

MoP-07-19

7th Meeting of the Parties of the South Indian Ocean Fisheries Agreement
(MoP7)
17-20 November 2020 (online)

Proposal to stabilise the approach for selecting a Chairperson of the Meeting of the Parties – Amendments to the Rules of Procedure

Relates to agenda item: 14.1

Working paper Info paper

Chairperson of the Meeting of the Parties

Abstract

This paper proposes amendments to Rule 5 of the SIOFA Rules of Procedure to stabilise the chairing arrangements for the Meeting of the Parties. The proposal has been developed based on constructive intersessional discussions. Ultimately, it proposes an annual, rotational system in reverse alphabetical order, and includes a potential option for trading places within that system. The proposal does not seek to change the balance of rights already enshrined in the Rules of Procedure; rather it seeks to change a process. A tracked changed version of the proposed amendments are also presented as attachments to this paper.

Recommendations *(working papers only)*

1. The Meeting of the Parties is invited to adopt the proposed amendments to Rule 5 of the Rules of Procedure
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Proposal to stabilise the approach for selecting a Chairperson of the Meeting of the Parties – Amendments to the Rules of Procedure

The Chairperson of the Meeting of the Parties is an important role. The Chairperson facilitates the work of the Meeting of the Parties and assists it to meet the objectives of the Southern Indian Ocean Fisheries Agreement. However, in recent year it has been difficult for SIOFA to confirm a chairperson. This is a common problem in small organisations.

To address this, the Meeting of the Parties have held informal consultations since June 2020, including through a working group, to determine the best way to address this issue. Discussions have been constructive with a clear focus on finding a solution to this issue. Initially, five options were canvassed. Through the feedback process, it was clear that two options received the broadest support: a compulsory, annual, rotational system (with review period); and a variation on this option that permitted Contracting Parties to bilaterally agree to swap places in the rotational system.

Support between these two options was relatively even. Accordingly, I have not chosen between the two, but rather presented both here to enable discussions and resolution within the MOP. This proposal is made with full appreciation for the challenges of sourcing suitable chairs from within small delegations to SIOFA (which is the case across the board). However, I remain optimistic that we can work in good faith together, despite the limitations for a virtual meeting platform, to ensure we have stability and certainty moving forward.

If the new process is accepted, the rotational order would be:

Year	Chairperson	Vice Chairperson
Conclusion of MOP 7 (2020) to Conclusion of MOP 8 (2021)	Thailand	Seychelles
Conclusion of MOP 8 (2021) to Conclusion of MOP 9 (2022)	Seychelles	Mauritius
Conclusion of MOP 9 (2022) to Conclusion of MOP 10 (2023)	Mauritius	Korea
Conclusion of MOP 10 (2023) to Conclusion of MOP 11 (2024)	Korea	Japan
Conclusion of MOP 11 (2024) to Conclusion of MOP 12 (2025)	Japan	France (Territories)
Conclusion of MOP 12 (2025) to Conclusion of MOP 13 (2026)	France (Territories)	EU
Conclusion of MOP 13 (2026) to Conclusion of MOP 14 (2027)	EU	Cook Islands

Conclusion of MOP 14 (2027) to Conclusion of MOP 15 (2028)	Cook Islands	China
Conclusion of MOP 15 (2028) to Conclusion of MOP 16 (2029)	China	Australia
Conclusion of MOP 16 (2029) to Conclusion of MOP 17 (2030)	Australia	Thailand

The text proposal is provided below, along with a tracked changed version of the proposal presented as an attachment.

The SIOFA budget currently includes financial assistance for developing States, including developing State Chairs, but this could be expanded to provide assistance for the MOP Chair to travel irrespective of which Contracting Party has nominated them.

Scientific Committee Chair

I have also given consideration to whether the ROP should be amended to reflect the new trial approach of an independent Scientific Committee Chair. As this approach is only a trial at this stage until MOP 8 (2021), I propose that it is premature to amend the Rules of Procedure. The intersessional decision taken in 2020 to trial an independent SC Chair includes reflects a decision to take certain actions at variance with the Rules of Procedure. Given the Meeting of the Parties will decide at its 8th ordinary meeting whether to continue with an independent SC Chairperson, the Meeting of the Parties should also review at that time whether further changes are required to the Rules of Procedure. I note that if the MOP decides to permanently use an independent SC Chair, then it would be necessary to modify the Rules of Procedure.

