



5. Cooperating Non-member Status

Purpose

To discuss a resolution to establish the status of Cooperating Non-member.

Discussion

At CCSBT9 the Extended Commission agreed to settle a resolution out of session as soon as possible to give effect to the status of Cooperating Non-member. Discussions have been on-going since CCSBT9 and a copy of the last draft is at AttachmentA.

Three countries have an interest in participating in the activities of the Extended Commission as cooperating non-members:-

- South Africa
- Indonesia
- Philippines

Indonesia and the Philippines have directly sought advice on when they would be able to apply for cooperating non-member status.

At CCSBT9 the Extended Commission and South Africa could not reach agreement on the basis of a response to South Africa's request to join the Extended Commission. However, involvement as a cooperating non-member was seen as the basis for future engagement.

Issues for Consideration

Adoption of a resolution on the status of cooperating non-member would offer a mechanism for countries where there are impediments to joining as full members, to participate in the activities of the Commission. Participation would seem desirable in the following context:

- Indonesia is the third largest fisher in the fishery and it operates in the only known spawning ground at a time when the spawning biomass is at historically low levels
- South Africa has expressed an interest in developing a SBT fishery
- the Philippines is active in the fishery although at low levels at the moment

If the Commission wished to adopt the resolution at CCSBT10, a small working party could be convened to complete the drafting task outside the plenary with a view to formal adoption by the Extended Commission.

**RESOLUTION TO ESTABLISH THE STATUS OF CO-OPERATING NON-MEMBER
OF THE EXTENDED COMMISSION AND THE EXTENDED SCIENTIFIC
COMMITTEE**

The Extended Commission for the Conservation of Southern Bluefin Tuna,

RECOGNISING that ensuring the sustainability of the Southern Bluefin Tuna (SBT) stock requires that all those States and entities fishing this species work together through the Extended Commission;

CONSIDERING that continued fishing for SBT by States and entities not adhering to conservation and management measures adopted in accordance with the Convention for the Conservation of Southern Bluefin Tuna (the Convention) substantially diminishes the effectiveness of those measures;

RECOGNISING, in accordance with Article 13 of the Convention and the Resolution to establish an Extended Commission and an Extended Scientific Committee (the Resolution), the continuing need for all members of the Extended Commission to co-operate with each other to encourage States to accede to the Convention and to encourage entities to apply for membership of the Extended Commission, and

RECOGNISING the continuing need to encourage all non-member States and entities whose **fishing** vessels harvest SBT or through whose exclusive economic or fishery zone SBT migrates to take appropriate actions to ensure the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Convention;

Decides as follows:

1. The Extended Commission hereby establishes the status of “co-operating non-member” of the Extended Commission and the Extended Scientific Committee.
2. The Executive Secretary of the Extended Commission is instructed to invite every year all non-member States and entities whose **fishing** vessels harvest SBT or through whose exclusive economic or fishery zone SBT migrates to co-operate with the Commission by acceding to the Convention or, as the case requires, by becoming a member of the Extended Commission or applying to the Extended Commission for the status of a co-operating non-member.

3. Any State or entity that receives such an invitation may apply to the Extended Commission to be admitted in the capacity of a co-operating non-member to the Extended Commission. Any applications for such admission should be received by the Executive Secretary of the Extended Commission at least one hundred and twenty (120) days before the Annual Meeting of the Extended Commission.

4. When submitting an application for admission in the capacity of a co-operating non-member, the candidate State or entity will give a formal written statement to the Extended Commission of its commitment to:

- a) carry out the objective of the Convention;
- b) abide by conservation and management measures and all other decisions and resolutions adopted in accordance with the Convention;
- c) take appropriate action to ensure that its fishing activities do not diminish the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Convention;
- d) transmit to the Extended Commission the review of its SBT fisheries and all other data that the members of the Extended Commission are required to submit to the Extended Commission;
- e) facilitate scientific research and studies of SBT;
- f) ensure that SBT statistical documents are completed in accordance with requirements of the Commission's Trade Information Scheme; and
- g) negotiate with the members of the Extended Commission to develop any other criteria for its admission in the capacity of a co-operating non-member specific to its situation.

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5. In deciding upon a total allowable catch and its allocation the Extended Commission may negotiate with any cooperating non-members specific catch limits for that cooperating non-member. Cooperating non-members shall abide by any negotiated limit.

6. The commitments in paragraph 4(a) to (f) and any specific criteria, determined by the Extended Commission in negotiation with the applicant in accordance with 4(g), will form the basis of an Exchange of Letters between the applicant and the Extended Commission. Upon conclusion of the Exchange of Letters the applicant will be admitted in the capacity of a "co-operating non-member" of the Extended Commission. The co-operating non-member will reaffirm the commitments contained in the Exchange of Letters at the Annual Meetings of the Extended Commission.

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7. A State or entity that is admitted to the Extended Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Extended Commission, the Extended Scientific Committee and their subsidiary bodies, including, but not limited to, the right to make proposals and the right to speak, but not to vote. The Extended Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.

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8. At its Annual Meeting the Extended Commission will determine whether the State or entity qualifies to retain the status of co-operating non-member. The Extended Commission will evaluate the performance of the co-operating non-member against the commitments set out in its Exchange of Letters with the Extended Commission.

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9. If the Extended Commission determines that a co-operating non-member has not fulfilled its commitments the Extended Commission may proceed in accordance with the 2000 Action Plan, or take other appropriate steps.

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10. The Executive Secretary is instructed to inform any non-member State or entity whose fishing vessels harvest southern bluefin tuna in a manner that undermines the conservation and management measures adopted in accordance with the Convention, or that fails to ensure that SBT statistical documents are completed in accordance with the requirements of the Trade Information Scheme, and that does not seek full membership of the Convention, membership of the Extended Commission or co-operating non-member status, that continuing to allow such activities to take place, undermines the objective of the Convention.

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11. The Rules of Procedure of the Extended Commission are amended by inserting the following:

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“RULE 3 A bis

CO-OPERATING NON-MEMBERS

A State or entity that is admitted to the Extended Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Extended Commission, the Extended Scientific Committee and their subsidiary bodies, including, but not limited to, the right to make proposals and the right to speak, but not to vote. The Extended Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.”