Transparency in NEAFC

Norway

The issue of transparency is two-fold – internal (i.e. whether decisions within NEAFC are made in a transparent manner) and external (i.e. its relationship with other organizations and civil society). The latter one is in essence taken care of through the NEAFC web site and by cooperation with intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). In this regard, relevant IGOs and NGOs are offered the option of attending NEAFC meetings as observers.

At the annual meeting in 2012 the Working Group on the Future of NEAFC was given the mandate to review the Rules of Procedure and propose required amendments as necessary. The Working Group developed a series of amendments, which were adopted at the annual meeting in 2013. These included details concerning applications of observer status’ for NGO and conditions for their attendance.

Noting best practices questions could be raised whether these rules are too restrictive and detailed, both concerning the application procedure (enrollment deadline, information to be provided etc.) and restrictions of participation.

Consequently, Norway proposes the following:

The Working Group on the Future of NEAFC shall examine whether the Rules of Procedure concerning observer participation are in line with best practices, taking into account the overview set out in the Annex, and propose amendments as appropriate.
ANNEX

Observers in Regional Fisheries Management Organizations

The UN Fish Stocks Agreement (UNFSA), Part III describes mechanisms for international cooperation on the management of straddling fish stocks and highly migratory fish stocks, where Regional Fisheries Management Organizations (RFMOs) are given the central and coordinating role. Article 12 deals with transparency in RFMOs, which states, *inter alia*, that intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) shall be given the opportunity to attend RFMO meetings.

Article 12 reads:

1. *States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements.*

2. *Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.*

The Review Conference referred to in Article 36 of UNFSA have met at three sessions - in 2006, 2010 and 2016. All agreed on the following recommendation:

“*Improve the transparency of regional fisheries management organizations or arrangements, in terms of both decision-making that incorporates the precautionary approach and the best scientific information available and providing for the reasonable participation of intergovernmental and non-governmental organizations under the rules and procedures of those organizations and arrangements.*”

This analysis looks at the five RFMOs in the Atlantic Ocean that manage living marine resources; CCAMLR, ICCAT, NAFO, NEAFC and SEAFO. In addition, the newest RFMOs, i.e. the South Pacific Regional Fisheries Management Organization (SPRFMO) and the North Pacific Fisheries Commission (NPFC), are included. All of these have regulations in place that allow observers to attend meetings, but the framework and level of detail for this are different, see appendix.

In NAFO, NPFC, SEAFO and SPRFMO, the respective conventions/agreements have made references to such regulations, and these reflect Article 12 of the UNFSA, which states, *inter alia*, that rules should not be unduly restrictive.

All, except ICCAT, has addressed issues related to observers in the organizations' procedural rules. ICCAT has adopted specific guidelines for this purpose.

All these RFMOs invite states (non-members) to meetings. The CCAMLR and SEAFO regulations refer to states or non-parties in general, while NPFC and SPRFMO regulations refer to those that participated in the negotiations of the respective treaties, and other states with an interest in the work of the Commissions. In addition, the CCAMLR, NPFC, SEAFO and SPRFMO regulations make special references to states that have signed the respective conventions, but not ratified them. In other organizations, the category of states to be invited is specified, either by having the state given formal
status as a partner (NEAFC), being defined as a coastal state in or in adjacent coastal zones of its
respective management area (ICCAT, NPFC and SPRFMO), or having flagged vessels operating within
their areas of competence, (ICCAT, NAFO and NEAFC).

All organizations, also invite IGOs. For all except NAFO and NEAFC, the FAO is specifically
mentioned. CCAMLR's regulations further refer to those that can contribute to the organization's work.
ICCAT, NAFO, NEAFC and SEAF0 refer to other organizations to which they have regular contacts
or their work is of interest. NPFC and SPRFMO regulations also include special references to other
specialized agencies under the United Nations and to other RFMOs.