Proposal to amend Rule 5 of the ROP

Part III – Chairperson and Vice-Chairperson

Rule 5 – Elections

[New para 1] From the conclusion of the seventh Meeting of the Parties, candidates for the office of the Chairperson shall in succession be proposed by the Contracting Parties in the reverse order of their names arranged alphabetically in the English language, commencing with Thailand. From the conclusion of the seventh Meeting of the Parties, candidates for the office of the Vice-Chairperson shall in succession be proposed by the Contracting Parties in the reverse order of their names arranged alphabetically in the English language, commencing with Seychelles. The taking of offices of the Chairperson and Vice-Chairperson by the proposed candidates shall be subject to the confirmation of the Meeting of the Parties. The term of the Chairperson and Vice-Chairperson shall be one year. The Chairperson and Vice-Chairperson shall be from different Contracting Parties.

[new para 1bis] [Notwithstanding paragraph 1, Contracting Parties may, by bilateral agreement, trade places in the rotational system provided the Chairperson and Vice-Chairperson are from different Contracting Parties in any given year. Such agreement shall be notified to the Meeting of the Parties in writing prior to the confirmation of the candidate by the Meeting of the Parties, and

prior to the start of that Contracting Party's term in the rotation. It shall not be possible to trade places during a term that has already commenced.]

Revised and renumbered subsequent paras:

2. ~~1. Subsidiary bodies of T~~the Meeting of the Parties shall elect ~~a their~~ Chairperson and Vice-Chairperson ~~of the Meeting of the Parties~~ from among the representatives, alternate representatives and advisers of the Contracting Parties, each of whom shall serve for a maximum of two years and shall be eligible for re-election for one additional term of two years. The Chairperson and Vice-Chairperson shall be from different Contracting Parties.
3. ~~2.~~ The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they are elected, ~~with the exception of the first ordinary Meeting of the Parties where they will take office immediately upon their election.~~
4. ~~3.~~ While holding ~~that~~ office, a ~~person who is elected as~~ Chairperson, ~~despite even when~~ remaining designated as the representative of a Contracting Party, shall not perform the duties of a representative, alternate representative, expert or adviser of a Contracting Party.
5. ~~4.~~ Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson at a meeting, the Vice-Chairperson will not act as representative, alternate representative, expert or adviser of a Contracting Party.
6. ~~5.~~ In the event that the office of Chairperson ~~of the Meeting of the Parties~~ falls vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the ~~conclusion of the next ordinary meeting. At the conclusion of the meeting, the Vice-Chairperson acting as Chairperson shall take office as Chairperson for a term of one year, and a new Vice-Chairperson shall assume that office for a term of one year, in accordance with the annual rotation process set out in paragraph 1 of this rule. Meeting of the Parties on which occasion a new Chairperson shall be elected.~~
7. ~~In the event that the office of Chairperson of a subsidiary body falls vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the next ordinary meeting of that body, on which occasion a new Chairperson shall be elected.~~
8. ~~The Meeting of the Parties shall review the process in 2026 and again once each Contracting Party has assumed the role of Chairperson at least once.~~

Rule 21(3): Except as otherwise provided in the Agreement ~~or specific provision made in these Rules of Procedure~~, these Rules of Procedure apply, mutatis mutandis, to the proceedings of subsidiary bodies.

Annex A

Rules of Procedure of Meetings of the Parties

Part I - Meetings

Rule 1 – Ordinary Meetings

1. Pursuant to Article 5 of the Southern Indian Ocean Fisheries Agreement (the Agreement), ordinary meetings shall be convened annually, unless the Meeting of the Parties otherwise decides, in order to consider matters relating to the implementation of the Agreement and to make decisions relevant thereto.
2. Every second ordinary Meeting of the Parties will be held in Mauritius. Other ordinary Meetings of the Parties shall normally be hosted by one of the Contracting Parties to the Agreement or as otherwise agreed. If no Contracting Party offers to host the Meeting of the Parties, it will be hosted at the Headquarters of the Secretariat.

