

COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

**RULES OF PROCEDURE
OF THE COMMISSION FOR THE
CONSERVATION OF SOUTHERN BLUEFIN TUNA**

RULE 1

REPRESENTATION

1. Each Party to the Convention for the Conservation of Southern Bluefin Tuna (Convention) shall be a member (Member) of the Commission for the Conservation of Southern Bluefin Tuna (Commission) and shall be represented on the Commission by not more than three delegates who may be accompanied by experts and advisers. Each Member shall inform the Executive Secretary¹ of the names of its delegates to the Commission including identification of the head of delegation and experts and advisers accompanying such delegates, and of any change thereof as far in advance as possible before the commencement of each meeting of the Commission.

2. Each Member shall designate a correspondent who shall have primary responsibility for liaison with the Executive Secretary during the periods between meetings and shall promptly inform the Executive Secretary of the name and address of such a correspondent and of any change thereof.

RULE 2

MEETINGS OF THE COMMISSION

1. Until such time as a Secretariat is established and the location of the headquarters of the Commission is determined, the annual meetings of the Commission shall be held in one of the Member countries by rotation or as otherwise agreed.

¹ For the purposes of these Rules and pursuant to Article 10.2 of the Convention, references to the term Executive Secretary shall also refer to the official acting as Secretary until such time as a Secretariat is established.

ANNUAL MEETINGS

2. (a) The Commission shall hold an annual meeting before 1 August each year or at such other time as the Commission may determine.
- (b) After a Secretariat has been established and the location of the headquarters of the Commission has been determined, each annual meeting of the Commission shall be held in one of the countries of the Members by rotation. In the event that a Member does not wish to host an annual meeting, that meeting shall be held at the headquarters of the Commission, unless otherwise decided by the Commission.
- (c) Notice of the convening of an annual meeting together with the draft provisional agenda for the meeting shall be dispatched by the Executive Secretary to all Members not less than 100 days before the date fixed for the opening of the meeting.

SPECIAL MEETINGS

3. (a) Special meetings of the Commission shall be convened by the Chair at the request of a Member supported by at least two other Members.
- (b) The Chair shall after consulting with the Executive Secretary and such consultation with Members as may be feasible in the circumstances, determine the date and venue of special meetings.
- (c) Notice of the convening of a special meeting shall be dispatched by the Executive Secretary to all the Members not less than 30 days before the date fixed for the opening of the meeting.

QUORUM

4. Two-thirds of the Members shall constitute a quorum.

RULE 3

OBSERVERS

1. In accordance with Article 14 of the Convention, the Executive Secretary may, with the approval of all the Members, invite the following States, entities or organisations to send observers to attend meetings of the Commission:

(a) any State or entity not party to the Convention, whose nationals, residents or fishing vessels harvest southern bluefin tuna, and any coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrates: and

(b) any inter-governmental or, on request, non-governmental organisations having special competence concerning southern bluefin tuna or competent to contribute to the attainment of the objectives of the Convention.

2. Except as provided in Rules 3.3 and 3.5, the Commission shall determine which States, entities, inter-governmental organisations and, on request, non-governmental organisations referred to in Rule 3.1 shall be invited to send observers to attend the next meeting of the Commission at the meeting immediately preceding the one to which the invitation shall be extended.

3. The Commission may approve long-term observer status to specific States, entities, inter-governmental organisations and, on request, non-governmental organisations referred to in Rule 3.1. Approvals by the Commission for long-term observer status will specify the types of meetings to which the approvals apply and approvals will remain in-force until cancelled by the Commission. Any Member may request the cancellation of an approval for long term observer status in writing, together with the reasons for the request. The Executive Secretary will circulate the request, together with the accompanying reasons, for information, to Members of the Commission and the affected observer. The long term observer status will cease on receipt of the above request from any Member. Such a request may be made intersessionally but no later than 60 days before the next meeting of the Commission. The Executive Secretary shall maintain the list of all current approvals for long-term observer status granted by the Commission and shall issue invitations for observers with long-term observer status to attend the specified meetings in accordance with Rule 3.7.

4. Any non-governmental organisation which has expressed an interest in sending observers to attend a meeting of the Commission shall provide the Executive Secretary with information explaining the organisation's competence concerning southern bluefin tuna or the organisation's competence to contribute to the attainment of the objectives of the Convention.

5. Not less than 50 days before a meeting of the Commission, the Executive Secretary shall advise the Members of the names of States, entities and organisations that do not have long-term observer status in accordance with Rule 3.3 which have expressed an interest in sending observers to attend the next meeting of the Commission, and provide the Members with any information received from non-governmental organisations pursuant to Rule 3.4. The Executive Secretary may also suggest to Members the names of States, entities and inter-governmental organisations referred to in Rule 3.1 not otherwise invited to attend a meeting of the Commission whose attendance at that meeting may facilitate the work of the Commission.

6. The Commission shall take a decision to extend an invitation to observers on the Executive Secretary's advice or suggestion made under Rule 3.5 in accordance with Rule 6.5. If a Member objects to an invitation being extended to particular States, entities or organisations to send observers to proceedings of the Commission, that Member shall inform the Executive Secretary in writing of its objection together with the reasons for such objection. The Members shall be informed of any objection and any reason given therefor by another Member to extending an invitation to particular observers and that objection shall be considered at an early point at the next meeting of the Commission. The Executive Secretary, upon receipt of the notification in writing of an objection, shall thereupon advise the State, entity or organisation against which the objection has been entered of the objection, by which Member it was lodged and the reasons provided therefor.

7. The Executive Secretary shall issue invitations with respect to observers to a meeting of the Commission not less than 28 days before the date of the opening of the meeting. Recipients of invitations shall be required to advise the Executive Secretary in writing at least 14 days before the opening of the meeting of acceptance of the invitation and of details of the observers who will attend the meeting.

8. Observers may be present at both public and private sessions of the Commission. If a Member of the Commission so requests, the Commission shall meet without observers present to decide whether the discussion of a particular agenda item shall be restricted to Members. Notwithstanding the foregoing, if a Member so requests, any session of the Commission concerning the invitation to non-governmental organisations to send observers to attend meetings of the Commission, shall be restricted to Members.

9. The Chairman may invite observers to address the Commission unless a Member objects. Observers shall not be entitled to participate in the taking of decisions by the Commission and shall not vote.

10. Observers may submit documents to the Executive Secretary for distribution to Members as information documents only. Such documents must be relevant to matters under consideration in the Commission. Unless any Member of the Commission requests otherwise such documents shall only be available in the language in which they are submitted.

11. The Commission may decide to consider documents submitted by observers.

RULE 3A

CO-OPERATING NON-MEMBERS

1. 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.

RULE 4

CHAIR AND VICE-CHAIR

1. At the end of each annual meeting, the Commission shall elect individuals to serve as Chair and Vice-Chair. The Chair and the Vice-Chair shall be elected from different Members and shall remain in office until the election at the next annual meeting. The Chair and/or Vice-Chair may be re-elected for a maximum of three additional one-year periods. The Vice-Chair will undertake the duties of the Chair if the Chair is not able to carry out his/her duties until the election of a new Chair or the Chair is able to resume his/her duties. If the Commission is not able to elect a Chair and/or a Vice-Chair, the host Member (the Member that will host the annual meeting in the next year) shall provide the Chair if a Chair was not elected, and the subsequent host Member shall provide the Vice-Chair if a Vice-Chair was not elected.

2. The Chair shall participate in meetings of the Commission in that capacity and shall not at the same time exercise the rights of a delegate of a Member including the right to vote. A Member whose delegate has been elected as Chair may designate another person as delegate.

3. Until such time as a Secretariat is established, the Chair shall nominate from within his or her Government an official to act as Secretary to the Commission to perform the secretariat functions set out in Article 10.3 of the Convention for a term of one year. At each annual meeting of the Commission, the Chair shall advise the Member of the name and address of the Secretary.

4. In the absence of the Chair, the Vice-Chair shall exercise the functions of the Chair and in the event that the position of Chair or Vice Chair becomes vacant other than by expiration of the term of his or her office, the vacancy shall be filled for the remainder of such term by a representative to be selected by the same Member as the former occupant of such office, subject to the approval of the Commission.

5. The powers and duties of the Chair shall be:

- (a) to declare the opening and closing of the meeting of the Commission;
- (b) to direct discussions in the meeting;

- (c) to accord the right to speak and to limit the time allowed for speaking to speakers;
- (d) to rule on points of order, subject to the right of any delegate to request that any ruling by the Chair shall be submitted to the Commission for decision;
- (e) to determine if consensus exists and, if necessary, to call for votes and announce results;
- (f) to direct the meeting to articulate its rationale for decisions;
- (g) to sign, on behalf of the Commission, a report of the proceedings of each meeting of the Commission, for transmission to all the Members and to any State, entity, inter-governmental or non-governmental organisation which has attended the meeting;
- (h) to exercise other powers and responsibilities as provided in these Rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

RULE 5

AGENDA

1. A draft provisional agenda for each annual meeting shall be drawn up by the Executive Secretary in consultation with the Chair and transmitted to Members together with the notice of the convening of an annual meeting referred to in Rule 2.
2. Members proposing supplementary items for the agenda of a meeting shall inform the Executive Secretary of such items not less than 70 days before the date fixed for the opening of the meeting and shall accompany their proposal with an explanatory memorandum.