For all organizations, the rules governing NGO participation are somewhat more restrictive and special
than those for states and IGOs. NPFC and SPRFMO regulations specify that NGOs include
environmental organizations and fishing industry organizations. NGOs must apply for observer status
in all except CCAMLR and SEAF0, where, like states and IGOs, they are invited to meetings.

In CCAMLR invitations to NGOs will not be sent if one Member objects, in ICCAT applications will
be accepted unless one-third of Contracting Parties objects, and in NAFO and NEAFC a vote by will be
taken by a written procedure if one or more Contracting Parties object. In NPFC, SEAF0 and SPRFMO,
an NGO shall be accredited observer status unless a simple majority of members object.

The table below shows the rules regarding application and enrollment deadlines, any limitation on the
number of participants, which meetings can be observed and whether a participation fee might be fixed.

<table>
<thead>
<tr>
<th>RFMO</th>
<th>Application and enrollment deadline</th>
<th>Number of participants</th>
<th>Which meetings</th>
<th>Participation fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCAMLR</td>
<td>&quot;As early as possible&quot; for all</td>
<td>No restrictions</td>
<td>All, except special agenda item if requested by a member</td>
<td>No</td>
</tr>
<tr>
<td>ICCAT</td>
<td>50 days for NGOs</td>
<td>May restrict NGOs depending on space</td>
<td>All (specified that HOD meetings are exempted)</td>
<td>May be fixed for additional costs</td>
</tr>
<tr>
<td>NAFO</td>
<td>100 days for NGOs</td>
<td>No restrictions</td>
<td>Commission and Scientific Committee</td>
<td>May be fixed for extra costs related to NGOs</td>
</tr>
<tr>
<td>NEAFC</td>
<td>100 days for NGOs</td>
<td>Maximum two persons from NGOs in PECMAS</td>
<td>Commission and PECMAS</td>
<td>May be fixed for extra costs</td>
</tr>
<tr>
<td>NPFC</td>
<td>60 days for NGOs</td>
<td>May limit numbers from each NGO, taking into account total number of NGOs and room capacity</td>
<td>All meetings, however exceptional circumstances may require that meetings be held in closed session.</td>
<td>Reasonable fee for NGOs to cover extra costs</td>
</tr>
<tr>
<td>SEAFO</td>
<td>60 days for NGOs</td>
<td>No restrictions</td>
<td>All, except Finance Committee</td>
<td>No</td>
</tr>
<tr>
<td>SPRFMO</td>
<td>50 days for NGOs</td>
<td>No restrictions</td>
<td>All</td>
<td>No</td>
</tr>
</tbody>
</table>

The rules of ICCAT, NAFO, NEAFC and SEAF0 contain detailed requirements for NGOs as to what
an application shall contain. Requirements include a description of the NGO, that it supports the purpose
of the RFMO, the number of members, how it is financed, a description of which areas of the RFMO's
work are of particular interest, information on articles/studies produced by or for the NGO concerning
the relevant RFMO and the name/address of the person or persons to represent the NGO. NPFC
regulations are more general as they refer to a description of its mission and how that is related to the Commission, while SPRFMO regulation do not contain any specific requirements in this regard.

As mentioned above, NGOs are invited to meetings in CCAMLR and SEAFO. Who is to be invited is cleared in advance through consultation between the chairpersons and members of the commission.

All organizations consult members through mail reconciliations before an NGO is accepted as an observer.

Pursuant to NPFC and SPRFMO regulations, granted observer status shall remain valid for future meetings until the commissions decide otherwise.