Rule 2 – Extraordinary Meetings

1. In exceptional circumstances, extraordinary Meetings of the Parties may be held in accordance with this Rule.
2. Any Contracting Party or participating fishing entity or the Executive Secretary supported by any Contracting Party or participating fishing entity may request the Chairperson of the Meeting of the Parties to convene an extraordinary Meeting of the Parties. The request shall include a draft provisional agenda setting out the items proposed to be considered in the extraordinary Meeting of the Parties. The Executive Secretary shall immediately inform the Official Contacts of the request.
3. If two other Contracting Parties, or one Contracting Party and one participating fishing entity, support the request and after consulting the Executive Secretary, other Contracting Parties and participating fishing entities as may be feasible in the circumstances, the Chairperson shall determine the date and venue of the extraordinary Meeting of the Parties. To the extent practicable and unless the Meeting of the Parties agrees otherwise, a Contracting Party calling for or supporting the Executive Secretary's request for an extraordinary Meeting of the Parties shall offer to host that meeting.
4. The Executive Secretary shall notify the Official Contacts and observers referred to in Rule 18 of the date and venue and transmit at the same time, a provisional agenda for the extraordinary Meeting of the Parties as early as possible but not less than 30 days before the opening of the meeting. The provisional agenda for an extraordinary Meeting of the Parties shall include only those items proposed for consideration in the request for holding the extraordinary Meeting of the Parties.
5. Each Contracting Party or participating fishing entity shall submit any proposals to the Executive Secretary to be circulated for discussion at the extraordinary Meeting of the Parties 14 days before the meeting.

Part II - Representation and Official Contacts

Rule 3 – Representation

1. Each Contracting Party and participating fishing entity shall be represented at Meetings of the Parties by one designated representative who may be accompanied by alternate representatives, experts and advisers.
2. Observers referred to in Rule 18 may be represented by one designated representative who may be accompanied by alternate representatives, experts and advisers.
3. The names, positions and roles of representatives, alternate representatives, experts and advisers shall be submitted to the Executive Secretary in advance of any meeting.

Rule 4 – Official Contacts

1. Each Contracting Party shall, as soon as possible after the adoption of these Rules of Procedure, notify the Executive Secretary of at least two Official Contacts who shall, for the purposes of official communications about matters relating to the implementation of the Agreement, including all notifications, invitations and communications made pursuant to these Rules of Procedure, be the official points of contact for that Contracting Party.
2. As soon as possible after a fishing entity becomes a participating fishing entity, it shall notify the Executive Secretary of one or more Official Contacts who shall, for the purposes outlined in Rule 4(1), be the official points of contact for that participating fishing entity.
3. Contracting Parties and participating fishing entities shall, as soon as possible after their Official Contacts change, inform the Executive Secretary of these changes.
4. Any notifications, initiations and communications made pursuant to these Rules of Procedure or the Agreement are to be sent to nominated Official Contacts.

Part III - Chairperson and Vice-Chairperson

Rule 5 – Elections

1. From the conclusion of the seventh Meeting of the Parties, candidates for the office of the Chairperson shall in succession be proposed by the Contracting Parties in the reverse order of their names arranged alphabetically in the English language, commencing with Thailand. From the conclusion of the seventh Meeting of the Parties, candidates for the office of the Vice-Chairperson shall in succession be proposed by the Contracting Parties in the reverse order of their names arranged alphabetically in the English language, commencing with Seychelles. The taking of offices of the Chairperson and Vice-Chairperson by the proposed candidates shall be subject to the confirmation of the Meeting of the Parties. The term of the Chairperson and Vice-Chairperson shall be one year. The Chairperson and Vice-Chairperson shall be from different Contracting Parties.

[1bis] [Notwithstanding paragraph 1, Contracting Parties may, by bilateral agreement, trade places in the rotational system provided the Chairperson and Vice-Chairperson are from different Contracting Parties in any given year. Such agreement shall be notified to the Meeting of the Parties in writing prior to the confirmation of the candidate by the Meeting of the Parties, and prior to the start of that Contracting Party's term in the rotation. It shall not be possible to trade places during a term that has already commenced.]

