



CCSBT-EC/2510/07

## Consideration of New Member Joining Fee 新メンバーに対する加盟料の検討

### Overview 概要

In recognition of the financial pressures faced by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Secretariat has sought to explore alternative sources of income other than those provided through the contributions made by Members. These efforts have already resulted in changes to the management of cash reserves to maximise returns on investment and the securing of funding from FAO programmes.

みなみまぐろ保存委員会（CCSBT）が直面する財政的圧力に鑑み、事務局は、メンバーによる分担金を通じた収入以外の代替的な収入源について探求してきたところである。こうした取組の結果、投資利息を最大化するための現金預金の管理方法の変更や FAO プログラムからの資金の獲得につながっている。

However, opportunities for external funding are quite limited and unlikely to provide the immediate financial benefits required to put the CCSBT in a strong financial position for the future. The Secretariat also recognises the financial pressures faced by current CCSBT Members and the need to limit contribution increases.

しかしながら、外部資金獲得の機会極めて限定的であり、将来的に CCSBT が強固な財務状況にあるために必要な財務的利益が直ちに得られるとは考えにくい。また事務局は、現在 CCSBT メンバーがそれぞれに直面している財政的圧力、及び分担金の増加を制限する必要性についても認識している。

One of the options that is under consideration is the introduction of a one-time joining fee for future Members of the Commission. If applied, and if there are new Members, such a fee would not only provide immediate relief to some of the financial pressures of the Commission but would also ensure that the past investments and sacrifices of current Members are recognised by new entrants.

現在検討されているオプションの一つは、委員会における将来の新メンバーに対する一度限りの加盟料の導入である。これが合意され、かつ新メンバーが加盟した場合は、委員会の財政的圧力を即座にある程度緩和するだけでなく、既存のメンバーがこれまでに払ってきた投資及び犠牲を新メンバーが認識するよう確保することになると考えられる。

This paper explores the rationale, benefits, and potential constraints of such a fee, which is currently without precedent amongst other tuna RFMOs. To develop this paper, informal guidance was sought from external experts however the final advice remains the sole responsibility of the Executive Secretary.

本文書では、加盟料を検討する上での根拠、利点及び考え得る制約について検討する。本文書を作成するにあたっては非公式に外部の専門家による意見を得たが、最

最終的な文責は事務局長に帰属する。

## Background

### 背景

At CCSBT 31, the Secretariat introduced the concept of a one-time joining fee for new Members (CCSBT-EC/2410/06) and sought support in-principle to further explore this concept and that (depending on the outcomes of the secretariat's review) a proposal be put forward for consideration at CCSBT 32. The recommendation that the Secretariat further explore the potential for a new Member joining fee was adopted.

CCSBT 31において、事務局は新メンバーに対する一度限りの加盟料のコンセプトを紹介し（文書 CCSBT-CC/2410/06）、このコンセプトをさらに研究すること、及び（事務局のレビューの結果次第で）CCSBT 32の検討に向けた提案を行うことにかかる原則的な支持を求めた。新メンバー加盟料の可能性をさらに研究することとした事務局の勧告は採択された。

## Rationale

### 根拠

The Convention for the Conservation of Southern Bluefin Tuna came into force in 1994 and from its inception has relied on investments from its Members to support the work of the Commission.

みなみまぐろ保存条約は 1994 年に発効し、設立当初より、委員会による業務の支援はメンバーからの投資に依存してきたところである。

In particular, Members have contributed extensively to the scientific process that supports the ongoing management of this fishery (including the development of a management procedure). In fact, the majority of scientific work was fully funded by individual Members until 2013 when the CCSBT began to shift towards a more centralised funding model that shares the costs across the Membership. This historical commitment represents a multi-million dollar investment from Members towards southern bluefin tuna science and fisheries science more broadly. A report commissioned by CSIRO has previously estimated the economic benefit from research investments at \$300-400 million globally for the period from 2011-18 alone.<sup>1</sup>

特に、メンバーは SBT 漁業をサポート及び継続的に管理するための科学プロセス（管理方式の開発を含む）に対して相当額を投資してきた。実際、CCSBT がメンバー横断的に費用を負担する一元的な資金モデルへの移行を開始した 2013 年までは、科学関連作業にかかる費用の大部分が個別のメンバーによって拠出されていた。こうした過去のコミットメントは、みなみまぐろ漁業及び漁業科学全般に対してメンバーが何百万ドルもの投資をしてきたことを示している。過去の CSIRO の報告によれば、2011－2018 年までの期間だけでも研究投資による経済効果が世界全体で 3 億ドルから 4 億ドルに上ると試算している。