All RFMO regulations make it clear that observers cannot vote or participate in decision-making. All organizations allow observers to take the floor in meetings and distribute documents. The right to oral statements must be agreed with the chairman of the organization concerned, while documents can be distributed through the respective secretariats. The regulations of NAFO and NEAFC have stated that observers must not provide information to the media when matters are still under discussions.
Appendix

Observer regulations in CCAMLR, ICCAT, NAFO, NEAFC, NPFC, SEAFO and SPRFMO

I  CCAMLR

RULES OF PROCEDURE

Observers

Rule 30
Subject to Article XII of the Convention on the Conservation of Antarctic Marine Living Resources the Commission may:
(a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
(b) extend an invitation to any State party to the Convention which is not a Member of the Commission to attend, in accordance with Rules 32, 33 and 34 below, as Observers in meetings of the Commission;
(c) invite as appropriate, any other state to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects;
(d) invite, as appropriate, organisations named in Article XXIII(2) and (3) of the Convention to attend, in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission;
(e) invite, as appropriate, other intergovernmental and non-governmental organisations, to which Article XXIII(3) of the Convention may apply, to attend in accordance with Rules 32, 33 and 34 below, as Observers in the meetings of the Commission unless a Member of the Commission objects.

Rule 31
Each Observer invited in accordance with Rule 30 above shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.

Rule 32
(a) The Executive Secretary may, when preparing with the Chairman the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his view that the work of the Commission would be facilitated by the attendance at its next meeting of an observer referred to in Rule 30, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 15.
(b) The Chairman shall request the Commission to take a decision on the Executive Secretary’s suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 17.

Rule 33
(a) Observers may be present at public and private sessions of the Commission;
(b) If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 30(a)
and Rule 30(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 30(c).

**Rule 34**
(a) The Chairman may invite observers to address the Commission unless a Member of the Commission objects;
(b) Observers are not entitled to participate in the taking of decisions.

**Rule 35**
(a) Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission;
(b) Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted;
(c) Such documents shall only be considered as Commission documents if so decided by the Commission.

II     ICCAT

GUIDELINES AND CRITERIA FOR GRANTING OBSERVER STATUS AT ICCAT MEETINGS

1 In exercising the responsibilities in respect to invitation to observers to ICCAT Meetings as provided for in Article XI of the Convention and in Article 2 of the FAO/ICCAT Agreement, the Executive Secretary, acting on behalf of the Commission, shall invite:
   -- FAO.
   -- Intergovernmental economic integration organizations constituted by States that have transferred to it competence over the matters governed by the ICCAT Convention, including the competence to enter into treaties in respect of those matters.
   -- Intergovernmental organizations that have regular contacts with ICCAT as regards fisheries matters or whose work is of interest to ICCAT or vice versa.
   -- Non-Contracting countries with coastlines bordering the Convention Area as defined in Article I of the Convention, or those non-contracting parties, entities or fishing entities identified as harvesting tunas or tuna-like species in the Convention Area.

2 All non-governmental organizations (NGOs) which support the objectives of ICCAT and with a demonstrated interest in the species under the purview of ICCAT should be eligible to participate as an observer in all meetings of the organization and its subsidiary bodies, except extraordinary meetings held in executive sessions or meetings of Heads of Delegations.

3 Any NGO desiring to participate as an observer in a meeting of the organization or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 50 days in advance of the meeting. This application must include:
   -- Name, address, telephone and fax number of the organization;
   -- Address of all its national/regional offices;
   -- Aims and purposes of the organization and an indication as to how they relate to the objectives of ICCAT;
   -- A brief history of the organization and a description of its activities;
   -- Any papers produced by or for the organization on the conservation, management or science of tunas or tuna-like species;
   -- A history of ICCAT observer status granted/revoked;
   -- Information or input that the organization proposes to present at the meeting in question;
4 The Executive Secretary shall review applications received within the prescribed time, and, at least 45 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs determined to meet the criteria for participation stipulated in paragraph 2 above. Such applications will then be considered as accepted unless one-third of Contracting Parties object in writing at least 30 days prior to the meeting, or within 60 days of receipt of applications, if such date falls earlier than 30 days prior to the meeting.

5 Any eligible NGO admitted to a meeting may:
-- Attend meetings, as set forth above, but may not vote;
-- Make oral statements during the meeting upon the invitation of the presiding officer;
-- Distribute documents at meetings through the secretariat; and
-- Engage in other activities, as appropriate and as approved by the presiding officer;

6 Observers will be required to pay a fee for their participation at the meetings of the Organization, which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.