~~4.2. Subsidiary bodies of~~ The Meeting of the Parties shall elect ~~a~~ their Chairperson and Vice-Chairperson ~~of the Meeting of the Parties~~ from among the representatives, alternate representatives and advisers of the Contracting Parties, each of whom shall serve for a maximum of two years and shall be eligible for re-election for one additional term of two years. The Chairperson and Vice-Chairperson shall be from different Contracting Parties.

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~~2.3. The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they are elected, with the exception of the first ordinary Meeting of the Parties where they will take office immediately upon their election.~~

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~~3.4. While holding that office, a person who is elected as Chairperson even when despite remaining designated as the representative of a Contracting Party, shall not perform the duties of a representative, alternate representative, expert or adviser of a Contracting Party.~~

4.5. Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson at a meeting, the Vice-Chairperson will not act as representative, alternate representative, expert or adviser of a Contracting Party.

6. In the event that the office of Chairperson of the Meeting of the Parties falls vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the conclusion of the next ordinary meeting. At the conclusion of the meeting, the Vice-Chairperson acting as Chairperson shall take office as Chairperson for a term of one year, and a new Vice-Chairperson shall assume that office for a term of one year, in accordance with the annual rotation process set out in paragraph 1 of this rule. Meeting of the Parties on which occasion a new Chairperson shall be elected.

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7. In the event that the office of Chairperson of a subsidiary body falls vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the next ordinary meeting of that body, on which occasion a new Chairperson shall be elected.

8. The Meeting of the Parties shall review the process in 2026 and again once each Contracting Party has assumed the role of Chairperson at least once.
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Rule 6 – Functions of the Chairperson

1. In addition to exercising the powers conferred upon him or her elsewhere in these Rules of Procedure, the Chairperson shall:
 - a) convene extraordinary Meetings of the Parties in accordance with Rule 2;
 - b) declare the opening and closing of each meeting;
 - c) preside at meetings;
 - d) ensure observance of these Rules of Procedure;
 - e) rule on points of order;
 - f) call for and announce the result of votes;
 - g) approve, after consultation with the Executive Secretary, the provisional agenda for a meeting called pursuant to Part I of these Rules of Procedure;
 - h) sign, on behalf of the Meeting of the Parties, a report of the proceedings of each meeting convened pursuant to Part I, for transmission to all Official Contacts and to any State, entity, inter-governmental or non-governmental organisation which has attended the meeting;

- i) make such decisions and give such directions to the Executive Secretary as will ensure that the business of implementing the Agreement is carried out effectively and in accordance with the decisions of the Meeting of the Parties; and
 - j) perform any other functions as may be assigned to him or her by the Meeting of the Parties.
2. The Chairperson, in the exercise of his or her functions, remains under the authority of the Meeting of the Parties.

3. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Part IV - Secretariat

Rule 7 – Arrangements for the carrying out of secretariat services

1. The Meeting of the Parties may establish a Secretariat consisting of an Executive Secretary and such staff appointed by him or her and under his or her supervision, on such terms as the Meeting of the Parties may determine in accordance with the Agreement, with due regard to principles of economy and efficiency. The Executive Secretary shall hold office for a period of four years from the date of appointment and shall be eligible for re-appointment by the Meeting of the Parties for one additional term. In the event the Executive Secretary is elected by vote, secret ballot shall be conducted unless otherwise decided by the Meeting of the Parties.
2. The Meeting of the Parties shall designate staff positions to be filled through appointments made by the Executive Secretary. The Meeting of the Parties shall fix the terms and conditions of employment for members of the Secretariat.
3. An interim Secretariat, as agreed by the Meeting of the Parties, shall act as Secretariat until the Secretariat or the first Executive Secretary is appointed.

Rule 8 – Secretariat's functions and duties

1. The Secretariat shall perform such functions and duties as are prescribed by the Meeting of the Parties including:
 - a) receiving and transmitting the official communications of the Meeting of the Parties;
 - b) facilitating the collection of data necessary to accomplish the objectives of the Agreement;
 - c) making all necessary arrangements for each ordinary and extraordinary Meeting of the Parties and any subsidiary bodies where required;
 - d) preparing administrative and other reports for the Meeting of the Parties, the Scientific Committee and any other subsidiary bodies established;
 - e) having the custody and proper preservation of the documents in the archives of the Meeting of the Parties;
 - f) administering and reporting to each ordinary Meeting of the Parties on financial and staffing resources; and
 - g) preparing a report on the Secretariat's activities for the ordinary Meeting of the Parties.

