



9th Meeting of the Parties (MoP9)

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MOP-09-23

Guidelines for the Administration of Article 13.4 of the Agreement

Delegation of the Cook Islands

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Abstract	
<p>To date, although early work was undertaken in 2016, the MoP has not adopted the guidelines referred to in Financial Regulation 7.9 to administer funds dedicated for the purposes outlined in Article 13.4 of the Agreement.</p> <p>An amendment to Regulation 3.4 and a new Annex I to the Financial Regulations is proposed below.</p>	

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² Documents available only to members invited to closed sessions as per SIOFA RoP 20.



Recommendations

- MoP to approve the proposed amendments to the Financial Regulations

[Draft] Guidelines for the administration of Article 13.4 of the Agreement

Introduction

Article 13.4(e) of the Agreement provides:

4. Cooperation with developing States bordering the Area, in particular the least-developed among them and small island developing States, for the purposes set out in this article should include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards: [...] (e) participation in the Meeting of the Parties and meetings of its subsidiary bodies as well as in the settlement of disputes.

The SIOFA Financial Regulations include the following provisions for the implementation of Article 13.4 of the Agreement:

3.4 The draft budget should include provision to allocate funds towards financial assistance for the purposes outlined in article 13.4 of the Agreement which pertains to support for developing States bordering the Area, in particular the least developed among them and small island developing States and, where appropriate, territories and possessions, in accordance with decisions reached by the Meeting of the Parties.

7.2 The Meeting of the Parties will approve the quantum of funds to be allocated for the purposes outlined in Article 13.4 of the Agreement consistent with the annual budget and programme activities as agreed by the Meeting of the Parties.

7.9 Any fund dedicated to the purposes outlined in Article 13.4 of the Agreement shall be administered in accordance with guidelines agreed by the Meeting of the Parties and annexed to these Regulations.

Issue

To date, although early work was undertaken in 2016, the MoP has not adopted the guidelines referred to in Financial Regulation 7.9 to administer funds dedicated for the purposes outlined in Article 13.4 of the Agreement.

In view of the limited financial assistance available and the increasing cost of international travel, it is appropriate to develop and adopt guidelines for the fair and efficient administration of the funds allocated for the purpose Article 13.4.

These proposed guidelines include clear eligibility and selection criteria for the allocation of financial assistance, ensure cost-efficiency, and institute a transparent procedure to process applications. The proposal also includes an amendment to Regulation 3.4 of the Financial Regulations to support the implementation of Article 13.4

*3.4 The draft budget should include provision to allocate funds towards financial assistance for the purposes outlined in article 13.4 of the Agreement which pertains to support for developing States bordering the Area, in particular the least developed among them and small island developing States and, where appropriate, territories and possessions, in accordance with decisions reached by the Meeting of the Parties. **The draft budget should clearly delineate support for participation at the Meeting of the Parties, participation at meetings of subsidiary bodies and support for other activities specified in Article 13.4 of the Agreement.***

Draft guidelines (new Annex 1 to Financial Regulations)

General rules

1. The Secretariat will administer the funds allocated in the SIOFA budget for the purposes outlined in Article 13.4 of the Agreement in accordance with these guidelines and, if necessary, under the guidance of the MoP Chairperson.
2. Financial assistance disbursed for the purpose of Article 13.4 of the Agreement may not exceed the quantum of funds allocated in the SIOFA budget for that purpose, subject to the flexibility allowed by Financial Regulation 4.3.

Eligibility and selection of applications

3. Only developing CCPs³ and developing non-CCPs⁴ bordering the Area are eligible for financial assistance to participate in the Meetings of the Parties and of its subsidiary bodies⁵.
4. Developing non-CCPs bordering the Area are eligible for financial assistance provided they intend to [participate in the meeting as an observer [submit an information paper to the meeting they wish to attend, in accordance with Rule 18.4 of the Rules of Procedure] [express their intention to submit an application for cooperating non-Contracting Party Status in the coming year.]
5. Developing CPs or PFEs that are in arrears with their annual contributions to SIOFA will not ordinarily be eligible for financial assistance if the amount of their arrears equals or exceeds the amount of the annual contributions due for the two preceding years, unless otherwise decided by the Meeting of the Parties.
6. CCPs that have not submitted their national report (paragraph 9, CMM 2021/02, Data Standards) or their Compliance Report (paragraph 12, CMM 2020/11, Compliance Monitoring Scheme) will not be eligible for financial assistance to attend the Meeting of the Parties as well as the meetings of the Scientific Committee and its Working Groups and of the Compliance Committee, respectively.
7. Eligible CCPs and non-CCPs that have access to other sources of funding, such as the Assistance Fund established under Part VII of the UNFSA, are encouraged to make use of these sources.
8. The Secretariat will use the grid in Table 1 to evaluate applicants' eligibility for financial assistance.

