of the Forum

1. The Forum may establish such sub-committees, **working parties or other subsidiary bodies** as may be considered necessary for the fulfillment of their functions.

2. Such sub-committees, **working parties or other subsidiary bodies** may comprise representatives of Member States, Associate Members, interest groups or experts whose activities within the Caribbean Region are of interest to the Mechanism.

3. Sub-Committees, **working parties or subsidiary bodies** so formed shall determine their own method of work and shall keep the Forum informed of their activities.

CHAPTER IV

THE TECHNICAL UNIT

RULE 12

Functions of the Technical Unit

1. The Executive Director shall act as the Secretary at all sessions of the Council and the Forum. He may authorise a member of his staff to act in his place at sessions of the Council and the Forum.
2. The Executive Director or the member of staff acting on his behalf may make either oral or submit written statements on any question under consideration by the Council or the Forum at any session.
3. The Executive Director shall provide the administrative and clerical services necessary for the conduct of Meetings of the Council or the Forum, **their sub-committees, working parties and subsidiary bodies and shall be responsible for preparing the reports of such meetings.**
4. The Technical Unit (hereinafter called *the Unit*) shall be recognised as the Secretariat of the Mechanism.

CHAPTER V

PROCEEDINGS AT MEETINGS

RULE 13

Election of Chairman and Vice-Chairman

1. The Chairman of the Council or the Forum shall be the representative of the Member State in which the session is convened, unless the Council or the Forum decides

otherwise by a simple majority vote. He shall continue to act in that capacity until another Chairman is elected at the next regular session.

2. The Council or the Forum shall elect the representative of a Member State as Vice-Chairman of the Council or the Forum as the case may be.

3. **Unless otherwise agreed, regular sessions of the Council and Forum shall be convened in Member States and Associate Member States in rotation according to the English alphabet.**

RULE 14

The Vice-Chairman to Act as Chairman

If, at the commencement of any meeting, the Chairman is not present, or if, during the course of a meeting, it is necessary for the Chairman to be absent, the Vice-Chairman shall act as Chairman.

RULE 15

Election of Alternative Chairman

If both the Chairman and the Vice-Chairman are absent, then the meeting shall elect a Chairman for that meeting from among the representatives of the Member States.

RULE 16

Chairman of Special Session

The Chairman of a special session shall be the current Chairman of the Council or the Forum as the case may be.

RULE 17

Opening and Closing of Meetings

The Chairman shall declare the opening and closing of each meeting of the Council or the Forum, direct the discussion, ensure the observance of these Rules, put

questions to the vote and announce decisions. The Chairman may also call a speaker to order if the speaker=s remarks are not relevant to the subject under discussion.

RULE 18

Points of Order

During the discussion of any matter, a representative may raise a point of order. In this case, the Chairman shall immediately rule on the point of order. If it is challenged, the Chairman shall forthwith submit the ruling to the Council or the Forum for decision, and it shall stand unless overruled by a simple majority of representatives.

RULE 19

Adjournment of Debate

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposer of the motion, one representative shall be allowed to speak in favour of and one representative against the motion before it is put to the vote.

RULE 20

Closure of Debate

1. A representative may at any time move the closure of the debate whether or not any other representative has signified an intention to speak. Two representatives shall be allowed to speak in favour of and two representatives against the motion before it is put to the vote.
2. If the Council or the Forum by a simple majority votes in favour of the closure, the Chairman shall declare the debate closed.

RULE 21

Guillotine

The Council or the Forum may, by a simple majority vote, limit the time allowed to each speaker.

RULE 22

Proposals to be in Writing

Upon a request by any representative, a proposal or an amendment thereto made by any speaker shall be given to the Chairman in writing and shall be read by him before any further speaker is called upon and before a vote is taken on such proposal or amendment. The Chairman may direct that any proposal or amendment thereto be circulated to the representatives present before a vote is taken.

RULE 23

Voting on Proposals

Proposals shall be put to the vote in the order of their submission unless the Council or the Forum decides otherwise, by a simple majority vote.

CHAPTER VI

VOTING

RULE 24

Voting Rights

1. Subject to Rule 25, every Member State of the Mechanism shall have one vote in the Council or the Forum and every Associate Member shall have one vote in respect of matters for which it is eligible to vote.

2. Unless otherwise provided, decisions of the Council or the Forum on substantive issues shall be reached by consensus. In the absence of consensus, such decisions shall be deemed adopted if supported by a qualified majority of three-quarters of the Member States comprising the Mechanism. The Chairman of the Council or the Forum may defer the taking of a decision in order to facilitate further negotiations whenever it appears that all efforts at achieving consensus have not been exhausted.

