



9th Meeting of the Parties (MoP9)

Reunion Island, 4–8 July 2022

MOP-09-INFO-05

Report on the intersessional decisions

SIOFA Secretariat

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Abstract	
In accordance with Rule 13 of SIOFA's Rules of Procedure, the Executive Secretary shall include an agenda item at the following Meeting of the Parties on all decisions taken intersessionally.	

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Introduction

Since the conclusion of the 8th Meeting of the Parties, there have been five intersessional decisions. These have been transmitted to all Official Contacts through Circulars, which are available on the SIOFA website, with restricted access. All Circulars may be accessed by using the following link (<http://apsoi.org/internal-communication>).

Summary of Outcomes of Intersessional Decisions from MoP8-MoP9

ID No.	Subject	Status	No. CCPs in favour	No. CCPs against	No. abstentions	Outcome
2021-V	Adoption of MoP8 report	Substantive	9	0	2	Passed
2021-VI	Terms of Reference for the conduct of an independent of SIOFA's data security systems and protocols in relation to the databases	Substantive	-	-	-	Cancelled
2021-VII	The extension of the derogation for CMM 2020/01, para 39 (a)	Substantive	9	0	2	Passed
2021-VIII	Response to ABNJ Deep-Sea-Fisheries (DSF) project on Co-financing Letter	Substantive	9	0	2	Passed
2022-I	The extension of the derogation for CMM 2020/01, para 39 (a)	Substantive	10	0	1	Passed
2022-II	Request for clarification on the provision of financial support to meeting participants for CC6 and MoP9	Substantive	11	0	0	Passed

1. Intersessional Decision 2021-V: Adoption of the Report of the 8th Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement

On the 13th of July 2021, the Secretariat transmitted the MoP8 report with its annexes on behalf of the previous Chairperson of the MoP, requesting an intersessional decision to officially adopt the report of the MOP8.

On the 23rd of July 2021, having received minor editorial comments, an updated version was re-circulated following a request from the previous Chair. No disagreements were made regarding the minor edits.

Outcome of Intersessional Decision 2021-V

By the 26th of July 2021, nine delegations responded, each in favour of adopting the report, a consensus on this substantive decision.

On the 26th of July 2021 (13:00 UTC) the Intersessional Decision 2021-V was passed, and the report of the 8th Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement was formally adopted (Circular 2021-24).

Outcome of Intersessional Decision 2021-V

Intersessional Decision No.	2021-V
Status	Substantive
No. responses in favour	9
No. responses against	0
Abstentions	2
Outcome of Intersessional Decision	Passed

2. Intersessional Decision 2021-VI: Intersessional Decision on the Terms of Reference for the conduct of an independent of SIOFA's data security systems and protocols in relation to the databases

On the 6th of August 2021, the Secretariat transmitted a request from the MoP Chairperson (ref. Circular 2021-26), to initiate an intersessional decision (Intersessional Decision 2021-VI) regarding the Terms of Reference for the conduct of an independent audit of SIOFA's security systems and protocols in relation to the databases.

Outcome of Intersessional Decision 2021-VI

On the 17th of August 2021, the Chairperson of the MoP issued a Circular (ref. 2021-31) cancelling Intersessional Decision 2021-VI. The intersessional decision was cancelled following clarification that the project SEC2021-05 on data access, dissemination and presentation, and the project SEC2021-06 on Secretariat data security audit: physical security, are both budgeted by the MoP and are separate from the project "Strengthening data collection, database/SIOFA systems, and coding and data processes", budgeted by the EU grant.

Intersessional Decision No.	2021-VI
Status	Substantive
No. responses in favour	-
No. responses against	-
Abstentions	-
Outcome of Intersessional Decision	Cancelled

3. Intersessional Decision 2021-VII: Intersessional Decision on the extension of the derogation for CMM 2020/01, para 39 (a)

On the 29th of October 2021, the Executive Secretary circulated a request on behalf of the Chairperson of the MoP requesting an intersessional decision on the extension of the derogation for CMM 2020/01, para 39 (a) (ref. Circular 2021-34).

On the 29th of October 2021, in accordance with Intersessional Decision 2021-IV, the Cook Islands submitted the following proposal:

“The current suspension of the 100% observer coverage requirement for trawl vessels expires on 15 December 2021. On behalf of the delegations of the Cook Islands and Japan, I am requesting to initiate an intersessional decision to extend this exemption, on the same terms, to 31 March 2022. As is the case for so many countries and RFMOs, we are still facing logistical challenges with the placement of observers. While the situation is improving, we are still not in a position to guarantee a safe and effective placement. We remain committed to placing observers where we can and remain highly supportive of getting observers back to work as much as possible.”