7 The Executive Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meetings. The Executive Secretary will transmit any such determination in the conditions of participation.

8 All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by the Parties.

9 All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that ICCAT may adopt for the conduct of observers will result in withdrawal of accreditation by the Chairman of the Commission.

III  NAFO

Convention - Article VI

5. The Commission shall:

(g) adopt rules to provide for participation of representatives of inter-governmental organizations, non-Contracting Parties and non-governmental organizations as observers at its meetings. As appropriate. Such rules shall not be unduly restrictive and shall provide for timely access to reports and records of the Commission.

Rules of Procedure for Observers to NAFO Meetings (Commission and Scientific Council)

Rule 1

The Executive Secretary shall invite, as observers:

a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa; and

b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

Rule 2
Any non-governmental organization (NGO) that supports the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO, and desires accreditation as observers to NAFO meetings, shall notify the Secretariat at least 100 days in advance of the first meeting it wishes to attend. This application must include:

a) name, address, telephone, fax number of the organization;

b) address of all its national/regional offices;

c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;

d) information on the organization’s total number of members, its decision-making process and its funding;

e) a brief history of the organization and a description of its activities;

f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; and

g) a history of NAFO observer status granted/revoked.

**Rule 3**

Observer status shall apply to all non-restricted sessions, whether at the Annual Meeting or at intersessional meetings.

**Rule 4**

NGO applications shall be reviewed by the Executive Secretary who shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 2. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article XIII of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

**Rule 5**

Any NGO with observer accreditation:

a) is required to register its representatives at the NAFO Secretariat at least fourteen days in advance of the meeting;

b) may be required to limit the number of their observers at any meeting due to conference room capacity. The Executive Secretary will transmit any such determination in the conditions of participation;

c) may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary;

d) that has not communicated with the Secretariat or attended at least one meeting in the previous three years shall cease to be an accredited NGO but may reapply in writing to the Executive Secretary; and

e) will have their accreditation reviewed by the Executive Secretary every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the
matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article XIII of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

**Rule 6**

Observers admitted to a meeting:

a) shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary;

b) may attend meetings, as set forth above, but may not vote;

c) may make oral statements during the meeting upon the invitation of the Chairperson;

d) may only distribute documents at meetings via the general information table;

e) may engage in other activities as appropriate and as approved by the Chairperson;

f) may not use film, video, and audio recording devices, etc. to record meeting proceedings; and

g) may not issue press releases or other information to the media on agenda items under discussion during NAFO meetings.

**Rule 7**

Observers admitted to a meeting shall comply with the above and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of their observer accreditation status.

**Rule 8**

These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted by the Commission in the light of the need of NAFO to function effectively when conducting its business.

**IV NEAFC**

**Rules of Procedure**

29. The Secretary shall invite to attend plenary meetings of the Commission, as observers, the following:

a. States that have been granted the status of co-operating non-Contracting Parties pursuant to the Scheme of Control and Enforcement;

b. States whose vessels have been identified as engaging in fishing activities in the Regulatory Area, or where appropriate the Convention Area;

c. States which seek to attend as observers, as the work of NEAFC is of interest to them; and

d. intergovernmental organisations whose work is of interest to NEAFC or vice versa.

The Commission may allow some or all of them to participate in other meetings.
30. Subject to the conditions established under this Chapter, non-governmental organisations (NGOs) which support the objective of the Convention, have a demonstrated interest in the fulfilment of the objective of the Convention and are in good standing, shall be eligible to participate as observers in all plenary meetings of the Commission.

31. A total of up to two persons representing the environmental NGOs that have been given the right to participate as observers pursuant to Rule 30 shall be permitted to participate in meetings of the Permanent Committee on Management and Science (PECMAS). The relevant NGOs shall decide among themselves the persons who shall participate in the PECMAS meetings, and notify the Secretary of their decision. These persons shall have relevant knowledge of the work undertaken by PECMAS.

