

Rules for External Observers at Advisory Committee Meetings

The current situation in ICES

At present, the only organisation having observer rights at Advisory Committee Meetings is the European Commission. Paragraph 9 of the Letter of Understanding with the EC states that *"ICES agrees to the participation at meetings of the Council's Advisory Committee on Fisheries Management of ICES [sic], of a scientifically qualified representative of the Commission as an observer of the EC. In that capacity the EC's representative will have the right to ask for the floor and participate at the meetings, but will have no voting rights nor have freedom to change the meetings agendas"*. These rights, or similar, have been in place since the signing of the first agreement with the EC in 1987. The EC has also been admitted as an observer at the Advisory Committee on Ecosystems (ACE) since the first meeting of ACE in 2001.

There is no record of any of the other Partner Commissions having asked for observer status at Advisory Committees.

In January 2002, MCAP discussed the matter of observers. In summary, MCAP felt that:

- there are advantages to having observers at the Advisory Committees, but care must be taken to ensure the independence and scientific credibility of the advice;
- observers should not be admitted at the working group level;
- at the Advisory Committee level, there was not a strongly favourable view but it was felt that there could be some advantage in having observers from the environmental commissions, but not from NGOs;
- it could be useful for the transparency and credibility of the advice to allow the admission of observers from the commissions;

MCAP agreed to recommend that ICES open itself up to observers at Advisory Committee meetings. For this, there will need to be rules governing both the selection of observers (including representatives of NGOs and industry) and their participation at the meetings.

At the 2002 meeting of the ICES/Commissions Working Group on Cooperative Procedures (WGCOOP), ICES raised the question of observers. The Partner Commissions have not yet sent any formal response to ICES, but OSPAR and IBSFC indicated

that they would be interested in following up this invitation. The following extract from the WGCOOP Report summarises the discussion:

"OSPAR wishes to obtain observer status to the environmental advisory committees (ACME and ACE). OSPAR found that this would help in improving the smooth cooperation between ICES and OSPAR. ICES has granted observer rights for DG-Fish to ACFM and ACE (when the latter deals with fisheries issues) and proposed that it should grant OSPAR observer status on the same basis as for DG-Fish. OSPAR said that in their opinion such an observer position would not only be helpful in understanding the advice from the advisory committee, but it would also help to coordinate regional monitoring activities. ICES said that it would look positively at a request for observers from the Partner Commissions. At the same time, ICES is astutely aware that it must maintain its scientific integrity and that other organizations would be unlikely to be offered observer status at ICES Advisory Committees.

Walter Ranke indicated that IBSFC will consider the possibility of getting observer status at ACFM meetings. NASCO indicated that they would probably not want to become involved, but the matter would be raised at the next meeting of the NASCO Council. NEAFC stated that the issue had not been discussed.

There was a discussion of the likely benefits to the Partner Commissions and to ICES of also having observers in other of its forums. The meeting concluded that this was not seen as a wish or a need at present."

None of the Advisory Committees has yet established a clear position on the issue. The Secretariat was asked to prepare some draft rules for consideration by MCAP at the Annual Science Conference, taking account of the wide range of potential observers:

- a. Fisheries Management Commissions (IBSFC, NASCO, NEAFC, JNRFC, Iceland-Norway-Greenland Capelin tri-laterals)
- b. Governments with direct management responsibilities (Iceland, Norway, Faeroe Islands)
- c. Fishermen Organisations

- i. National Fishermen organisations (number unknown, but large)
 - ii. Producers organisations
 - iii. International Fishermen organisations (Nordic Fishermen Environment Initiative, Baltic Fishermen Association, Européche)
- d. Fish processing industry
 - i. National organisations (several per country)
 - ii. International organisations (???)
- e. Local Authorities
 - i. North Sea Commission Fisheries Partnership (scientists, fishermen org,...)
 - ii. KIMO (municipalities)
- f. NGO's
 - i. National organisations (Numerous per country)
 - ii. International; for examples WWF, IUCN, Seas at Risk, Greenpeace, Coalition Clean Baltic.