PROVISIONAL AGENDA

3. A provisional agenda for each annual meeting shall be prepared by the Executive Secretary in consultation with the Chair. The provisional agenda shall be

dispatched by the Executive Secretary to all the Members, not less than 60 days before the date fixed for the opening of the meeting. The provisional agenda shall include:

- (a) approval of decisions taken by the Extended Commission;
- (b) all items which the Commission has previously decided to include in the provisional agenda; and
- (c) all supplementary items the inclusion of which have been requested by any Member of the Commission.

3 Bis. A provisional agenda for an annual meeting shall become publicly available five working days after it has been dispatched to Members, unless a Member objects to its public release within that time.

4. A provisional agenda must be confirmed at the beginning of the meeting to which it relates and may be subject to further amendment during that meeting.

PROVISIONAL AGENDA FOR A SPECIAL MEETING

5. A provisional agenda for a special meeting shall be drawn up by the Executive Secretary in consultation with the Chair on the basis of the items relating to the purpose for which the meeting is to be convened and shall be attached to the notice of the convening of the special meeting referred to in Rule 2.

5 Bis. A provisional agenda for a special meeting shall become publicly available five working days after it has been dispatched to Members, unless a Member objects to its public release within that time.

AGENDA ITEMS ON CERTAIN MATTERS

6. Agenda items concerning:
- (a) the decisions upon measures for the conservation, management or optimum utilisation of southern bluefin tuna under paragraph 3 of Article 8 of the Convention:

- (b) the decisions upon recommendations under paragraph 5 of Article 8 of the Convention:
- (c) the establishment of subsidiary bodies under paragraph 10 of Article 8 of the Convention:
- (d) the invitation of observers under Article 14 of the Convention: and
- (e) the amendments to the present Rules of Procedure, and the establishment and amendment of other internal administrative regulations under paragraph 8 of Article 6 of the Convention:

shall require the Executive Secretary to prepare explanatory documents to be dispatched to all the Members not less than 60 days before the date fixed for the opening of the meeting.

RULE 6

VOTING

1. Each Member shall have one vote in the Commission. Decisions of the Commission shall be taken by a unanimous vote of the Members present at the Commission meeting.
2. Following consultation with all Members present, the Chair may advise the meeting that in the Chair's view a consensus exists on any proposal and propose that it be adopted as a decision of the Commission. Unless any Member thereupon requests a vote on the proposal or that the proposal be deferred for later consideration, the Chair shall declare the proposal adopted as a decision of the Commission.
3. Votes at meetings of the Commission shall be taken by show of hands unless a Member requests that a vote be taken by a roll call or secret ballot.
4. Voting by roll call shall be conducted by the calling in English alphabetical order of the names of all the Members. The name of the first Member to be called shall be designated by lot drawn by the Chair.

5. Where necessary when the Commission is not in session, decisions of the Commission shall be taken by a unanimous vote of the Members. The vote will be organised by the Executive Secretary using the post, facsimile or e-mail. The decision will be formally recorded by the Executive Secretary in a format agreed by the Commission and circulated to Members. In circumstances where the Executive Secretary is satisfied that a Member has received a proposal, and that Member has not responded within 21 days to the proposal, the Member shall be taken to have responded to that proposal in the affirmative.

RULE 7

SUBSIDIARY BODIES

1. The Commission may determine the composition and terms of reference of any subsidiary body it may establish. Insofar as they are applicable, these Rules of Procedure shall apply to all such bodies unless the Commission decides otherwise.

RULE 8

CHAIR OF THE SCIENTIFIC COMMITTEE

1. The Chair of the Scientific Committee may attend the meetings of the Commission, and such meetings of subsidiary bodies referred to in Rule 7 as may be determined by the Commission, without the right to vote and shall be entitled to present reports of the Scientific Committee to the Commission and to address the Commission with respect to such reports.

RULE 8 Bis

SCIENTIFIC ADVICE

1. The Scientific Committee shall incorporate advice consistent with the precautionary approach in its advice to the Commission.

RULE 9

SECRETARIAT

1. The Commission may establish a Secretariat consisting of an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms as the Commission may determine in accordance with the Convention. The Executive Secretary shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment by the Commission.

2. Until such time as a Secretariat is established, the official referred to in Rule 4.3 shall perform the Secretariat functions set out in Article 10.3 of the Convention for a term of one year.