Considering the request, the MoP Chairperson suggested adopting an intersessional decision as follows:

“The CMM 2020-01, Paragraph 39(a) will be suspended for the Cook Islands and Japan under conditions specified below that takes effect from 1 January 2022. The Cook Islands and Japan may, when COVID19-related restrictions do not allow them to ensure the safe deployment of observers, authorise any vessel flying their flag to fish with trawl methods in the Agreement Area without an observer onboard for any trips that leave port between 1 January 2022-31 March 2022 for the full duration of that vessel's trip (i.e. if a vessel leaves port between 1 January 2022-31 March 2022, it is not required to carry an observer even if the trip concludes after 31 March).

However, the use of alternate means for collecting all or part of the data specified in CMM 2021/02 are encouraged given this data is essential for the work of the Scientific Committee.

Notwithstanding the provision above, when during a fishing trip that started during the derogation period without an observer onboard, the fishing vessel concerned makes a call to a port (e.g., for crew rotation, victualing, etc.) after the end of the derogation period, all efforts should be made to deploy an observer for the rest of the fishing trip, if safety conditions are met and safe travelling is possible.

During the derogation period, the Cook Islands and Japan are encouraged to inform SIOFA Secretariat in case the evolution of the situation and COVID19-related restrictions allow

meeting the conditions required for the safe deployment of observers on their respective fishing vessels. The Cook Islands and Japan will submit information to the next ordinary meeting of the Compliance Committee relating to their actions during the suspension period, including any observation achieved. CCPs seeking an extension of the derogation concerning the implementation of paragraph 39(a) of CMM 2020/01 beyond 31 March 2022, should submit their proposals for a new intersessional decision by 25 February 2022”.

Outcome of Intersessional Decision 2021-VII

On the 1st of December 2021, The Executive Secretary transmitted the outcome of the Intersessional Decision 2021-VII (ref. Circular 2021-40). As the intersessional decision was a substantive matter, a decision by consensus was required. Ten positive responses were received, and one abstention. As a result, the intersessional decision was passed and adopted.

Intersessional Decision No.	2021-VII
Status	Substantive
No. responses in favour	9
No. responses against	0
Abstentions	2
Outcome of Intersessional Decision	Passed

4. Intersessional Decision 2021-VIII: Intersessional Decision relating to the response to ABNJ Deep-Sea-Fisheries (DSF) project on Co-financing Letter

On the 6th of December 2021, the Secretariat transmitted a letter on behalf of the Chairperson of the MoP initiating an intersessional decision to respond to ABNJ Deep-Sea-Fisheries (DSF) project on co-financing letter (ref. Circular 2021-41), which suggested the adoption of the following intersessional debate:

"The Meeting of the Parties of the SIOFA (Southern Indian Ocean Fisheries Agreement) reaffirm its support to the Project on the Sustainable management of deep-sea fisheries and biodiversity conservation in the areas beyond national jurisdiction under the GEF-7 under the framework of an FAOIGEF Common Oceans Areas beyond National Jurisdiction (ABNJ) Program.

Issues relating to resource assessment, by-catch, ecosystem approaches to fisheries and combating IUU fishing are issues that SIOFA, like all RFMOs involved in the project, must address.

In accordance with the Co-financing letter attached in annex 3, SIOFA will contribute on this project by an in-kind contribution of 1. 000 000 USD and agree to require to the Secretariat to send the co-financing letter which does not create any legally binding obligations on SIOFA.

SIOFA remains free to define its own objectives, set its priorities and use its funding as it sees fit."

Outcome of Intersessional Decision 2021-VIII

On the 13th of January 2021, the Secretariat transmitted the outcome of the intersessional decision (ref. Circular 2022-01). Nine positive responses were received, with two abstentions. Consequently, the intersessional decision was passed.

Intersessional Decision No.	2021-VIII
Status	Substantive
No. responses in favour	9
No. responses against	0
Abstentions	2
Outcome of Intersessional Decision	Passed

5. Intersessional Decision 2022-I: Intersessional Decision on the extension of the derogation for CMM 2020/01, para 39 (a)

On the 28th of February 2022, the Executive Secretary circulated a letter on behalf of the Chairperson of the MoP requesting an intersessional decision on the extension of derogation from CMM 2020/01, para 39 (a) (ref. Circular 2022-06).