At its June 2002 meeting, the Bureau noted the passage in the Draft Copenhagen Declaration which reads “the Contracting Parties of ICES ... having agreed to ... stress the need for ICES to strengthen working relationships with users of scientific information on living marine resources and marine ecosystems, including fisheries management organisations and environmental commissions, and with stakeholders that are affected by, or have an interest in, ICES’ work ...”, and that the FAO Code of Conduct for Responsible Fisheries also contains a clause on transparency. Thus ICES will be under increasing pressure to admit observers to the advisory process, including the possibility of NGO observers.

The practice in other organisations

The websites of OSPAR, HELCOM, NAFO and ICCAT have been examined to see if their guidelines

and criteria for granting observer status might be used as suitable models for ICES.

Parts of *OSPAR*’s regulations regarding observers have been copied into the attached set of draft ICES rules.

The *HELCOM* website lists the organisations which have been granted observer status, but it does not contain details of *HELCOM*’s observer policy.

NAFO grants observer status at plenary meetings of their Fisheries Commission to (a) intergovernmental organisations having regular contacts with NAFO regarding fisheries matters, or whose work is of interest to NAFO (or vice versa), (b) non-Contracting Parties that harvest fishery resources in the Regulatory Area, (c) NGOs that support the general objectives of NAFO and which have a demonstrated interest in the species under the purview of NAFO. NAFO does not allow observers at meetings of the Scientific Council.

Article XI of the *ICCAT* convention allows “any appropriate international organization and any government which is a member of the United Nations ... to send observers to meetings of the commission and its subsidiary bodies”.

Draft ICES Rules for admitting observers to Advisory Committee meetings

The following draft rules deal with

- Partner Intergovernmental Organisations (IGOs) with which ICES already has Memoranda of Understanding;
- “Partner” International Non-Governmental Organisations (NGOs) - those with which ICES already has granted observer status (WWF and BirdLife International);
- NGOs which do not have observer status with ICES;
- Fishermen’s Associations.

The 1991 ICES policy on NGO observers is attached as Annex 1, and the OSPAR rules are at Annex 2.

<u>Draft Rule</u> [Square brackets indicate additional or alternative text]	<u>Explanation or Comment</u>
<u>Partner Intergovernmental Organisations (IGOs)</u>	
1. An Intergovernmental Organisation (IGO) with which ICES has a Memorandum of Understanding may apply for representation at plenary sessions of the Council's Advisory Committees by a scientifically qualified observer. An application should be lodged with the Secretariat not less than two months before the commencement of the annual Statutory Meeting, for consideration by the Council.	(i) ICES has MoUs with EC, IBSFC, NASCO, NEAFC, HELCOM, OSPAR, FAO, IOC and PICES. An MoU with NAFO is in the pipeline, but NAFO already has observer status at ACFM under an earlier cooperation agreement. The wording ("Organisation" rather than "Commission") allows the inclusion of e.g., FAO. (ii) It is not proposed to admit observers to any Sub-groups of Advisory Committees. (iii) What about IGOs with which we currently have no MoU, such as ICCAT or NAMMCO?
2. The Council may grant such an application, by consensus or by simple majority.	
3. The IGO observer will have the right to ask for the floor at an Advisory Committee meeting, but will have no voting rights nor have freedom to change the agenda of the meetings.	Taken from existing ICES-EC Letter of Understanding.
4. The IGO must confirm, in writing, that all confidential elements in the ICES Advisory Process will be fully respected, particularly the embargo on the release of the ACFM Report and any other conditions which ICES may apply from time to time.	Confidentiality.

