

Proposed list of Observers to be invited to the SIOFA SAWG01

1. The following States/organisations are able to participate as observers to the Meeting of the Parties and its subsidiary bodies in accordance with article 14 of the Agreement and Rule 18 of the Rules of Procedure (both copied below).
 - Coastal States with waters under national jurisdiction adjacent to the Area who are not Contracting Parties:
 - Comoros
 - Kenya
 - Madagascar
 - Mozambique
 - South Africa
 - Tanzania
 - the Food and Agriculture Organization of the United Nations and other relevant United Nations bodies;
 - the South West Indian Ocean Fisheries Commission;
 - regional fisheries management organisations with competence over high seas waters adjacent to or overlapping the Agreement Area;
 - CCAMLR
 - IOTC
 - CCSBT
 - SEAFO
 - SPRFMO
 - CNCPs, cooperating non-participating fishing entities and non-Contracting Parties to SIOFA.
 - New Zealand is a non-contracting Party to SIOFA
 - China is a non-contracting Party to SIOFA
 - There are no CNCPs or cooperating non-participating fishing entities
2. The following non-governmental organisations with established observer status
 - Deep Sea Conservation Coalition
 - International Union for Conservation of Nature

- SIODFA

3. Chinese Taipei, following acceptance at MoP4, also has established observer status.

Article 14 **Transparency**

1. The Contracting Parties shall promote transparency in decision making processes and other activities carried out under this Agreement.

2. Coastal States with waters under national jurisdiction adjacent to the Area that are not Contracting Parties to this Agreement shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

3. Non-Contracting Parties to this Agreement shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

4. Intergovernmental organizations concerned with matters relevant to the implementation of this Agreement, in particular the Food and Agriculture Organization of the United Nations, the South West Indian Ocean Fisheries Commission, and regional fisheries management organizations with competence over high seas waters adjacent to the Area, shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

5. Representatives from non-governmental organizations concerned with matters relevant to the implementation of this Agreement shall be afforded the opportunity to participate in the Meeting of the Parties and meetings of its subsidiary bodies as observers or otherwise as determined by the Meeting of the Parties. The Rules of Procedure of the Meeting of the Parties and its subsidiary bodies shall provide for such participation. The procedures shall not be unduly restrictive in this respect.

6. Observers shall be given timely access to pertinent information subject to the Rules of Procedure, including those concerning confidentiality requirements, which the Meeting of the Parties may adopt.

Rule 18 – Observers

1. In accordance with Article 14 of the Agreement and these Rules of Procedure, the following may participate as observers to Meetings of the Parties and its subsidiary bodies:

- Coastal States with waters under national jurisdiction adjacent to the Area who are not Contracting Parties;
- cooperating non-Contracting Parties, cooperating non-participating fishing entities and non-Contracting Parties;

- the Food and Agriculture Organization of the United Nations and other relevant United Nations bodies;
 - the South West Indian Ocean Fisheries Commission;
 - regional fisheries management organisations with competence over high seas waters adjacent to or overlapping the Agreement Area; and
 - other intergovernmental organisations and regional economic integration organisations concerned with matters relevant to the implementation of this Agreement.
2. A non-governmental organisation concerned with matters relevant to the implementation of this Agreement who wishes to participate as an observer shall notify the Executive Secretary at least 60 days in advance of the meeting, together with an explanation of its interest in the work of the Meeting of the Parties. The Executive Secretary shall promptly notify Official Contacts of the request. Any such non-governmental organisation shall be invited to participate as an observer unless a simple majority of the Meeting of the Parties objects to the request by notifying the Executive Secretary in writing at least 20 days before the opening of the meeting. Observer status shall remain in effect for future meetings unless the Meeting of the Parties decides otherwise. The Meeting of the Parties may review and reconsider whether an observer retains its status.
 3. Observers may participate in the deliberations of the ordinary and extraordinary Meetings of the Parties and its subsidiary bodies at the discretion of the Meeting of the Parties but shall not be entitled to participate in the taking of decisions.
 4. Observers may submit relevant documents to the Executive Secretary for distribution to the Meeting of the Parties or its subsidiary bodies as information papers at the discretion of the Meeting of the Parties and shall be given timely access to all documents subject to any Rules relating to the confidentiality of certain data and commercially sensitive information that the Meeting of the Parties may decide.