Rule 9 – Executive Secretary's functions and duties

1. The Executive Secretary shall assist the Meeting of the Parties and its subsidiary bodies in fulfilling their respective tasks.
2. The Executive Secretary shall:
 - a) have full power and authority over the Secretariat subject to the general supervision of the Meeting of the Parties and within the provisions of any staff regulations;
 - b) receive notifications of the designated representatives, alternate representatives, experts and advisers at meetings and report thereon to the Meeting of the Parties as required;
 - c) maintain a list of the Official Contacts;
 - d) perform all duties assigned to him or her in the Financial Regulations;
 - e) delegate to Secretariat staff any administrative duties as he or she may consider necessary for the effective implementation of his or her responsibilities in accordance with any staff regulations to be agreed by the Meeting of the Parties;
 - f) manage the collection and sharing of data and information in accordance with standards, rules and procedures determined by the Meeting of the Parties pursuant to Article 6(1)(f) of the Agreement;
 - g) keep the Meeting of the Parties informed of any issues or matters which may be of interest to them;
 - h) communicate with other relevant regional fisheries management organisations / arrangements; and
 - i) perform such other functions as may be assigned to him or her by the Meeting of the Parties.
3. While holding this position, an Executive Secretary shall not perform the duties of a representative, alternate representative, expert or adviser of a Contracting Party or a participating fishing entity.

Part V - Preparation for Meetings

Rule 10 – Preparation for Ordinary Meetings

1. The Executive Secretary shall issue invitations to all ordinary meetings to Contracting Parties and participating fishing entities and to observers referred to in Rule 18 no less than 60 days prior to an ordinary Meeting of the Parties;
2. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for an ordinary Meeting of the Parties. The provisional agenda shall be transmitted no less than 60 days prior to the meeting by the Executive Secretary to all Official Contacts and to observers referred to in Rule 18.

3. The provisional agenda of an ordinary Meeting of the Parties shall include:
 - a) items which have been requested by the Meeting of the Parties at an earlier meeting;
 - b) items proposed by a Contracting Party or participating fishing entity;
 - c) items associated with the budget of the Meeting of the Parties for the next financial year, the report on the accounts for the last financial year and the auditors' report;
 - d) recommendations of the Scientific Committee pursuant to Article 7(1) of the Agreement;
 - e) recommendations of any subsidiary bodies established by the Meeting of the Parties;
 - f) any other items which the Chairperson or the Executive Secretary considers are necessary to put before the Meeting of the Parties; and
 - g) consideration of the special requirements of developing States bordering the Area, in particular the least developed among them and small-island developing States, pursuant to Article 13 of the Agreement.
4. A Contracting Party, participating fishing entity, the Chairperson or Executive Secretary may, at least 50 days before the date fixed for the opening of an ordinary meeting, request the inclusion of supplementary items in the agenda. Such a request shall be accompanied by a written explanation of the proposed supplementary item. The Executive Secretary will circulate a revised provisional agenda to all Official Contacts and observers referred to in Rule 18 at least 40 days before the opening of the ordinary meeting.
5. Proposals to be discussed at an ordinary Meeting of the Parties shall be submitted to the Executive Secretary no less than 30 days before the date fixed for the opening of the meeting. The Executive Secretary shall make proposals and amendments available to Official Contacts as soon as possible after receipt but no later than 25 days before the beginning of the meeting.
6. Any other document to be discussed at an ordinary meeting shall be submitted to the Executive Secretary no less than 14 days before the date fixed for the opening of the meeting. The Executive Secretary shall make such documents available to Official Contacts as soon as possible after receipt but no later than 10 days before the start of the meeting.

Part VI - Conduct of Meetings

Rule 11 – Adoption of the Agenda

At the beginning of the meeting, the Meeting of the Parties shall adopt its agenda on the basis of the provisional agenda and any supplementary items. The Meeting of the Parties may decide to place additional items of an important or urgent character on the agenda at any time during the meeting.