3. The quorum of the Council shall be formed by two-thirds of its Members. The quorum of the Forum shall be formed by two-thirds of its Members and shall include at least two-thirds of the Member States of the Mechanism. The quorum of the Executive Committee shall be formed by at least three (3) / five (5) of the Member States of the Mechanism.

4. The Member States may vote in any organ, sub-committee, working party or other subordinate body of the Mechanism. Associate Members may participate in discussions in the Forum and its sub-committees, working parties or other subordinate bodies but are eligible to vote only where decisions are being taken on management regimes to which they are parties or concerning fisheries which they share with other Member States.

5. Observers shall not have the right to vote at meetings of any of the organs or subordinate bodies of the Mechanism.

6. A Member State or Associate Member which is absent from a meeting of any organ or subordinate body of the Mechanism and is prejudiced by a decision taken at that meeting, shall have the right to request a review of the decision, and the organ or subordinate body which took that decision shall review it.

7. Recommendations of the Council or the Forum shall be made by a two-thirds majority of their members and shall not be legally binding. Members omitting to comply with such recommendations shall inform the Unit in writing within six months stating the reasons for non-compliance.

8. Decisions of the Council or the Forum on procedural issues shall be reached by a simple majority of the Members. Decisions on whether an issue is procedural or substantive shall be reached by two-thirds majority of the Members.

RULE 25

Sanctions for Non-Payment of Contributions

1. Subject to paragraph 2, a Member State whose contribution to the regular Budget of the Mechanism is in arrears for more than two years, shall not have the right to vote.
2. In exceptional circumstances to be determined by the Council, a defaulting Member State may be permitted to vote pending the payment of its arrears of contributions.
3. This Article shall apply *mutatis mutandis* to Associate Members and Observers.

RULE 26

Voting at Meetings

At any meeting of the Council or the Forum any recommendation, resolution or any other proposal put to the vote at the meeting shall be decided on a show of hands unless a vote by secret ballot is requested by the representative of a Member State or Associate Member.

RULE 27

Roll-Call Vote

Any representative of a Member State or Associate Member at any meeting of the Council or the Forum may request a vote by roll-call of the Member States or Associate Members, as the case may require and which shall be taken alphabetically. The vote of each Member State or Associate Member shall be inserted in the record.

RULE 28

Reconsideration of Decisions

When a decision has been taken, it may not be reconsidered at the same meeting unless the Council or the Forum so decides. The Member States or Associate Members proposing any reconsideration shall, notwithstanding the provision of Rule 5, submit

the same item to the Executive Director for circulation to Members, along with explanatory memoranda, no later than two (2) weeks before the next regular or one week before a special session of the Council or the Forum.

RULE 29

Voting by Round Robin

1. The Council or the Forum may, outside its regular or special sessions, take a decision or make a recommendation on any urgent matter referred to it by the Executive Director at his own discretion or at the request of a Member State or Associate Member.
2. In such case, each Member shall as soon as possible notify the Executive Director of its decision on the matter.
3. Notwithstanding the above, if any Member State or Associate Member so requests, the matter to be decided shall be deferred for consideration by the Council or the Forum at its next meeting.

RULE 30

Non-Voting Observers

Save as otherwise provided in Rule 24(4), representatives of Associate Members and persons accorded observer status at meetings of the Council or the Forum shall not have the right to vote at meetings of the Council or the Forum.

RULE 31

Equally Divided Vote

If the vote on a proposal is equally divided, the proposal shall be regarded as rejected.

CHAPTER VII

FINANCIAL ARRANGEMENTS

RULE 33

Expenses of Representation

1. **Subject to paragraph 2**, each Member State, Associate Member or Observer shall be responsible for the expenses of its delegation to sessions of the **Council or Forum** and the Unit shall be responsible for the expenses of officials representing the Mechanism.

2. **The Mechanism shall defray the expenses of one representative of each Member State attending sessions of the Forum.**

3. The Member State in which a session is to be held shall be responsible for local expenses in respect of related administrative and transport services.

CHAPTER VIII

AMENDMENTS AND SUSPENSIONS

RULE 34

Voting on Amendments and Suspensions

1. These Rules may be amended by a qualified majority vote of three-quarters of the Member States of the Council or the Forum, as the case may be.
2. These Rules or any of them may be suspended for such periods as the Council or the Forum may determine by the affirmative vote of two-thirds of the Member States of the Council or the Forum, as the case may be.

5 August 2002