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<sup>1</sup> *Orange Roughy and Southern Bluefin Tuna – Case Study*, Acil Allen Consulting, [https://www.csiro.au/-/media/About/Files/Impact-case-studies/Full-Reports/ACIL-Allen\\_OR-and-SBT\\_2018.pdf](https://www.csiro.au/-/media/About/Files/Impact-case-studies/Full-Reports/ACIL-Allen_OR-and-SBT_2018.pdf)

In traditional economics, the SBT fishery would be considered as largely non-excludable<sup>2</sup> and therefore susceptible to free-rider problems where those outside of the CCSBT benefit from its management efforts without contributing towards the costs of those efforts. For example, current Members have had to sacrifice economic returns (in the form of lower catch limits) in order to ensure a successful rebuild of the stock. The improved stock level now provides enhanced economic opportunities for new entrants and existing participants alike, however, the former has not had to experience the same sacrifices.

伝統的な経済学においては、SBT 漁業は概ね排他的でないものと見なされるため、CCSBT の枠外にいる者がその管理努力の恩恵を受けながらもそれにかかる費用には貢献しないという、いわゆる「ただ乗り」問題にさらされやすいとされる。例えば、現在のメンバーは、資源再建の成功を確保するべく（漁獲枠の削減という形で）経済的利益を犠牲にしてきた。資源量の改善により、新規参入者及び既存のメンバーの双方にとって経済的機会は拡大しているものの、前者はこうした犠牲を経験していない。

In addition to the foregone revenues from fishing, Member administrations have contributed significant resources to ensuring that they meet the CCSBT's various obligations. Each year, Member administrations dedicate personnel to the management of the catch documentation scheme, the provision of scientific data, and attendance at various CCSBT meetings.

これまでの漁業から得られた収入に加えて、メンバー政府は CCSBT の様々な義務の履行を確保するために膨大なリソースを投じてきた。毎年、メンバー政府は漁獲証明制度の管理、科学データの提供や各種 CCSBT 会合への参加のために担当者を配置している。

Membership of CCSBT is open to any State, whose vessels engage in fishing for SBT, or any other coastal State through whose exclusive economic or fishery zone SBT migrates. The ability to legally access the southern bluefin tuna fishery and its most valuable markets presents a significant potential windfall for future participants. The Secretariat suggests that the imposition of an entry fee for this access is justifiable in light of the contributions made to date by existing Members.

CCSBT のメンバー資格は、SBT 漁業に従事する国又は SBT が自国の排他的経済水域もしくは漁業水域を通過して回遊する他の沿岸国に対して開かれている。SBT 漁業及びその商業的価値が高い SBT 市場に合法的にアクセスできることは、将来の参加者に対して大きな潜在的利益をもたらす。事務局は、既存のメンバーによるこれまでの貢献を踏まえれば、これにアクセスするための加盟料を課すことは正当化されるものとする。

## **Impact on Collaboration with non-Members**

### **非メンバーとの協力に対する影響**

In considering the introduction of a new Member fee, Members should also consider the potential creation of a disincentive to cooperation. Non-Members may be hesitant to engage in a forum that invokes a new Member fee and may question the benefits of cooperation.

メンバーが新メンバー加盟料について検討する際は、CCSBT への協力に対する抑制

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<sup>2</sup> The requirements linked to the Catch Documentation Scheme offer a level of excludability but do not entirely prevent non-Members from engaging and benefiting from the SBT fishery. 漁獲証明制度に関連する要件はある程度の排他性をもたらすものの、非メンバーが SBT 漁業に関与し受益することを完全に防止するものではない。

要因が生じる可能性についても考慮すべきである。非メンバーは新メンバー加入料を課してくるようなフォーラムとの関与をためらう可能性があり、また協力によって得られる利益に疑問を抱く可能性がある。

This should also be considered within the context of the Resolution on the Allocation of the Global Total Allowable Catch, which limits a new Members allocation to a maximum of 0.355% for the first three fishing seasons (unless the Extended Commission decides otherwise). This initial constraint on allocation will also factor into the decision-making calculations of new Member applicants who will need to consider the longer horizon before seeing a return on their initial investment.

また、（委員会が別の決定を行わない限り）新メンバーに対する加盟後 3 漁期の配分量は最大で TAC の 0.355 % と規定している全世界の総漁獲可能量の配分に関する決議の文脈についても考慮すべきである。この国別配分量にかかる最初の制約も、初期投資を回収するまでの長期的な時間軸を検討する必要があるであろう加盟申請者による意思決定の判断材料となり得る。

This environment may come to form a barrier to entry into the Commission and increase the potential for SBT fishing to occur outside of CCSBT's management.