Rule 12 – Procedures for taking decisions

1. Decisions of the Meeting of the Parties and its subsidiary bodies shall be taken in accordance with Article 8 of the Agreement except where the Agreement expressly provides otherwise.
2. Each Contracting Party and each participating fishing entity shall be entitled to one vote.
3. Two thirds of Contracting Parties and participating fishing entities, taken together, shall constitute a quorum. Whether a quorum has been reached is to be assessed at the time a decision is taken.
4. Decisions adopted by the Meeting of the Parties shall become binding on all Contracting Parties and participating fishing entities 90 days after the date the decision was transmitted by the Executive Secretary in accordance with Rule 16 unless otherwise decided by the Meeting of the Parties.

Votes shall be taken by show of hands unless a Contracting Party or participating fishing entity requests that the vote be taken by a roll call or secret ballot and this request is supported by at least one other Contracting Party or participating fishing entity.

Rule 13 - Intersessional decision making

1. The Meeting of the Parties may take decisions intersessionally by electronic means (e.g. email, secure website) or by other means of communication in accordance with this Rule.
2. The Chairperson may propose that the Meeting of the Parties take a decision intersessionally. Normally, the Meeting of the Parties shall only take intersessional decisions on matters of procedure. However, in exceptional circumstances, where an urgent decision is necessary, the Meeting of the Parties may take intersessional decisions on matters of substance.
3. When the Chairperson proposes that a decision is to be taken intersessionally, the Executive Secretary shall transmit the proposed decision including any explanatory notes electronically to Official Contacts.
4. Official Contacts shall promptly acknowledge receipt of any proposed decision by electronic means. If no acknowledgment is received within seven (7) calendar days of the date of transmittal, the Executive Secretary shall retransmit the proposed decision to the Official Contact who did not acknowledge receipt and shall use all reasonable additional means available to ensure that it has been received.
5. Contracting Parties and participating fishing entities shall have thirty (30) days to respond from the date of first transmittal, unless a different deadline is specified by the Executive Secretary.
6. If a Contracting Party or participating fishing entity requests additional time for consideration, all Contracting Parties and participating fishing entities shall be allowed a further fifteen (15) days from the expiration of the initial thirty (30) day period to respond.

No additional extensions of time shall be permitted. In the event of such an extension, the Executive Secretary shall inform all Official Contacts of the final date by which responses must be received.

7. If no reply is received from a Contracting Party or participating fishing entity within thirty (30) calendar days of the original transmittal, or by the extended deadline, that Contracting Party or participating fishing entity shall be recorded as having abstained.
8. A quorum is constituted by responses from two thirds of all Contracting Parties and participating fishing entities, taken together.
9. Consistent with article 8 of the Agreement, intersessional decisions adopted by the Meeting of the Parties on matters of substance shall be taken by consensus and intersessional decisions on other matters shall be taken by a simple majority.
10. At the end of the decision period, the Executive Secretary shall promptly inform Official Contacts of the outcome of the process. If any explanations of views are received, these shall also be transmitted to all Official Contacts. In accordance with Rule 12(4) of the Rules of Procedure, if the decision is adopted, it shall be binding ninety (90) calendar days after the date of transmittal, unless otherwise specified in the decision.
11. A proposal that has been rejected by intersessional decision shall not be reconsidered until the following Meeting of the Parties.
12. Where any decision is taken intersessionally, the Executive Secretary shall include an agenda item on decisions taken intersessionally at the following Meeting of the Parties.

Part VII - Suspension of Voting or Participation Rights

Rule 14 – Suspension of the exercise of voting or participation rights

1. A contributor to the budget of the Meeting of the Parties which is in arrears in the payment of its financial contributions to the Meeting of the Parties shall not participate in the taking of decisions by the Meeting of the Parties if, at the time of the meeting, the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Executive Secretary shall announce to the Meeting of the Parties a list of contributors to the budget of the Meeting of the Parties who do not have the right to vote prior to the commencement of the voting.
2. The Meeting of the Parties may, nevertheless, permit such a contributor to participate in the taking of decisions if it is satisfied that the failure to pay is due to conditions beyond the control of the contributor.

