



**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN
COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



GFCM Extraordinary Session

Athens, Greece, 7–9 April 2014

**Information note on Quorum, Majority and Voting Arrangements of the
General Fisheries Commission for the Mediterranean of the FAO**

INTRODUCTION

1. At the meeting of the “GFCM Task Force – Working Group on the Amendment of the GFCM Legal Framework” (Istanbul, Turkey, 19-21 February 2014), experts from GFCM Members requested information on voting modalities and procedures for decision-making by the Commission¹. This information note has been prepared in response to such request.

2. In accordance with Paragraph 38 on “Quorum, majority and voting arrangements” of the *Principles and Procedures which Should Govern Conventions and Agreements Concluded under Articles XIV and XV of the Constitution, and Commissions and Committees Established under Article VI of the Constitution* (contained in Section O of the FAO Basic Texts, and hereinafter referred to as “Principles and Procedures”):

“The required quorum and majority for taking decisions shall be provided for in the basic instruments concluded under Article XIV and the statutes of bodies established under Article VI of the Constitution. The quorum, voting arrangements and proceedings at meetings shall be governed by the provisions of Rule XII of the General Rules of the Organization”.

3. In the case of the GFCM, the quorum, majorities and voting arrangements for decision-making by the Commission are set out in the GFCM Agreement and GFCM Rules of Procedure. Pursuant to Rule IX, paragraph 8, of the draft amended GFCM Rules of Procedure, it is specified that any voting arrangements and other related matters not specifically provided for under the GFCM legal framework, shall be governed *mutatis mutandis* by the provisions of Article XII of the General Rules of the Organization.

4. The following sections illustrate the quorum, majority and voting arrangements as set out in the draft amended GFCM Agreement and the draft amended Rules of Procedure which

¹ See “Minutes of the Task-Force Working Group on the Amendment of the GFCM Legal Framework”, document GFCM:ES/2014/Inf.4, paragraph 10.

will be considered at the Extraordinary Session of the GFCM (Athens, Greece, 7-9 April 2014)², as well as in the GFCM Agreement and the GFCM Rules of Procedure as currently in force.

QUORUM AND MAJORITY FOR DECISION-MAKING IN GFCM

5. The quorum and majority required for decision-making in GFCM are set out in the GFCM Agreement and Rules of Procedure, and are consistent with the basic rules governing the quorum and majorities for decision-making in FAO, as set out in Rule XII of the General Rules of the Organization.

- **Quorum**

In line with Rule XII.2(a) of the General Rules of the Organization, Article 6.2 of the draft amended GFCM Agreement (Article II.2 of the GFCM Agreement currently in force) sets out that *a majority of the total membership of the Commission shall constitute a quorum*. This means that, for the purpose of decision-making, 12+1 GFCM Members should be present at the session of the Commission.

- **Votes cast**

For the purpose of the Constitution and these Rules the phrase “votes cast” shall mean affirmative and negative votes, and shall not include abstentions or defective ballots (Rule XII.4(a) of the General Rules of the Organization). The same provision is reiterated in Rule IX, paragraph 6, of the GFCM Rules of Procedure.

- **Majority of the votes cast**

In line with Rule XII.3(a) of the General Rules of the Organization, Article 6.2 of the draft amended GFCM Agreement (Article II.2 of the GFCM Agreement currently in force) sets out that *decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided by [the] Agreement*.

- **Two-thirds majority of the votes cast**

(...) When a two-thirds majority of the votes cast is required by the Constitution or these Rules for a decision to be taken by the Conference, the total number of affirmative and negative votes cast shall be more than one half of the Member Nations of the Organization. If these conditions are not fulfilled, the proposal shall be considered as rejected (Rule XII.3(c) of the General Rules of the Organization).

6. In line with the FAO Constitution and the General Rules of the Organization, as a general rule, all decisions by the Commission are taken by majority of the votes cast, *i.e.* more than one half (50%+1) of the affirmative and negative votes expressed. Abstentions or defective ballots are not counted.

7. On an exceptional basis, the GFCM Agreement requires reinforced majorities for those decisions which may significantly affect GFCM Members or the basic legal framework governing the GFCM.

² GFCM:ES/2014/2.

8. The explanatory tables contained in Appendixes I and II illustrate the majorities required for decision-making by the Commission as set out in the draft amended GFCM Agreement and draft amended GFCM Rules of Procedure (Appendix I), and in the GFCM legal framework currently in force (Appendix II), respectively.

VOTING ARRANGEMENTS

9. The voting arrangements for decision-making by the Commission are set out in Rule IX of the draft amended GFCM Rules of Procedure and are consistent with Paragraph 38 of the Principles and Procedures referred above. Such arrangements may be summarised as follows.

- **Voting in plenary meetings by show of hands**

As a general rule, voting in plenary meetings shall be by show of hands, except where a Contracting Party requests that the vote be taken by roll call or secret ballot, and such request is seconded (Rule IX.1 of the draft amended GFCM Rules of Procedure).

- **Voting by roll call**

Voting by roll call shall be conducted by calling upon the names of the Contracting Parties entitled to vote in the English alphabetical order. The name of the first Contracting Party to be called shall be designated by lot drawn by the Chairperson (Rule IX.2 of the draft amended GFCM Rules of Procedure). The record of any roll call vote shall show the votes cast by each delegate and any abstention (Rule IX.3 of the draft amended GFCM Rules of Procedure).