<u>Draft Rule</u> [Square brackets indicate additional or alternative text]	<u>Explanation or Comment</u>
Partner International Non-Governmental Organisations (NGOs)	
5. An International NGO which already has general observer status with ICES may apply for representation at the opening of the first plenary session of any of the Council's Advisory Committees by a scientifically qualified observer. An application should be lodged with the Secretariat not less than two months before the commencement of the annual Statutory Meeting, for consideration by the Council.	Currently WWF and BirdLife International. Such NGOs have already been evaluated and "cleared" by the procedure adopted in 1992.
6. The Council may grant such an application, by consensus or by simple majority.	Same as for Partner IGOs (Rule 2)
7. An NGO which has been granted representation under Rules 8 and 9 must inform the General Secretary of the names and addresses of not less than three possible observers together with information on their scientific qualifications and field(s) of expertise. ICES must receive this information not later than two months before the Advisory Committee meeting.	To enable Rule 8.
8. ICES will select the most appropriate observer from among the names submitted, and inform the Non-Governmental Organisation within [two] [three] [four] weeks of receiving the list of nominees.	To implement the proposals of MCAP and the Bureau. "ICES" could be MCAP, or the General Secretary (in consultation with the appropriate Professional Advisers(s) Chairs of the Advisory Committee(s) concerned).
9. The NGO observer will have the right to ask for the floor at an Advisory Committee meeting, but will have no voting rights nor have freedom to change the agenda of the meetings.	Same as for Partner IGOs (Rule 3)
10. The NGO must confirm, in writing, that all confidential elements in the ICES Advisory Process will be fully respected, particularly the embargo on the release of the ACFM Report and any other conditions which ICES may apply from time to time.	Confidentiality
11. The observer status of an NGO shall impose an obligation: <ul style="list-style-type: none"> a. to recognise the basic aims and objectives of the Council (as stated in the ICES Convention), and support its work; b. to respect the scientific nature of the meeting; to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; c. to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; d. to refrain from using meetings of ICES Advisory Committees for the purpose of demonstrations; e. to respect the private character of the meetings [and of the documents circulated for them] 	<p>11a is taken from the 1991 ICES policy paper on granting observership to NGOs.</p> <p>11b-11e are from OSPAR's rules for NGO observers.</p> <p>Will we be circulating Advisory Committee documents to NGOs?</p>

<u>Draft Rule</u> [Square brackets indicate additional or alternative text]	<u>Explanation or Comment</u>
<u>Other International Non-Governmental Organisations (NGOs)</u>	
12. International NGOs which have no prior observer status with ICES may apply for representation at the opening of the first plenary session of any of the Council's Advisory Committees by a scientifically qualified observer, using the procedure laid down in the 1991 policy statement concerning general observer status for NGOs (attached as Annex 2).	(i) National NGOs should be excluded; they are too numerous to handle, and cannot reflect the international nature of the Advisory Committees' work. (iii) Should we include industry organisations as NGOs? If so, this will inevitably include industries other than fishing. Potential candidates will be the aquaculture industry and a number of marine industries such as the European Aggregates Association or the European Chemical Industry Council (CEFIC).
13. The Council may grant such an application, by two-thirds majority vote.	The 1991 policy for admitting NGOs as general observers stipulates a two-thirds majority.
14. An NGO which has been granted representation under Rules 8 and 9 must inform the General Secretary of the names and addresses of not less than three possible observers, together with information on their scientific qualifications and field(s) of expertise. ICES must receive this information not later than two months before the Advisory Committee meeting.	To enable Rule 15.
15. ICES will select the most appropriate observer from among the names submitted, and inform the Non-Governmental Organisation within [two] [three] [four] weeks of receiving the list of nominees.	To implement the proposals of MCAP and the Bureau. "ICES" could be MCAP, or the General Secretary (in consultation with the appropriate Professional Advisers(s) Chairs of the Advisory Committee(s) concerned).
16. The NGO observer may ask for the floor in order to make a statement relevant to the meeting agenda. ICES may stipulate the maximum duration of such a statement.	To prevent undue time-wasting.
17. The NGO must confirm, in writing, that all confidential elements in the ICES Advisory Process will be fully respected, particularly the embargo on the release of the ACFM Report and any other conditions which ICES may apply from time to time.	Confidentiality
18. The observer status of an NGO shall impose an obligation: <ul style="list-style-type: none"> a. to recognise the basic aims and objectives of the Council (as stated in the ICES Convention), and support its work; b. to respect the scientific nature of the meeting; to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; c. to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; d. to refrain from using meetings of ICES Advisory Committees for the purpose of demonstrations; e. to respect the private character of the meetings [and of the documents circulated for them] 	<p>18a is taken from the 1991 ICES policy paper on granting observership to NGOs.</p> <p>18b-18e are from OSPAR's rules for NGO observers.</p> <p>Will we be circulating Advisory Committee documents to NGOs?</p>