Part VIII - Reports of Meetings and Notifications

Rule 15 – Reports of Meetings

1. The Chairperson, with assistance from the Secretariat, shall present a draft report of each Meeting of the Parties to the Meeting of the Parties prior to the close of each meeting. The Meeting of the Parties will adopt the official report prior to the close of each meeting. The Executive Secretary shall circulate the official report to all Official Contacts within 7 working days of the close of the meeting.
2. Reports of the meetings of all subsidiary bodies of the Meeting of the Parties shall be circulated to Official Contacts by the Executive Secretary. All such subsidiary bodies will adopt an official report prior to the close of each meeting.

Rule 16 – Notification of Decisions

The Executive Secretary shall circulate the text of all decisions adopted by the Meeting of the Parties pursuant to Article 8 of the Agreement to all Official Contacts and observers referred to in Rule 18 within 7 working days following the adoption of such a decision.

Part IX - Cooperating Non-Contracting Parties

Rule 17 – Participation of cooperating non-Contracting Parties

1. Each year, the Executive Secretary shall invite all non-Contracting Parties who undertake fishing activities in the Agreement Area to cooperate with the Meeting of the Parties by acceding to the Agreement or, as the case requires, by applying to the Meeting of the Parties for the status of a cooperating non-Contracting Party.
2. Any State or regional economic integration organisation may apply to the Meeting of the Parties to be admitted in the capacity of a cooperating non-Contracting Party. Any applications for such admission should be received by the Executive Secretary at least 60 days before the ordinary Meeting of the Parties.
3. A fishing entity may apply to the Meeting of the Parties to be admitted in the capacity of a or cooperating non-participating fishing entity. Any applications for such admission should be received by the Executive Secretary at least 60 days before the ordinary Meeting of the Parties.
4. When submitting an application for admission in the capacity of a cooperating non-Contracting Party or cooperating non-participating fishing entity, the applicant will give a formal written statement to the Meeting of the Parties of its commitment to:
 - a) carry out the objectives of the Agreement;
 - b) abide by conservation and management measures and all other decisions and resolutions adopted in accordance with the Agreement;
 - c) take appropriate action to ensure that its fishing activities do not diminish the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Agreement; and

- d) consult with the Meeting of the Parties to develop any other criteria for its admission in the capacity of a cooperating non-Contracting Party or cooperating non-participating fishing entity specific to its situation.
5. At each ordinary meeting, the Meeting of the Parties may decide to set aside fishing opportunities for cooperating non-Contracting Parties or cooperating non-participating fishing entities in accordance with Article 17(4) of the Agreement.
6. The commitments in paragraphs 4(a) to (c) of this Rule, and any specific criteria determined by the Meeting of the Parties in consultations with the applicant in accordance with paragraph 4(d), will be circulated to Official Contacts as soon as practicable by the Executive Secretary. These commitments will be reviewed by the Meeting of the Parties at its next ordinary meeting. The cooperating non-Contracting Party or cooperating non-participating fishing entity will reaffirm those commitments at that meeting. The Meeting of the Parties will decide whether to admit the applicant as a cooperating non-Contracting Party or cooperating non-participating fishing entity at that meeting.
7. An applicant that is admitted by the Meeting of the Parties shall attend ordinary and extraordinary Meetings of the Parties as an observer. The Meeting of the Parties may decide to restrict the participation of a cooperating non-Contracting Party or cooperating non-participating fishing entity to a particular agenda item or items.
8. At each ordinary meeting, the Meeting of the Parties will determine whether any cooperating non-Contracting Parties and cooperating non-participating fishing entities qualify to retain their status. In the event that a compliance monitoring system is adopted by the Meeting of the Parties, cooperating non-Contracting Parties and cooperating non-participating fishing entities will be subject to the same performance assessment as Contracting Parties. Until such time as a compliance monitoring system is adopted, the Meeting of the Parties will evaluate the performance of the cooperating non-Contracting Party and cooperating non-participating fishing entity against the commitments referred to in Rule 17(4)(a)-(d).

Part X - Observers

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

- c) the Food and Agriculture Organization of the United Nations and other relevant United Nations bodies;
 - d) the South West Indian Ocean Fisheries Commission;
 - e) regional fisheries management organisations with competence over high seas waters adjacent to or overlapping the Agreement Area; and
 - f) 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.