In accordance with Intersessional Decision 2021-VII, Cook Islands requested to initiate another intersessional decision to extend the derogation concerning the implementation of para 39 (a) of CMM 2020/01 on the same terms, until 30th June 2022 for both Cook Islands and Japan.

The Chair of the MoP suggested adopting the following Intersessional Decision:

“The CMM 2020-01, Paragraph 39(a) will be suspended for the Cook Islands and Japan under conditions specified below that takes effect from 1 April 2022. The Cook Islands and Japan may, when COVID19-related restrictions do not allow them to ensure the safe deployment of observers, authorise any vessel flying their flag to fish with trawl methods in the Agreement Area without an observer onboard for any trips that leave port between 1 April 2022 – 30 June 2022 for the full duration of that vessel's trip (i.e. if a vessel leaves port between 1 April 2022 – 30 June 2022, it is not required to carry an observer even if the trip concludes after 30 June 2022).

However, the use of alternate means for collecting all or part of the data specified in CMM 2021/02 are encouraged given this data is essential for the work of the Scientific Committee. Notwithstanding the provision above, when during a fishing trip that started during the derogation period without an observer onboard, the fishing vessel concerned makes a call to a port (e.g., for crew rotation, victualing, etc.) after the end of the derogation period, all efforts should be made to deploy an observer for the rest of the fishing trip, if safety conditions are met and safe travelling is possible. During the derogation period, the Cook Islands and Japan are encouraged to inform SIOFA Secretariat in case the evolution of the situation and COVID19-related restrictions allow meeting the conditions required for the safe deployment of observers on their respective fishing vessels.

Cook Islands and Japan will submit information to the next ordinary meeting of the Compliance Committee relating to their actions during the suspension period, including any observation achieved. CCPs seeking an extension of the derogation concerning the implementation of paragraph 39(a) of CMM 2020/01 beyond 30 June 2022, should submit their proposals for a new intersessional decision by 25 May 2022”

Outcome of Intersessional Decision 2022-I

On the 29th of March 2022, the outcome of the intersessional decision was circulated by the Executive Secretary (ref. Circular 2022-11). Ten positive responses were received, with one abstention. As a substantive matter, the responses received met the consensus requirement, and Intersessional Decision 2022-I was passed.

Intersessional Decision No.	2022-I
Status	Substantive
No. responses in favour	10
No. responses against	0
Abstentions	1
Outcome of Intersessional Decision	Passed

6. Intersessional Decision 2022-II: Intersessional Decision requesting clarification on the provision of financial support to meeting participants for the 6th Compliance Committee and 9th Meeting of the Parties

On the 10th of May, the Secretariat circulated a letter on behalf of the Chairperson of the MoP requesting an intersessional decision to provide clarification on the use of Item 4.4 and Item 6.1 of the SIOFA Budget.

The Chair of the MoP suggested adopting the following intersessional decisions:

1. (i) “Travel and accommodation for the Chairpersons of the Compliance Committee and the Chairperson of the Meeting of the Parties should be provided by the Secretariat under budget line 4.4 of SIOFA’s 2022 budget (ii) The Secretariat will provide a Daily Subsistence Allowance (DSA) for the two Chairpersons from the 29th of June to the 8th of July. The DSA will be calculated in line with UN standards.
2. In line with Article 13 of the SIOFA Agreement, a reimbursement of the cost of flights, limited to two people per State, will be provided by the Secretariat upon receipt of the travel invoice. Following confirmation of flight purchase, the Secretariat will then book and pay for accommodation under Budget line 6.1 of SIOFA’s 2022 budget.”

As the intersessional decision concerns the budget, it was deemed a substantive matter.

Outcome of Intersessional Decision

On the 31st of May 2022, the outcome of Intersessional Decision 2022-II was circulated by the Executive Secretary (ref. Circular 2022-26).

Eleven delegations responded in favour of Intersessional Decision 2022-II 1(i) and 1(ii). As such, financial support shall be provided to the Chairpersons of the Compliance Committee and of the Meeting of the Parties. This shall include flights, accommodation, and a Daily Subsistence Allowance. This shall be financed under Budget line 4.4 of the 2022 SIOFA Budget.

Eleven delegations responded in favour of Intersessional Decision 2022-II 2. However, it was agreed that priority is given to Comoros (as a Co-operating, Non-Contracting Party). As such, flights and accommodation shall be provided for two participants from Comoros. If sufficient funds remain, these will be used to support the participation of Somalia. This shall be financed under Budget line 6.1.

Intersessional Decision No.	2022-II
Status	Substantive
No. responses in favour	11
No. responses against	0
Abstentions	0
Outcome of Intersessional Decision	Passed