- **Voting by secret ballot**

Unless the Commission decides otherwise, voting shall be by secret ballot on matters relating to individuals, including the election of the Bureau of the Commission as well as the Chairpersons and Vice-Chairpersons of its subsidiary bodies. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, as many ballots as necessary shall be held to determine the elected candidate (Rule IX.4 and IX.5 of the draft draft amended GFCM Rules of Procedure).

- **Impossibility to reach a decision**

If the Commission is equally divided when a vote is taken on a question other than an election, a second and third vote may be taken at the current session. If the Commission remains equally divided, the proposal shall not be considered further at the current session (Rule IX.7 of the draft amended GFCM Rules of Procedure).

Appendix I**Table on majorities required for decision-making by the Commission within the framework of the draft amended GFCM Agreement and draft amended GFCM Rules of Procedure**

Draft amended GFCM Agreement and draft RoP	Decision of the Commission	Majority required (subject to the quorum) ³
Article 6.2	<i>Decisions of the Commission</i>	<u>Except as otherwise provided by the Agreement</u> all decisions by the Commission shall be taken by <u>majority of the votes cast</u> (e.g. if 21 affirmative or negative votes are cast, 12 votes will be necessary for decision)
Article 7.1	<i>Election of the Chairperson and two Vice-Chairpersons</i>	<u>By a two-thirds majority</u> ⁴ (e.g. if 21 affirmative or negative votes are cast, 14 votes will be necessary for decision)
Article 8.1 (j) (EU proposal, Article 8.2(a))	<i>Adoption and amendment of the Rules of Procedure, the Financial Regulations and such other internal administrative regulations as necessary</i>	<u>By a two-thirds majority of its membership</u> ⁵ (e.g. 16 votes will be necessary for decision)
Article 10.1 and Annex I to the draft amended RoP	<i>Appointment of the Executive Secretary</i>	<u>More than half of the votes cast</u> (if 21 affirmative or negative votes are cast, 12 votes will be necessary for decision)
Article 11.2	<i>Adoption by the Commission of the annual budget</i>	In principle, <u>by consensus</u> . <u>If no consensus is reached, by a two-thirds majority of Contracting Parties</u> ⁶ (e.g. 16 votes will be necessary for decision)
Article 13.1	<i>Adoption of the recommendations referred to in Article 8 (b)</i>	<u>By a two-thirds majority of the Contracting Parties of the Commission present and voting</u> ⁷ (e.g. if 21 affirmative or negative votes are cast, 14 votes will be necessary for decision)
Article 22.1	<i>Amendment of the Agreement by the Commission</i>	<u>By a two-thirds majority of all the Contracting Parties</u> ⁸ (e.g. 16 votes will be necessary for decision)
Article 23.2	<i>Admission of new Members</i>	<u>By a two-thirds majority of its Membership</u> ⁹ (e.g. 16 votes will be necessary for decision)
Rule XXI.1 of the draft Rules of Procedures	<i>Suspension of the Rules of Procedure</i>	<u>By majority of the votes cast</u> (if 21 affirmative or negative votes are cast, 14 votes will be necessary for decision)

³ See paragraph 5 of this document.⁴ Whenever the GFCM Agreement and the GFCM Rules of Procedure refer to decisions taken by *two-thirds majority* without further specification, the majority required has to be considered of two-thirds majority of the votes cast, in line with Rule XII.3(c) of the General Rules of the Organization.⁵ As of March 2014, 24 States and the European Union are Members of the Commission.⁶ See *supra* note 4.⁷ See *supra* note 4.⁸ See *supra* note 4.⁹ See *supra* note 4.

Appendix II**Table on majorities required for decision-making by the Commission within the framework of the GFCM Agreement and Rules of Procedure currently in force**

GFCM Agreement and Rules of Procedure	Decision of the Commission	Majority required (subject to the quorum) ¹⁰
Article II.2	<i>Decisions of the Commission</i>	<u>Except as otherwise provided by the Agreement</u> all decisions by the Commission shall be taken <u>by majority of the votes cast</u> (e.g. if 21 affirmative or negative votes are cast, 12 votes will be necessary for decision)
Article II.12	<i>Adoption and amendment of the Rules of Procedure, the Financial Regulations and such other internal administrative regulations as necessary</i>	<u>By a two-thirds majority of its membership</u> (e.g. 16 votes will be necessary for decision)
Article V.2 and Annex I to the draft amended RoP	<i>Appointment of the Executive Secretary</i>	<u>More than half of the votes cast</u> (if 21 affirmative or negative votes are cast, 12 votes will be necessary for decision)
Article IX.2	<i>Adoption by the Commission of the annual budget</i>	In principle, <u>by consensus</u> . If no consensus is reached, <u>by a two-thirds majority of its Members</u> (e.g. 16 votes will be necessary for decision)
Article V.1	<i>Adoption of the Recommendations on Management Measures</i>	By a two-thirds majority of Members of the Commission present and voting (e.g. if 21 affirmative or negative votes are cast, 14 votes will be necessary for decision)
Article XII.1	<i>Amendment of the Agreement by the Commission</i>	<u>By a two-thirds majority of all the Members of the Commission</u> (e.g. 16 votes will be necessary for decision)
Article XIII.2	<i>Admission of new Members</i>	<u>By a two-thirds majority of its membership</u> (e.g. 16 votes will be necessary for decision)
Rule XV.1 of the Rules of Procedure	<i>Suspension of the Rules of Procedure</i>	By majority of the votes cast (e.g. if 21 affirmative or negative votes are cast, 14 votes will be necessary for decision)

¹⁰ See paragraph 5 of this document.