Part XI - Participation by Fishing Entities

Rule 19 – Participation by fishing entities

A fishing entity which has expressed its commitment to be bound by the terms of the Agreement and decisions of the Meeting of the Parties by written instrument at Annex I of these Rules of Procedure will be a participating fishing entity 30 days from the receipt by the Chairperson of the Meeting of the Parties of that written instrument. In accordance with Article 15(2) of the Agreement, a participating fishing entity may then participate in the Meeting of the Parties and its subsidiary bodies and in decision making in accordance with these Rules of Procedure.

Part XII - Transparency

Rule 20 – Open and Closed meetings

1. Consistent with Article 14 of the Agreement, ordinary and extraordinary Meetings of the Parties and its subsidiary bodies shall be open to observers unless the Meeting of the Parties or the subsidiary body concerned decides that exceptional circumstances require that a meeting, or part thereof, be held in closed session.
2. Notwithstanding paragraph 1 of this Rule, meetings of any subsidiary body established to consider financial matters shall be restricted to budget contributors and discussions concerning the selection and appointment of the Executive Secretary shall ordinarily be conducted in a closed meeting.
3. The outcomes of a closed ordinary or extraordinary Meeting of the Parties or part thereof shall be announced at the next opportunity - either at the next open session or at the next open Meeting of the Parties as appropriate. At the end of a closed meeting of a subsidiary body, the Chairperson of the subsidiary body may issue a communiqué through the Executive Secretary outlining any recommendations made at that closed meeting.

Part XIII - Rules of Procedure of Subsidiary Bodies

Rule 21 – Subsidiary Bodies

1. The Meeting of the Parties may determine the composition and terms of reference of any subsidiary body it may establish.
2. Subject to the provisions of the Agreement, each subsidiary body of the Meeting of the Parties may formulate and submit for approval by the Meeting of the Parties such rules as may be necessary for the efficient conduct of its functions.
3. Except as otherwise provided in the Agreement [or specific provisions made in these Rules of Procedure,](#) these Rules of Procedure apply, mutatis mutandis, to the proceedings of subsidiary bodies.

Part XIII - Language

Rule 22 - Working Language

1. The Agreement is written in English and French; both texts being equally authentic.
2. English shall be the working language of the Meeting of the Parties and its subsidiary bodies, however, French may be used on the condition that an interpretation or translation is available. Each Contracting Party hosting a Meeting of the Parties may consider providing

translation or interpretation at that meeting as a courtesy.

3. Official texts of the Agreement, Rules of Procedure, Financial Regulations shall be produced in English and French. Any other document as the Meeting of the Parties may decide shall also be produced in English and French.

Part XIV - Amendment of the Rules of Procedure

Rule 23 – Method of amendment

These Rules of Procedure shall be amended by a decision of the Meeting of the Parties in accordance with Article 5(3) of the Agreement.

ANNEX I of the Rules of Procedure

INSTRUMENT FOR THE PARTICIPATION OF A FISHING ENTITY

Considering that the *Southern Indian Ocean Fisheries Agreement* (the 'Agreement') was signed in Rome on 29 December 2006, and entered into force on 21 June 2012;

Noting that Article 15 of the Agreement permits a fishing entity to deliver a written instrument to the Chairperson of the Meeting of the Parties expressing its firm commitment to be bound by the terms of the Agreement;

The Meeting of the Parties to the Agreement **HEREBY INVITES** [*name of fishing entity*], as a fishing entity, and [*name of fishing entity*] **HEREBY DECLARES**:

- (a) its firm commitment to be bound by the terms of the Agreement, and to participate in ordinary and extraordinary Meetings of the Parties and its subsidiary bodies, in accordance with the Agreement and the Rules of Procedure;
- (b) that all domestic legal requirements have been fulfilled to enable [*name of fishing entity*] to implement its obligations under the Agreement;

IN WITNESS WHEREOF, the undersigned, being duly authorised to that effect, have appended their signature hereto.

DONE at [*insert place*] this [*insert date*] day of [*insert month, year*]. The original text of this instrument shall be delivered to the Chairperson of the Meeting of the Parties and then provided to, and stored by, the Secretariat. The Chairperson will direct that a certified copy of this instrument be circulated to [*name of fishing entity*] and to all Contracting parties to the Agreement.

For [fishing entity]:

For the Chairperson of the Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement: