SECTION II

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Report of the Working Group on Transparency
2-4 March 1999
Dartmouth, N.S., Canada

Report of the Working Group on Transparency

(GC Doc. 99/3)

2-4 March 1999
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The Working Group on Transparency met in accordance with the decision taken by the General Council at the 20th Annual Meeting, September 1998 (GC Doc. 98/7, Part I, item 2.2).

1. Opening by the Chairman

The Chairman, Dr. Dean Swanson (USA), opened the meeting and welcomed delegates to Dartmouth, N.S. Representatives from the following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Norway, Russia and the United States (Annex 1).

The representatives of Denmark (in respect of the Faroe Islands and Greenland), the USA and the European Union each made opening remarks. For the record, the USA delegation reminded delegates of their remarks made in a letter to the Executive Secretary of 23 February 1999, which reads as follows:

"Notwithstanding the result of the mail-vote on NGO participation on national delegations to the March 2-4, 1999, meeting of the Transparency Working Group, as reported in GF/99-118, the United States reaffirms its sovereign right to decide the composition of its delegation to any international meeting. The absence of representatives from non-governmental organizations on the U.S. Delegation to the subject meeting should not be viewed by other NAFO Contracting Parties as precedent to be invoked at future meetings of NAFO or in any other international fora."

2. Appointment of Rapporteur

Mr. Andrew Thomson (EU) was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda, as circulated, was adopted (Annex 2).

4. Review by the Chairman of work in NAFO on the subject of Observers and the Terms of Reference

The Chairman reminded delegates of the history of the issue of transparency within the NAFO. The Terms of Reference of the Working Group (Annex 3) had been established in September 1997 at the Annual Meeting in St. John's, Newfoundland. The previous Working Group meeting, which was held in Washington, D.C. in May 1998, recommended that the Group should continue its work. The General Council at its 1998 Annual Meeting instructed that this work should be concluded in time for consideration at the 1999 Annual Meeting. The Chairman furthermore noted the recent progress made in the context of other regional fisheries organizations on the issue of transparency, in particular in ICCAT, NEAFC, the proposed Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Central and Western Pacific and the South East Atlantic Fisheries Organization (SEAFO).

5. Presentation of Papers by Delegates for Discussion and

6. Continuation of Consideration of Requirements and Rules for Participation of Observers at NAFO Meetings

The Chairman drew attention to the Guidelines and Criteria adopted by ICCAT at its Annual Meeting in November 1998 (Annex 4). This paper represented the work of ICCAT carried out over a number of years. No other new papers had been circulated in advance of this Meeting. However, delegates agreed that the initial basis of the discussion at this session of the Working Group should be the Chairman's draft, which came out of the 1998 session (Annex 5). It was agreed to examine the points set out in this paper with a view to reaching further agreement. In so doing, it was possible to establish where any remaining difficulties lay between the Parties. This draft highlighted a number of areas where it would be necessary to establish criteria for NGO observer consideration. In particular, it examined the eligibility of an organization, the details required in its application, the selection procedure, the participation of the NGO and how the costs should be borne by the NGO.

The delegates considered a number of issues, which had been raised in the context of the 1998 meeting of the Group. These issues included the confidence building and the level at which NGOs would be able to participate in NAFO work. There was general agreement that access should be given to the General Council and to the Fisheries Commission as constituent bodies. No agreement was reached on whether NGOs should be given access to subsidiary bodies of NAFO. In this context, there was also discussion on whether Working Groups should be considered as to be included as subsidiary bodies. The idea of a trial period in which the rules would apply was also agreed. Views were also expressed by some delegations that at least during the trial period access would not be granted to subsidiary bodies or Working Groups. The question also arose as to whether NGOs should be able to speak or to make oral statements. It was agreed that if oral statements were permitted they should as a general rule be presented either at the opening or at the close of the meeting. The instance of NASCO where NGOs are able to take an active part in the proceedings by way of special sessions was given as a positive example.

In order to facilitate the discussion, the USA prepared a new set of proposed Guidelines and Criteria for granting observer status at NAFO meetings (Annex 6), which drew its inspiration from the similar ICCAT guidelines adopted in 1998 as well as from the practices of other organizations, particularly NASCO. It attempted to incorporate the comments, which had been made by the delegates in the Group in respect of the Chairman's paper. It was noted that NAFO needed to take due account of the requirements of Article 12 of the UN Fish Stocks Agreement and should not delay its work. The paper provided the basis for a thorough discussion, as it tried to combine a number of ideas contained within previous discussions.

The European Union presented a paper (Annex 7), which it offered as a working tool to advance the discussion and which drew upon the USA paper as well as further comments raised in the course of the discussion. This document on Rules for granting observer status was, like the USA paper, generally well received and helped to form the basis of the proposed rules for the General Council and the Fisheries Commission, which are contained in the recommendation.

The Danish Delegation drew attention to its paper submitted to the Working Group in March 1998 (Annex 8) and in particular to the discussion on the press contained therein. Following discussion, the Working Group agreed that it would identify the question of Rules and Procedures regarding the press as an important question for further examination.

In essence, the main difficulties outstanding are possible NGO participation in NAFO subsidiary bodies and Working Groups and the question of decision making. There is a divergence of opinion on whether NGOs should have access at least during the trial period to bodies other than the constituent bodies, which are the General Council, the Fisheries Commission and the Scientific Council. Opinions also vary as to whether existing NAFO rules on majority voting should apply when deciding to admit an NGO as an observer, or whether some kind of qualified voting system or consensus should be more appropriate.

7. Report and Recommendations to the General Council

The Working Group recommended that both the General Council and the Fisheries Commission adopt new rules for granting observer status to NGOs at NAFO meetings as set out in Annex 9 of this Report. This would entail amendments to the existing Rules of Procedure. The Group recognized that there were several issues which it was unable to resolve and that consideration of these by the General Council and the Fisheries Commission, possibly involving this Working Group at the Annual Meeting, might be useful and should be decided by the General Council intersessionally. The Working Group further recommended that the Scientific Council be called upon to review its Rules of Procedure and adopt, as appropriate, rules in line with Annex 9 to this Report.

The Working Group adopted the Report of its meeting.

8. Other Matters

There was no other business.

9. Adjournment

The Meeting adjourned at 1245 hrs, Thursday, 4 March 1999.

Disposition of Report

The Report was considered by the General Council at the 21st Annual Meeting, September 1999.

Annex 1. List of Participants

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Head of Delegation

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UNITED STATES OF AMERICA

Head of Delegation

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NAFO SECRETARIAT

L. I. Chepel, Executive Secretary
T. Amaratunga, Assistant Executive Secretary
B. Cruikshank, Senior Secretary

Annex 2. Agenda

1. Opening by Chairman, D. Swanson (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review by the Chairman of work in NAFO on the subject of observers and the terms of reference
5. Presentation of any papers by Delegates for discussion
6. Continuation of consideration of requirements and rules for participation of observers at NAFO meetings
7. Report and recommendations to the General Council
8. Other matters
9. Adjournment

Annex 3. Terms of Reference for the Working Group on Transparency

The Working Group shall assess all relevant implications of:

access to and distribution of information on the work and decisions of NAFO in light of the Organization's relations with relevant interest groups and the general public; and

the terms and conditions and other relevant criteria for participation in meetings of NAFO bodies as observers or otherwise, as appropriate, with respect to:

-IGO's
-NGOs

in light of the need of NAFO to function effectively when executing its business.

The Working Group shall submit its report, including possible recommendations to the General Council.

Annex 4. Guidelines and Criteria for Granting Observer Status at ICCAT Meetings

1. In exercising the responsibilities in respect 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 organisations 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 organisations 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 organisations (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 organisation 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 organisation 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 organisation;
   - Address of all its national/regional offices;
   - Aims and purposes of the organisation and an indication as to how they relate to the objectives of ICCAT;
   - A brief history of the organisation and a description of its activities;
   - Any papers produced by or for the organisation 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 organisation 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 meetings 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 the Contracting Parties object in writing at least 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.

Annex 5. Chairman's Draft – Procedures for Observers

(Extract - Annex 5, GC Doc. 98/3)

Observers from Inter-governmental Organizations and Non-Contracting Parties

The Working Group agreed that, at present, there was no need to be concerned about the eligibility criteria for such observers. Contracting Parties should continue to be notified in advance of such measures. The costs of participation by non-member governments should be assessed consistent with those assessed to NGOs, while any costs assessed to IGOs should also aim at recovering the additional costs of their participation to NAFO, taking into account any reciprocal arrangements and reserving appropriate flexibility. IGO and Non-Contracting Party observers must agree in writing to comply with the Rules of Procedure and other rules applicable to other participants in the meeting.

Observers from Non-governmental Organizations

1. Eligibility

   A. Representatives from [international] non-governmental organizations (NGOs) [with a qualified interest in][with an ability to contribute to] [concerned with] the work of NAFO, and supportive of the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area, shall be eligible to participate in meetings described in 4(A) below.

   B. [NGOs referred to in paragraph 1A shall be international with offices in at least two Contracting Parties]

2. Application

   Any NGO desiring to participate as an observer in meetings described in 4(A) below shall notify the NAFO Secretariat of its desire to participate at least [60] days in advance of the beginning of the meeting and shall specify in the body of a memorandum:

   A. a description of the NGOs [concern with] [ability to contribute to] [interest in] the work of NAFO;
   B. the purpose of the NGO, [including a copy of its annual report];
   C. description of the NGOs activities, including observership granted by other fisheries management organizations, [funding sources,] and [information of its governance and] the total number of members;
   D. a statement that the NGO supports the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area.
   E. a statement agreeing to comply with the Rules of Procedure and other rules applicable to other participants in the meeting.
   [F. a statement of the location of the NGOs offices in at least two Contracting Parties.]

3. Selection

   A. Notification: The Executive Secretary shall notify NAFO Contracting Parties of the names of NGOs desiring to participate as observers and shall forward copies of the documents in paragraph 2 to Contracting Parties at least [50] days prior to the beginning of the meeting.

B. Selection:

[any eligible NGO that has applied consistent with 2 above to participate as an observer may do so unless a majority of NAFO Contracting Parties formally objects for cause in writing at least [30] days prior to the beginning of the meeting, and in this case, the Executive Secretary shall notify the NGO and Contracting Parties accordingly]

[the decision on each NGO application should be taken by consensus]

[any eligible NGO that has applied consistent with 2 above to participate as an observer may do so provided that a majority of NAFO Contracting Parties eligible to vote supports the application through a vote conducted by mail under Rule 2 of the applicable rules of procedure as a matter of course. Contracting Parties shall have [30] days to cast their votes [, and any votes opposing the application shall be accompanied by an explanation].

[Applicants shall be notified of the results of the voting within 10 days[, including, in the case of the denial of the application, the explanations for any votes opposing the application.]

C. Duration:

Decisions approving an application of an NGO will be effective for two years.

[Any observer that engages in activities which are at odds with the principles and objectives of the NAFO Convention should have its status as observer suspended.]

4. Participation

A. Meetings open to NGOs: NGOs shall be admitted to meetings of

[the General Council]

[the General Council and the Fisheries Commission]

[the General Council, the Fisheries Commission, and the Scientific Council]

[the General Council, the Fisheries Commission, and the Scientific Council and, with the permission of the presiding officer, any subsidiary body thereof, except extraordinary meetings held in executive session or meetings of Heads of Delegations.]

B. Forms of participation: NGOs may:

i. not vote
ii. not use films, videos, tape-recording devices, etc. to record meeting proceedings
iii. [attend meetings and distribute documents,]
[attend meetings, distribute documents and make oral statements:
[[at the discretion of the presiding officer]]
[[at the discretion of the presiding officer and subject to objection by any Party]]
[attend meetings, distribute documents, and make oral statements at fixed times, at the discretion of the presiding officer]

iv. [engage in other activities as appropriate and at the discretion of the presiding officer and subject to objection by any Party]
v. [each NGO may send not more than two representatives to meetings]

[All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to delegates.]

C. Conditions of Participation

NGOs must agree in writing to comply with the rules of procedure and other rules applicable to other participants in the meeting. Failure to adhere to these rules of procedure can result in revocation of observer status.

5. Costs

NGOs shall bear the costs, including copying and mailing of documents prior to the meeting, of their participation.

(Note: A lump sum fee designed to meet these costs shall be established for the first applicable meeting and reviewed regularly thereafter by STACFAD.)

6. Other

A. [the Press should have the same access to NAFO and under the same conditions and procedures as NGOs, except for paying a fee.]
B. [When an NGO publishes an article on NAFO matters in which a Contracting Party is mentioned by name, the NGO shall forward a copy of the article to that Contracting Party [in that Party's language][in English]].
C. Procedures and rules applicable to NGO observers should be implemented [as a pilot project for five years] [subject to review after five years] [subject to review at any time]. A general evaluation of the regime should be undertaken after five years.

Annex 6. Guidelines and Criteria for Granting Observer Status at NAFO Meetings

(Transparency W.G. W.P. 99/1 – Paper presented by US Delegation)

1. In exercising the responsibilities in respect to observers to NAFO meetings as provided for in rule 1.2 of the Rules of Procedure for the General Council and the Fisheries Commission and rule 1.3 of the Rules of Procedure for the Scientific Council, the Executive Secretary shall invite:

   - FAO
   - Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
   - Non-Contracting Parties, entities, or fishing entities identified as harvesting fishery resources in the Convention Area to which the Convention applies.

2. All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO or in marine fisheries should be eligible to participate as an observer in all meetings of the organization and its subsidiary bodies, except extraordinary meetings held in executive session 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 65 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 a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
   - A brief history of the organization and a description of its activities;
   - 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;
   - A history of NAFO observer status granted/revoked or service on a national delegation to a NAFO meeting;
   - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

4. The Executive Secretary shall review applications received within the prescribed time, and at least 60 days before the meetings for which the applications were received, the Executive Secretary, in consultation with the NAFO President, shall decide, an individual basis, whether the applications meet the criteria provided for in paragraph 3 above. After such consultation, but at least 50 days before the meetings, the Executive Secretary shall circulate to all Contracting Parties the names of organizations whose applications were approved.

5. Any application not approved after consultation with the NAFO President shall be put to a mail vote. At least 45 days before the meeting, the Executive Secretary shall notify the Contracting Parties of the names of organizations and qualifications of such NGOs. Such applications will then be considered as accepted unless a majority of Contracting Parties

object at least 30 days prior to the meetings. The Executive Secretary shall also circulate any comments that the Contracting Parties include with their vote on this matter.

6. 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;
   - Engage in other activities as appropriate and as approved by the presiding officer.

7. Observers will be required to pay a fee which will contribute to the additional expenses generated by their participation, as determined annually by the Executive Secretary.

8. 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.

9. 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 Executive Secretary.

10. 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 NAFO may adopt for the conduct of observers will result in withdrawal of accreditation by the President of the Organization.

11. The foregoing guidelines and criteria shall be reviewed three years after their adoption and any time thereafter at the request of any Contracting Party.

Annex 7. Rules for Granting Observer Status at NAFO Meetings

(Transparency W.G. W.P. 99/2 - Paper presented by EU Delegation)

1. In exercising the responsibilities in respect to observers to NAFO meetings as provided for in rule 1.2 of the Rules of Procedure for the General Council and the Fisheries Commission, the Executive Secretary shall invite:

   - Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.

   - Non-Contracting Parties, entities, or fishing entities identified as harvesting fishery resources in the Regulatory Area.

2. All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in all regular meetings of the organization, except extraordinary meetings held in executive session or meetings of Heads of Delegations. Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the organization.

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 65 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 a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
   - A brief history of the organization and a description of its activities;
   - 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;
   - A history of NAFO observer status granted/revoked;
   - Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

4. The Executive Secretary shall review applications received within the prescribed time, and, at least 60 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 stipulated in paragraph 2 above. If one of the Contracting Parties objects giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted where a majority of Contracting Parties support such applications in writing at least 30 days prior to the meeting. 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.

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;
   - Engage in other activities as appropriate and as approved by the presiding officer.

6. Observers will be required to pay a fee 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 a Contracting Party or the Executive Secretary.

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 NAFO may adopt for the conduct of observers will result in removal from the meeting by the presiding officer and revocation of observer status.

10. These rules shall be subject to review and revision, as appropriate, at the ..th Annual Meeting for application in the year 2003 and subsequent years. The General Council shall review and assess the adequacy of these rules and, if necessary, adopt amendments in the light of the need of NAFO to function effectively when conducting its business.

Annex 8. Paper presented by Denmark (in respect of Faroe Islands and Greenland)

(Extract – GC Doc. 98/3, Annex 4)

1. All non-member governments and intergovernmental organizations may participate as observers in Plenary sessions of NAFO's General Council and Fisheries Commission.

2. Applications for NGO observer status should be accompanied by a memorandum setting out relevant information including

   - a description of the NGOs ability to contribute to the work of NAFO,
   - the purpose of the NGO, including a copy of its annual report,
   - a description of the organization's activities and information of the organization's governance and the total number members,
   - up to date information about the organization's relevant activities.

   (Note: these requirements correspond to those agreed to in Arctic Council).

3. NAFO's decision on each NGO application should be taken by consensus.

   (Note: this also corresponds to Arctic Council).

4. Renewed decision on participation of each NGO should be taken regularly (e.g. every second year).

   Any observer that engages in activities which are at odds with the principles and objectives of the NAFO Convention should have its status as observer suspended.

5. NAFO fora in which NGO observers may participate: Plenary sessions of the General Council and Fisheries Commission. Observer status in Scientific Council should be decided by SC, cf. Rules of Procedure 1.3 for the Scientific Council.

6. NGOs may make only written reports. No films, videos, tapes, etc.

7. NGOs should cover all expenses connected with their participation (room, documents, etc.).

8. Press should have same access as NGOs to NAFO meetings and documents.

   (Note: This is the case in NASCO and IWC).

9. When a NGO publishes articles etc. on NAFO matters in which a Contracting Party is mentioned by name, the NGO should be obliged to forward the article to the Contracting Party in that Party's language.

10. The outlined regime on NGO observers should be implemented as a pilot project. NAFO should take final decision after [five] years.

Annex 9. Recommendation for Rules for Granting Observer Status at NAFO Meetings

Delete Rule 1.2 of the Rules of Procedure for both the General Council and the Fisheries Commission. Add Rule 9 and 10 respectively as follows:

Observers

(General Council)

Rule 9

9.1 The Executive Secretary shall invite:

- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.

- Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

9.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in [all regular meetings of the General Council] [the annual meetings of the General Council], except meetings held in executive session or meetings of Heads of Delegations. [Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the Council.]

9.3. Any NGO desiring to participate as an observer in a meeting of the General Council or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:

- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the organization;
- Address of all its national/regional offices;
- Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- Information on the organization's total number of members, [its decision-making process and its funding];
- A brief history of the organization and a description of its activities;
- 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;
- A history of NAFO observer status granted/revoked;
- Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

9.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 60 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 Rule 9.3. [If one or more of the Contracting Parties object giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted unless a majority of Contracting Parties objects in writing at least 30 days prior to the meeting. 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.] [Such NGOs shall be granted observer status unless one of the Contracting Parties objects giving in writing its reasons. The Executive Secretary shall also circulate any reasons given in such an objection.]

9.5 Any NGO admitted to a meeting of the General Council may:

- Attend meetings, as set forth above, but may not vote;
- Make oral statements during the meeting upon the invitation of the chairman;
- Distribute documents at meetings through the Secretariat;
- Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the General Council may not use films, videos, tape-recording devices etc. to record meeting proceedings.

9.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

9.7 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.

9.8 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 a Contracting Party or the Executive Secretary.

9.9 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 NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

9.10 These rules shall be subject to review and revision, as appropriate, at the 24th Annual Meeting (2002). The adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.

Observers

(Fisheries Commission)

Rule 10

10.1 The Executive Secretary shall invite:

- Intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa.
- Non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

10.2 All non-governmental organizations (NGOs) that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO should be eligible to participate as an observer in [all regular meetings of the Fisheries Commission] [the annual meetings of the Fisheries Commission], except meetings held in executive session or meetings of Heads of Delegations. [Unless expressly determined otherwise, NGOs may also participate in meetings of subsidiary bodies of the Commission.]

10.3. Any NGO desiring to participate as an observer in a meeting of the Fisheries Commission or its subsidiary bodies shall notify the Secretariat of its desire to participate at least 65 days in advance of the meeting. This application must include:

- Name, address, telephone, fax number of the organization and the person(s) proposed to represent the Organization;
- Address of all its national/regional offices;
- Aims and purposes of the organization and a statement that the NGO generally supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- Information on the organization's total number of members, [its decision-making process and its funding];
- A brief history of the organization and a description of its activities;
- 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;
- A history of NAFO observer status granted/revoked;
- Information or input that the organization plans to present at the meeting in question and that it would wish to be circulated by the Secretariat for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

10.4 The Executive Secretary shall review applications received within the prescribed time, and, at least 60 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 Rule 10.3. [If one or more of the Contracting Parties objects giving in writing its reasons within 10 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted unless a majority of Contracting Parties objects in writing at least 30 days prior to the meeting. 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.] [Such NGOs shall be granted observer status unless one of the Contracting Parties objects giving in writing its reasons. The Executive Secretary shall also circulate any reasons given in such an objection.]

10.5 Any NGO admitted to a meeting of the Fisheries Commission may:

- Attend meetings, as set forth above, but may not vote;
- Make oral statements during the meeting upon the invitation of the chairman;
- Distribute documents at meetings through the Secretariat;
- Engage in other activities as appropriate and as approved by the chairman.

Any NGO admitted to a meeting of the Fisheries Commission may not use films, videos, tape-recording devices etc. to record meeting proceedings.

10.6 Observers will be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary.

10.7 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.

10.8 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 a Contracting Party or the Executive Secretary.

10.9 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 NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

10.10 These rules shall be subject to review and revision, as appropriate, at the 24th Annual Meeting (2002). The adequacy of these rules shall be reviewed and assessed and, if necessary amendments shall be adopted in the light of the need of NAFO to function effectively when conducting its business.