

MoP-07-39

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

RoP Rule 17 Amendment proposal

Relates to agenda item: 4

Working paper Info paper

SIOFA Compliance Committee and Meeting of the Parties Chairpersons

Abstract

Following the Compliance Committee's recommendation that CNCPs should be required to annually apply for CNCP Status, the Chairperson and CC Chairperson have prepared a draft amendment to Rule 17 of the ROP for the MOP's consideration.

Recommendations

The MoP to consider the amendments proposed on the rule 17 text.

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 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.

3.4. 3bis States and regional economic integration organizations referred to in sub-paragraph 2, and fishing entities referred to in subparagraph 3, must annually apply for the status of cooperating non-Contracting Party or cooperating non-participating fishing entity as the case requires.

4.5. When submitting an application for admission or renewal 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.

5.6. 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.

6.7. 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 each~~ meeting. The Meeting of the Parties will decide whether to admit or renew the applicant as a cooperating non-Contracting Party or cooperating non-participating fishing entity at that meeting.

~~7.8.~~ 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.

~~8.9.~~ 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, c~~Cooperating non-Contracting Parties and cooperating non-participating fishing entities will be subject to the ~~same~~ performance assessment ~~as Contracting Parties contained in the SIOFA Compliance Monitoring Scheme. 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).~~ [MOP Chair proposes to move this paragraph after paragraph 5]