Table 1 – evaluation of applicants' eligibility for financial assistance				
	Eligibility criteria	Yes	No	Comment
1	Is the applicant			
	a A developing CCP to SIOFA?			
	b A developing non-CCP bordering the Area?			
2	If the applicant is a CCP, has it submitted			
	a A national report (paragraph 9, CMM 2021/02)?			
	b A compliance report (paragraph 12, CMM 2021/11)?			
3	If the applicant is a CP or PFE, is it in arrears with its annual contribution whereby the amount of their arrears equals or exceeds the amount of the annual contributions due for the two preceding years?			
4	If the applicant is a non-CCP developing State bordering the Area, has it confirmed its intention to			
	a Participate in the meeting as an Observer?			

³ Contracting Parties, Participating Fishing Entities, and Cooperating non-Contracting Parties to SIOFA

⁴ Including Least Developed Countries

⁵ Currently: the Scientific Committee and its Working Groups, and the Compliance Committee. The Standing Committee on Implementation and Finance has been established but not convened.

	b	[Submit an information paper to the meeting?]			
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* Subject to paragraphs 3 to 7 above, any 'no' response will result in the ineligibility of the application

Selection of applicants for financial assistance

9. Where it is not possible to accommodate all the applications for financial assistance received from eligible CCPs and non-CCPs due to budget restrictions, priority will be given to the least developed among them⁶ and small-island developing States bordering the area.

	Selection criteria	Yes/No	Points	Score
1	Is the applicant			
	a A CP or PFE to SIOFA?		4	
	b A CNCP to SIOFA?		3	
	b A non-CCP developing State bordering the Area?		2	
2	Is the applicant			
	a A least developed CCP or non-CCP bordering the Area?		2	
	b A small-island developing CCP or non-CCP bordering the Area?		2	
Total score:				

10. Financial assistance will be limited to the participation of one representative per eligible CCP or non-CCP in the Meetings of the Parties or in meetings of its subsidiary bodies, including if meetings are held in conjunction.
11. Financial assistance will have due regard to the principles of economy and efficiency. It will cover the costs of flights (economy class) to the meeting and accommodation (single person occupancy) and will be paid on the basis of actual costs. Daily subsistence allowances (DSA) will be paid based on generally applicable UN rates⁷. All travel and accommodation arrangements will be made by the Secretariat.
12. The Secretariat will apply the scoring system in Table 2 to prioritise applicants for financial assistance within the allocated If a situation arises in which multiple applicants receive the same score and each request cannot be accommodated within the allocated budget, the Secretariat will consult with the Chairperson to find an appropriate resolution.

Procedure to apply for financial assistance

13. The procedure and timeline in Table 3 will apply to the disbursement of financial assistance.

Step	Action item	Responsibility	Due date
1	Circular to CCPs and letter to developing non-CCPs bordering the Area with call for applications for financial assistance, specifying terms and conditions as well as timeline	Secretariat	No later than 60 days prior to the meeting (CC/MoP or SC)
2	Submission of application by deadline, including: - Official nomination letter with request of support for identified representative (including contact details) - Confirmation that no funding is available from other sources - In the case of CCPs, confirmation that it is not in arrears - In the case of CCPs, confirmation that national report	Applicants (CCP or non-CCP)	No later than 50 days prior to the meeting [Note : information papers shall be submitted to the Executive

⁶ Based on the list of Least Developed Countries established by the United Nations Committee for Development

⁷ DSA will be calculated on the basis of nights spent away from the normal duty station or place of residence, based on the itinerary. DSA will be paid in advance of departure.

	and compliance report have been submitted - In the case of non-CCPs, confirmation of attendance as Observer [and intention to submit an information paper to the meeting] ⁸ [expressed intention to apply for CNCP status].		Secretary no less than 14 days before the date fixed for the opening of the meeting (rule 10(6) of the Rules of Procedure).]
3	Review of applications against eligibility criteria and offer to potentially eligible applicants of an additional 3-day period to provide any missing information	Secretariat	Within 2 days of the due date for applications (see step 2) or earlier.
4	Confirmation of financial assistance to successful applicants, [subject to effective submission of an information document to the meeting], and start of travel and/or accommodation arrangements	Secretariat	3 days after step 3 (no later than 45 days prior to the meeting)

⁸[Support will be withdrawn, and any flights, accommodation or DSA repaid, if the information paper is not submitted.]