32. Any NGO seeking to participate as an observer in a meeting of the Commission shall apply to the Secretary at least 100 days in advance of the meeting. This application must include:
   a. a brief history of the organisation and a description of its activities;
   b. aims and purposes of the organisation and a statement that it generally supports the objective of the Convention;
   c. information on the organisation’s total number of members, its decision making process and its funding;
   d. description of which aspects of the work of NEAFC where the organisation has a particular interest;
   e. representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;
   f. observer status granted/revoked in other regional fisheries management organisations; and
   g. name, address and e-mail address of the person(s) proposed to represent the organisation.

33. The Secretary shall review applications received within the prescribed time and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rules 30 and 33. If one or more of the Contracting Parties object, giving in writing its reasons, within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article 3(9) of the Convention at least 30 days prior to the meeting. The Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

34. Observers admitted to a meeting of the Commission or PECMAS may:
   a. make oral statements during the meeting upon invitation of the President or the Chair of PECMAS;
   b. distribute documents at the meetings through the Secretary; and
   c. engage in other activities as appropriate and as approved by the President or the Chair of PECMAS.

35. Observers admitted to a meeting of the Commission or PECMAS may not:
   a. vote;
   b. use visual or sound recording devices to record meeting proceedings; or
   c. issue press releases or other information to the media on agenda items under discussion during any NEAFC meetings.

36. If two Contracting Parties so request, particular agenda items of PECMAS meetings, or parts thereof, shall be limited to delegates representing Contracting Parties.
37. If additional expenses are incurred by their participation, observers will be required to pay a fee, as determined by the Secretary.

38. The Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers may be present at any meeting. The Secretary will transmit any such determination in the conditions of participation.

39. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Secretary.

40. All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NEAFC may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

V NPFC

The Convention – Article 18

The Commission shall promote transparency in its decision-making processes and other activities. Representatives from intergovernmental organizations and non-governmental organizations concerned with matters relevant to the implementation of this Convention shall be afforded the opportunity to participate in the meetings of the Commission and its subsidiary bodies as observers or otherwise as members of the Commission deem appropriate and as provided for in the Rules of Procedure that the Commission shall adopt. The procedures shall not be unduly restrictive in this respect. The intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures that the Commission may adopt. Any conservation, management and other measures or matters that are decided by the Commission or subsidiary bodies shall be made publicly available unless otherwise decided by the Commission.

Rules of Procedure – Rule 9

9.1 The following may participate as observers in the meetings of the Commission and its subsidiary bodies:

a) States and the fishing entity that participated in the Multilateral Meetings on the Management of High Seas Fisheries in the North Pacific Ocean, until their respective ratification, acceptance, approval, accession or expression of firm commitment becomes effective in accordance with Article 25 or the Annex of the Convention;

b) any other State that has jurisdiction over waters adjacent to the Convention Area;

c) other States with an interest in the work of the Commission that are not members of the Commission, and invited by the Commission;

d) the FAO, other specialized agencies of the United Nations, other regional fisheries management organizations or arrangements;

e) other intergovernmental organizations, independent experts and other advisors concerned with matters relevant to the implementation of the Convention and invited by Commission;
f) non-governmental organizations, including environmental organizations and fishing industry organizations, with an interest in the work of the Commission, accredited by the Commission pursuant to Rule 9.3.

9.2 A non-governmental organization wishing to participate as an observer shall submit a request to the Executive Secretary at least sixty (60) calendar days in advance of the meeting, together with office locations of the organization, a description of its mission, how its mission and activities are related to the work of the Commission.

9.3 The Executive Secretary shall promptly notify the members of the Commission of the request. Any such non-governmental organization that has submitted the required information shall be accredited to participate as an observer unless a simple majority of the members of the Commission objects to the request by notifying the Executive Secretary in writing at least thirty (30) calendar days before the opening of the meeting. Any objecting member shall specify the reason for its objection. Observer status shall remain valid for future meetings until the Commission decides otherwise.

9.4 The Executive Secretary may limit the number of participants from each NGO accredited to participate as an observer, taking into account the total number of NGOs wishing to participate and the capacity of the meeting room. The Commission may require NGOs to pay reasonable fees to cover costs attributable to their attendance.

9.5 If a meeting of the Commission is held with less than ninety (90) days’ notice, the Executive Secretary shall have greater flexibility concerning the time frames established in this Rule.

9.6 Any observer admitted to a meeting of the Commission may:
   a) attend meetings of the Commission and its subsidiary bodies, subject to Rule 5.2, but not vote;
   b) make oral statements during the meetings and seek clarification on matters under discussion upon the invitation of the Chairperson after all interventions by members of the Commission;
   c) have timely access to documents subject to the terms of the confidentiality rules that the Commission may decide;
   d) distribute documents, publications, videos and CDs as information at the meeting, with the approval of the Chairperson. Certain documents may only be considered as Commission documents if so decided by the Commission; and
   e) engage in other activities, as appropriate and as approved by the Chairperson.

9.7 Any observer admitted to a meeting of the Commission may not:
   a) use film, video, and audio recording devices, etc. to record meeting proceedings;
   b) issue press releases or other information to the media during the meeting in question on agenda items under discussion;
   c) disclose any information that they have acquired at meetings before the adjournment of the meeting; or
   d) disclose any information subject to confidentiality rules adopted by the Commission.

9.8 All observers admitted to a meeting of the Commission shall comply with all rules and procedures applicable to other participants in the meeting. Any observer that does not comply with these requirements shall be excluded from further participation in meetings, unless the Commission decides otherwise.
VI SEAFO

The Convention - Article 8

The Commission shall adopt rules of procedure to govern the participation of representatives from non-Parties to this Convention as observers.

7. The Commission shall adopt rules of procedure to govern the participation of representatives from inter-governmental organisations as observers.

8. Representatives from non-governmental organisations concerned with the stocks found in the Convention Area shall be given the opportunity to participate as observers in the meetings of the Organisation, subject to rules adopted by the Commission.

9. The Commission shall adopt rules to govern such participation and to provide for transparency in the activities of the Organisation. The rules shall not be unduly restrictive in this respect and shall provide for timely access to records and reports of the Organisation, subject to the procedural rules on access to them. The Commission shall adopt such rules of procedure as soon as possible.

10. The Contracting Parties may decide, by consensus, to invite representatives from non-parties to this Convention and from intergovernmental organisations to participate as observers until the rules regarding such participation are adopted by the Commission.

Rules of Procedure

Part VI Observers

33. The Commission may:

a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 36, 37 and 38 below, as observers in meetings of the Commission;

b) invite as appropriate, any non-Contracting Party to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;

c) invite, as appropriate, organisations referred to in Article 18 (1) and (2) of the Convention to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;

d) invite, as appropriate, non-governmental organisations referred to in Article 8(8) of the Convention, to attend in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission unless the majority of the Contracting Parties object. Invitations to these organisations shall be issued in accordance with the procedure set forth in Rule 39 below.

34. The Executive Secretary may, when preparing with the Chairperson the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his or her view that the work of the Commission would be facilitated by the attendance at its next meeting of an observer referred to in Rule 33, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 17. The Chairperson shall request the Commission to take a decision on the Executive Secretary’s suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 19.

35. Observers may be present at public and private sessions of the Commission. If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under
consideration shall be restricted to its Members and Observers referred to in Rule 33(a) and Rule 33(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 33(c).

36. The Chairperson may invite observers to address the Commission unless a Member of the Commission objects. Observers are not entitled to participate in the taking of decisions.

37. Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission. Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted. Such documents shall only be considered as Commission documents if so decided by the Commission.

38. Observers shall be granted timely access to documents subject to the terms of the confidentiality rules that the Commission may decide. Invitations to these organisations shall be issued in accordance with the following procedure:

a) Any non-governmental organisation concerned with the stocks found in the Convention area, which desires to participate as an observer in meetings of the Commission, shall notify an application for observer status to the Executive Secretary at least 60 days in advance of the meeting. This application must include:

b) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation;

c) address of all its national/regional offices;

d) aims and purposes of the organisation and a statement that the organisation generally supports the objectives of the Convention;

e) information on the organisation’s total number of members, its decision-making process and its funding;

f) a brief history of the organisation and a description of its activities;

g) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;

h) a history of SEAFO observer status granted/revoked, where appropriate;

i) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Executive Secretary for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

j) The Executive Secretary shall review applications received within the prescribed time and, at least 50 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of non-governmental organisations having fulfilled the requirements stipulated this Rule. Contracting Parties shall reply in writing within 20 days of the date at which the notification was sent, stating whether they approve or object to the application and giving reasons thereon. The application shall be considered accepted unless a simple majority of the Contracting Parties that replied objects. An organisation whose application has been rejected may submit a new complete application prior to any subsequent meeting of the Commission.

k) Any Contracting Party may propose, giving its reasons in writing, that the observer status granted to a non-governmental organisation be revoked. Decisions to revoke observer status shall be taken by a simple majority of the Contracting Parties present and voting. The Commission may agree that this decision becomes effective at its following meeting.
VII  SPRFMO

The Convention - Article 18

1 The Commission shall promote transparency in decision making processes and other activities carried out under this Convention.

2 All meetings of the Commission and its subsidiary bodies shall be open to all participants and observers registered in accordance with paragraph 4 unless otherwise decided by the Commission. The Commission shall publish its reports and conservation and management measures when adopted and shall maintain a public record of all reports and conservation and management measures in force in the Convention Area.

3 The Commission shall promote transparency in the implementation of this Convention through the public dissemination of non-commercially sensitive information and, as appropriate, facilitating consultations with, and the participation of, non-governmental organisations, representatives of the fishing industry, particularly the fishing fleet, and other interested bodies and individuals.

4 Representatives of non-Contracting Parties, relevant intergovernmental organisations and non-governmental organisations, including environmental organisations and fishing industry organisations with an interest in matters pertaining to the Commission shall be afforded the opportunity to take part in the meetings of the Commission and of its subsidiary bodies, as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation and shall not be unduly restrictive in this respect. The rules of procedure shall also provide for such representatives to have timely access to all relevant information.

Rules of Procedure – Regulation 9

1. In accordance with Article 18 paragraph 4 of the Convention, the following may participate as observers in the Commission and its subsidiary bodies:

a) States, the regional economic integration organisation, other entities referred to in Article 1 paragraph 2(b) of the Convention and the fishing entity that participated in the International Consultations on the Establishment of the South Pacific Regional Fisheries Management Organisation, until they become Members of the Commission;

b) Any other State or any other entity referred to in Article 1 paragraph 2 (b) of the Convention that has jurisdiction over waters adjacent to the Convention Area;

c) Other States with an interest in the work of the Commission that are not Members of the Commission, invited by the Commission;

d) The FAO, other specialised agencies of the United Nations, other regional fisheries management organisations and other relevant intergovernmental organisations, invited by the Commission;

e) Non-governmental organisations, including environmental organisations and fishing industry organisations with an interest in the work of the Commission, invited by the Commission pursuant to paragraph 2 of this Rule.

2. A non-governmental organisation wishing to participate as an observer shall notify the Executive Secretary at least 50 days in advance of the meeting, together with an explanation of its interest in the work of the Commission. The Executive Secretary shall promptly notify the Members of the Commission of the request. Any such non-governmental organisation shall be invited to participate as an observer unless a simple majority of the Members of the Commission 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 Commission decides otherwise.

3. Observers may participate in the deliberations of the Commission and its subsidiary bodies but shall not be entitled to participate in the taking of decisions.

4. Observers may submit relevant documents to the Secretariat for distribution to the Members of the Commission or its subsidiary bodies as information documents and shall be given timely access to all documents subject to any rules relating to the confidentiality of certain data and other commercially sensitive information that the Commission may decide.