<u>Draft Rule</u> [Square brackets indicate additional or alternative text]	<u>Explanation or Comment</u>
Fishermens Associations	
19. [Regional or international Fishermen's Associations] [Fishermen's Associations affiliated to the North Sea Commission Fisheries Partnership] may apply for representation at [plenary sessions] [the opening of the first plenary session] of [any of the Council's Advisory Committees] [ACFM and/or ACE] [ACFM] by a scientifically qualified observer.	National Fishermen's Associations should be excluded; they are too numerous to handle, and cannot reflect the international nature of the Advisory Committees' work. However , ACFM handles stocks which are fished (a) within a single country's jurisdiction and are therefore under the management regime of that country (Iceland, for example), or (b) are fished mostly or entirely by one country even though the fishery is managed by an international commission (e.g. Celtic Sea herring, of which Ireland has about 90% of the EU TAC).
20. The Council may grant such an application, [by consensus or by simple majority] [by two-thirds majority vote].	
21. A Fishermen's Association which has been granted representation under Rules 8 and 9 must inform the General Secretary of the names and addresses of not less than three possible observers, together with information on their scientific qualifications and field(s) of expertise. ICES must receive this information not later than two months before the Advisory Committee meeting.	To enable Rule 22.
22. ICES will select the most appropriate observer from among the names submitted, and inform the Fishermen's Association within [two] [three] [four] weeks of receiving the list of nominees.	To implement the proposals of MCAP and the Bureau. "ICES" could be MCAP, or the General Secretary (in consultation with the appropriate Professional Advisers(s) Chairs of the Advisory Committee(s) concerned).
23. The Fishermen's Association observer will have the right to ask for the floor at an Advisory Committee meeting, but will have no voting rights nor have freedom to change the agenda of the meetings.	
24. The Fishermen's Association must confirm, in writing, that all confidential elements in the ICES Advisory Process will be fully respected, particularly the embargo on the release of the ACFM Report and any other conditions which ICES may apply from time to time.	
25. The observer status of a Fishermen's Association shall impose an obligation: <ul style="list-style-type: none"> a. to recognise the basic aims and objectives of the Council (as stated in the ICES Convention), and support its work; b. to respect the scientific nature of the meeting; to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; c. to deliver only such information as is pertinent to the work of ICES or its subsidiary bodies; d. to refrain from using meetings of ICES Advisory Committees for the purpose of demonstrations; e. to respect the private character of the meetings [and of the documents circulated for them] 	<p>25a is taken from the 1991 ICES policy paper on granting observership to NGOs.</p> <p>25b-25e are from OSPAR's rules for NGO observers.</p> <p>Will we be circulating Advisory Committee documents to Fishermen's Associations?</p>

<u>Draft Rule</u> [Square brackets indicate additional or alternative text]	<u>Explanation or Comment</u>
<p>Applicable to all observers at Advisory Committee meetings</p> <p>26. The Council may at any time suspend or revoke the observer status of any [organisation] [NGO or Fishermen's Association] if the conduct of any of its representatives is inconsistent with the guidelines and criteria laid down by the Council, or with the aims and objectives of the Council. Revocation shall be determined by the Council on the basis of a simple majority of the votes cast and shall have immediate effect.</p>	<p>Based on Clause 7 of the 1991 policy on NGO observers.</p>

ANNEX 1

GUIDELINES AND CRITERIA GOVERNING THE OBSERVERSHIP OF NON-GOVERNMENTAL INTERNATIONAL ORGANISATIONS AT MEETINGS OF THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (adopted by Council in 1991)

1. Purpose of Observer Status

Subject to approval by the Council, observer status at meetings of the International Council for the exploration of the Sea may be granted to non-governmental international organisations (NGOs). Council meetings at which observer status shall be granted to NGOs shall be Statutory meetings only. Decisions to grant observer status shall be based on the premise that the purposes for establishing observer status shall be to:

- a) enable the Council to obtain information or input from NGOs possessing specialised technical or scientific knowledge, expertise, or views about a particular area of the Council's activities which could not otherwise be obtained from experts from Member Countries or observers from other international organisations attending the Council meeting(s) in question;
- b) enable NGOs to become more familiar with the work of the Council and the scientific results therefrom.

Where appropriate, the Council may invite the NGO to report its scientific findings to the Statutory Meeting.

2. Criteria for Granting Observer Status

Before granting observer status to any NGO, the Council must be satisfied that the following conditions are fulfilled:

- a) the organisation either has an official agreement on cooperation, has established working relations with the Council, or has a significant activity, the conduct, funding, or management of marine research;
- b) the organisation supports the work of the Council and promotes the dissemination of the Council's objectives, research results, and scientific advice;
- c) the organisation has a permanent headquarters; has members, component branches, or affiliated bodies in a number of the Member Countries; has

an organised administration including a governing body and executive officer; and is authorised under its constitution to speak for its members through accredited representatives;

- d) the organisation does not have access to the Council through any other organisation, or its interests are not duplicated by another organisation already having observer status.

2. Procedure for Submitting Application for Observer Status

Any NGO which does not already possess observer status and seeks such status at Council meetings shall:

- a) submit a written application to the General Secretary at least 6 (six) months in advance of a Statutory Meeting containing the following information:
 - name of the organisation and address and telephone/Telefax numbers of its headquarters;
 - address of all national/regional offices;
 - aims and purposes of the organisation;
 - history of the organisation;
 - structure of the organisation;
 - membership of the organisation;
 - organisations officers;
 - other intergovernmental organisations and NGOs with whom relations have been established and by whom observer status has been granted;
 - source(s) of the organisation's funds;
 - documentary evidence that the organisation conducts, funds, or manages marine research;

- documentary evidence that the organisation supports the work of the Council and promotes the dissemination of the Council's objectives, research results, and scientific advice;
- b) confirm in writing that the obligations imposed on the organisation by these Guidelines and Criteria and any additional requirements imposed by the Council from time to time, if observer status is granted, will be respected.

4. Decision on Application for Observer Status

After receipt of a satisfactory written application from an NGO seeking observer status at Council meetings, the following decision-making process shall take place:

- a) the question of observer status for an NGO shall be determined by the Council on the basis of a two-thirds majority of the votes cast;
- b) observer status, if granted, shall take effect at the next Statutory Meeting.
- c) observer status for an NGO, if granted, shall be valid until such time as it might be revoked (see Section 7).

5. Privileges Conferred with Observer Status

The granting of observer status to an NGO shall confer on the organisation the privileges of:

- a) attending the Statutory Meeting, including the General Assembly and all other plenary sessions (e.g., Subject/Area Committee sessions, Theme sessions, Mini-Symposia), but excluding sessions restricted to members only (i.e., Delegates, Consultative, Finance, and Publications Committees and ACFM and ACMP);

- b) having access to all scientific papers submitted to the Statutory Meeting;
- c) receiving a copy of the *ICES Annual Report*.

6. Obligations Imposed with Observer Status

The granting of observer status to an NGO shall impose on the organisation the obligations to:

- a) pay a conference fee, in advance, of DKK 5,000 per meeting, with such fee to be waived for organisations with which the Council has reciprocal observer arrangements;
- b) recognise the basic aims and objectives of the Council (as stated in the ICES Convention) and support its work;
- c) limit the number of its observers to 2 (two) persons per meeting;
- d) respect the scientific nature of discussions at Council meetings;
- e) keep the General Secretary currently informed of those aspects of the organisation's own activities which are likely to be of interest to the Council and accord to the Council rights corresponding to those granted by it to the organisation.

7. Revocation of Observer Status

The Council may at any time suspend or revoke the observer status of an NGO if the conduct of any representative of the organisation is inconsistent with the guidelines and criteria for granting observer status for that organisation or with the aims and objectives of the Council. Revocation shall be determined by the Council on the basis of a simple majority of the votes cast and shall have immediate effect.

ANNEX 2

Criteria and Procedures Governing Observership of Non-Governmental Organisations at Meetings within the framework of the OSP AR Commission

GENERAL

1. The following criteria shall be applied in considering applications from non-Governmental Organisations (NGOs) for observer status at meetings within the framework of the Commission.

1.1 Subject to the conditions specified in the paragraphs 4 and 5 below, observer status will be granted for agenda items dealing with issues other than management issues internal to the Commission or the discussion of restricted documents as specified in Rule 58 of the Rules of Procedure of the OSP AR Commission.

1.2 Consideration of the suitability of NGOs for observer status shall be based on the capability of the NGO in question to contribute constructively to the aims and objectives of the Commission. Observer status may only be granted to an NGO with specialised technical, scientific or other expertise pertinent to the objectives of the Convention.

1.3 Observer status will only be granted to NGOs which: a. have an organised administration;

b. are international in character (an organisation shall be

deemed to be an international organisation for the purposes of the Commission only if it has members, component branches or affiliated bodies in a number of States covered by the Convention area);

c. are authorised under their constitution to speak for their members through accredited representatives.

1.4 Applications for observer status shall be either for such status generally or for specific topics. The Commission shall decide in which category to approve any application.

APPLICATION AND SELECTION PROCEDURE

2. An application for observer status should be sent to the Executive Secretary at least 12 weeks before a meeting of the Commission. Such applications should include:

a. a concise statement about the organisation and how it meets the criteria in paragraph 1.3 above and of the expertise and experience which it could provide to the Commission;

b. reasons why the NGO believes this contribution would assist the work of the Commission;

c. confirmation in writing that the NGO will respect the obligations imposed on it by these Criteria and Procedures and any additional requirements imposed by the Commission from time to time.

3. Following receipt of an application from an NGO for observer status:

a. the Executive Secretary shall immediately distribute the application to all

Contracting Parties for comments;

b. at least 4 weeks before the meeting of the Commission the Executive Secretary shall circulate a summary of the views of Contracting Parties on such applications;

c. observer status shall be granted by a unanimous decision of the meeting of the Commission. Observer status will be subject to the acceptance of the Criteria and Procedures governing observership for NGOs and will take effect following the meeting at which it was granted.

GENERAL AND SPECIALISED NGO OBSERVER STATUS

4.1 NGO observers may participate in meetings held in the framework of the Commission as follows:

a. meetings of the Commission:

i. two seats per delegation will be allocated to general NGO observers;

ii. a total number of six seats will be available for specialised NGO observers.

Such observers may apply to attend the meetings of the Commission for one or more points of the agenda. The Chairman of the Commission will decide upon the distribution* of the seats available to specialised NGO observers.

** the aim will be to make such distribution at the latest three weeks before the date of the meeting*

b. the total number of seats allocated to general and specialised NGO observers in meetings of subsidiary bodies of the Commission will be:

i. 8 for meetings of main Committees;

ii. 6 for meetings of working groups specified in the annual schedule of meetings adopted by the Commission;

iii. for *ad hoc* working groups, a number to be settled by the subsidiary body establishing the *ad hoc* working group.

The Chairman of the meeting of the subsidiary body will decide upon the distribution of the available seats to NGO observers requesting participation. This may include the allocation of a seat for a limited period or

for a specific piece of business. When there is no Chairman prior to the meeting, the Executive Secretary shall decide. The host of a meeting may decide to provide more seats for NGOs.

4.2 Any NGO accepted as an observer to the Commission may:

a. submit prior to meetings held in the framework of the Commission relevant

documents to be distributed at the discretion of the Executive Secretary and to be considered at the discretion of the meetings; and

b. participate in discussions at the discretion of the Chairman at a meeting at which it has been allocated a seat;

c. make proposals at such meetings, but no proposal by an NGO shall be discussed unless discussion of this proposal is supported by at least one Contracting Party.

4.3 Any NGO admitted as an observer to the Commission may ask to participate in an intersessional correspondence group, unless participation is limited.

4.4 Documents for these meetings will be circulated as appropriate.

Other Procedural Conditions

5. The Commission or any subsidiary body may at any time take any appropriate action in accordance with the Rules of Procedure of the Commission if, in the opinion of the Commission or of that subsidiary body, the conduct of an NGO is contrary to these Criteria and Procedures relating to its status as observer.

6. The observer status of any NGO shall impose an obligation:

6.1 to recognise the basic purposes and principles of the Convention and not to hinder the work of the Commission or of its subsidiary bodies;

6.2 to deliver only such information as is pertinent to the work of the Commission or of its subsidiary bodies;

6.3 to refrain from using the meetings of the Commission or of its subsidiary bodies for the purpose of demonstrations;

6.4 to respect the private character of the meetings and of the documents circulated for them; and

6.5 to respect any specific requirements agreed to by the Contracting Parties relating to the participation of NGOs at the meetings of the Commission or of its subsidiary bodies.

7. If an NGO observer does not participate in the work of the Commission for 2 consecutive years, then the Chairman of the Commission may either determine that its observership status has lapsed or restrict the observership to the receipt of documents.

Extract of MCAP Minutes 30 September 2002

Agenda Item 3 OPENING THE ADVISORY PROCESS TO OBSERVERS

MCAP considered Doc. No 3 (Observers to the Advisory Committees). This is a draft for a Delegates paper that MCAP has been asked to comment upon.

The Chair introduced the proposal for the Delegates (draft Del:15). In January 2002 MCAP considered that the advisory committees must be opened to observers.

It was decided that MCAP would support the general issue of admitting observers and then recommend that clear rules and procedures should be determined for this process.

Jake Rice stated that on the basis of experience in Canada, when the advisory process is opened to observers there will be a flood of applications. There was general agreement that ICES needs to be able to limit the number of observers to each meeting. This meant that rules 7 and 8 should be reconsidered.

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| 7. An NGO which has been granted representation under Rules 8 and 9 must inform the General Secretary of the names and addresses of not less than three possible observers together with information on their scientific qualifications and field(s) of expertise. ICES must receive this information not later than two months before the Advisory Committee meeting. |
| 8. ICES will select the most appropriate observer from among the names submitted, and inform the Non-Governmental Organisation within [two] [three] [four] weeks of receiving the list of nominees. |

It was felt that there would be problems if ICES were to choose the actual persons attending. The NASCO process would be better, because the NGOs themselves choose who will make a statement on behalf of the other groups.

It was proposed that ICES set a limit for the various types of NGOs and then leave it to the NGOs to determine which organizations are actually represented. One way of implementing this would be to send out the terms of reference for the relevant meetings after they have been agreed by the Delegates. After the applications for sending observers have been received, they can be sorted by type of observer and the lists sent to the groups. The requests for observership should be accompanied with a statement of the reasons for their desire to participate. The organisations that want to become observers would then among themselves choose those who will actually attend.

To illustrate this process it might be considered that the environmental NGOs should submit the names of potential participants and ICES will decide that up to two persons can be accommodated; similarly the industrial NGOS should submit the names of potential participants and for this group ICES decide that it can accommodate up to three persons. ICES would then communicate these decisions to the applicants and ask them among themselves to nominate the actual participants.

With these comments, MCAP endorsed the Delegates paper on observers. However, realistic rules for the number of observers in meetings should be developed.

Proposed revised text

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| <p>7. An NGO which has been granted representation following rules 6 and 8 must inform the General Secretary of the name and address of the observer(s) together with information on their scientific qualifications and field(s) of expertise at least [four weeks] before the meeting. ICES may reject an observer on the basis of lack of appropriate scientific qualifications or irrelevant field(s) of expertise.</p> |
| <p>8. ICES will decide on the upper limit of observers that can be allowed in a meeting. ICES will inform the applicants that have been deemed qualified as observers under rule 6 about this upper limit and will ask the applicants to select among themselves the most appropriate observers, and inform ICES on the selection at least [three] [two] weeks prior to the meeting.</p> |

This text will also replace rules 14-15 and 22-23 (replace NGOs with Fishermen associations)

Advisory Committees should be encouraged to review the effects of the admission of observers and identify any problems that may have occurred.