3. The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules and procedures and on such terms as the Commission may determine.

4. The Secretariat shall perform such functions as are prescribed by the Commission including:

- (a) receiving and transmitting the Commission's official communications;
- (b) facilitating the collection of data necessary to accomplish the objective of the Convention;
- (c) preparing administrative and other reports for the Commission and the Scientific Committee.
- (d) preparing an annual report on the Secretariat's activities for the annual meeting of the Commission.

RULE 10

REPORTS

1. The Executive Secretary shall prepare a report of every annual and special meeting of the Commission. The report of an annual meeting shall include a summary of Commission activities since the previous annual meeting of the Commission. The Executive Secretary shall provide a draft report to the Commission for its adoption, subject to amendment prior to the end of the annual or special meeting.
2. The Commission shall articulate the rationale for its decisions, including where they differ from the science advice provided to the Commission, for inclusion in the report of every annual or special meeting prepared by the Executive Secretary.
3. Where an annual or special meeting is adjourned, the Executive Secretary may be requested by the Commission to prepare a report of the meeting prior to the adjournment. In this case, the Executive Secretary shall provide a draft report to the Commission for its adoption, subject to amendment, prior to the adjournment of the meeting. Rules applying to an annual or special meeting shall also apply to an adjourned meeting.
4. Every subsidiary or advisory body shall adopt a report prior to the close of its meeting and submit its report to the Commission.
5. Subject to this paragraph, the report of a meeting of the Commission, subsidiary or advisory body shall become available for release outside the Commission following its adoption by the Commission, or a decision is made in accordance with the provisions of paragraph 5 of Rule 6, unless a Member or Members request the report, or a specified part of the report not be made available for release. The request must be made before the adoption of the Commission report or the decision to release. In that event the Commission shall decide whether and to what extent to restrict its release including to whom.
6. Subject to paragraphs 8 and 9 and Rule 5, a document submitted to a meeting of the Commission shall become available for release outside of the Commission when the report of that meeting is adopted, unless either the author of that document, or the Member (if the author is a representative of a Member), makes a request to restrict its release. The request must be made before adoption of the report.

7. Subject to paragraphs 8 and 9 and Rule 5, a document submitted to a meeting of a subsidiary or advisory body of the Commission shall become available for release outside the Commission when the report of the meeting of the Commission to which the report of that subsidiary or advisory body is submitted, is adopted or a decision is made in accordance with the provisions of paragraph 5 of Rule 6, unless either the author of the document, or the Member (if the author is a representative of a Member), makes a request to restrict its release. The request to restrict the release of a document must be made before adoption of the report or the decision to release.

8. If a document submitted to the Commission, or a subsidiary or advisory body of the Commission contains data from a previous document submitted to the Commission or a subsidiary or advisory body of the Commission, the release of which has been restricted, the author of the document, or the Member (if the author is a representative of a Member) must obtain the permission of the author or the Member (if the author is a representative of a Member) that requested the restriction of the previous document before granting permission for its release. The author or the Member (if the author is a representative of a Member) of the previous document may request to restrict the release of the relevant part(s) of that document.

9. If a document submitted to the Commission, or a subsidiary or advisory body of the Commission, contains data or product of data, the release of which has been restricted, the author of the document, or the Member (if the author is a representative of a Member), must obtain the permission of the Member from whom the data originated, for its release. The Member from whom the data originated may request to restrict the release of the relevant part(s) of that document.

10. Unless the Commission decides otherwise, a Member may circulate prior to a meeting of the Commission, copies of documents or reports of any subsidiary or advisory bodies that are to be considered at that meeting to individuals or organisations within the Member's country with whom a Member considers it necessary to consult. The Member shall obtain the necessary undertaking from such individuals or organisations to treat the said documents or reports as confidential and not to release them to the public or to the media until such time as they become public documents.

11. Documents submitted to a meeting of the Commission or a subsidiary or advisory body and reports of a meeting of the Commission or a subsidiary or advisory body shall be distributed at no cost to Members and observers. Printed copies of public

documents and reports shall be available to the public at a price determined by the Executive Secretary to recover the cost of printing and distribution. Electronic copies of Commission reports shall be made available on the Internet.

RULE 11

OTHERS

1. Unless the Commission decides otherwise, the opening plenary session of a meeting of the Commission shall be open to the public.
2. Subject to Rule 3.8. all other proceedings of meetings of the Commission shall be private and open only to Members and observers unless decided otherwise by the Commission.
3. The Commission may decide to restrict the proceedings of any meeting to Members.