このような環境は委員会への加盟の障壁となる可能性があり、また CCSBT の管理の埒外で SBT が漁獲される可能性を高めることにもなり得る。

In addition to membership, CCSBT provides for cooperating non-Member (CNM)<sup>3</sup> status which entitles the CNM to participate in meeting of CCSBT and provides for them to abide by CCSBT conservation and management measures and national allocations.

CCSBT は、メンバーだけでなく協力的非加盟国（CNM）としての地位を設けている。CNM は、CCSBT 会合に参加する権利を有し、また CCSBT 保存管理措置及び国別配分量を遵守することが求められる。

In order to retain an alternative means of cooperation free of joining fees, this proposal does not extend to those seeking CNM status. This option will remain available as an alternative to those who may find it difficult to justify the costs associated with full Membership or seek a lower level of engagement.

加盟料を伴わない代替的な協力手段を維持するべく、ここでの提案は CNM の地位を求める国に対しては適用しない。CNM オプションは、メンバー資格に伴う費用を正当化することに困難を抱える国、又はより低い水準での関与を求める国に対する代替的なオプションとして引き続き利用可能となる。

## **International law considerations**

### **国際法にかかる検討**

#### *UNCLOS and the Fish Stocks Agreement*

#### 国連海洋法条約及び公海漁業協定

Article 117 of the United Nations Convention on the Law of the Sea (UNCLOS) introduces the duty for all States to cooperate with other States in the conservation of living resources on the high seas. In addition, Article 118 specifies that States shall, as appropriate, cooperate to establish subregional or regional fisheries organisations to this end. These duties are further

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<sup>3</sup> [Resolution to Establish the Status of Cooperating Non-Member of the Extended Commission and the Extended Scientific Committee](#) 拡大委員会及び拡大科学委員会の協力的非加盟国の地位の設立のための決議

elaborated in the United Nations Fish Stocks Agreement (UNFSA). In particular, Article 8(3) states that States shall give effect to their duty to cooperate by becoming members of the competent RFMO or by agreeing to apply the conservation and management measures established by such organisations.

国連海洋法条約（UNCLOS）第 117 条は、全ての国に対して公海における生物資源の保存について他の国と協力する義務を規定している。さらに第 118 条では、いずれの国も、適当な時は、小地域的又は地域的な漁業管理機関の設立のために協力することを規定している。これらの義務は国連公海漁業協定（UNFSA）においてさらに詳述されている。特に第 8 条の 3 では、権限を有する RFMO のメンバーとなるか又は当該機関により定められた保存管理措置の適用に合意することにより、協力義務を履行することとされている。

Article 8(3) further provides that States having a real interest in the fisheries concerned may become members of the organisations. The terms of participation in such organisations shall not preclude States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fishery concerned. The UNFSA agreement does not define what constitutes a “real interest”.

さらに第 8 条の 3 は、当該機関に現実の利害を有する国は当該機関の加盟国になることができることを規定している。そうした機関への参加条件は、現実の利害を有する国が加盟国又は参加国となることを排除するものであってはならず、また当該漁業に現実の利害を有する国又は国の集団を差別するように適用されてはならない。ただし、UNFSA 協定においては、何が「現実の利害」を構成するのかについては定義していない。

The Secretariat considers that this proposal for a new Member joining fee does not, in itself, constitute a barrier for any State to fulfil its duty to cooperate. As previously mentioned, a State wishing to avoid the joining fee could simply choose to seek Cooperating Non-Member status and achieve its cooperation in that manner.

事務局は、新メンバー加盟料に関する本提案そのものが、いずれかの国がその協力義務を履行することに対する障壁を構成することはないものと考ええる。上述のとおり、加盟料を回避したい国は単純に協力的非加盟国の地位を選択することにより、その協力義務を履行することができる。

The argument as to whether the joining fee can be considered as a discriminatory application of the terms of participation at CCSBT is somewhat less clear. On the one hand, it creates a distinction between the treatment of existing Members, who were not required to pay a joining fee, and new Members. New Members may view the measure as punitive and imposed on them to disincentivise their participation in the SBT fishery, notwithstanding their real interest.

加盟料が CCSBT への参加条件の差別的適用と見なし得るのかどうかという議論については、やや不透明である。この措置は、加盟料の支払いを求められることがなかった既存のメンバーと新規メンバーとの間に取扱いの差を生じさせる。新メンバーは、これは懲罰的な措置であり、SBT 漁業にかかる自国の現実の利害にかかわらず、CCSBT への参加を躊躇わせるために課されたものであると受け止める可能性がある。

Furthermore, a new Member joining fee proposal would serve to recognise the financial contributions of existing Members towards the conservation and management of SBT and should therefore not be seen as a punitive measure applied to new Members. Rather than

discriminate against new Members, this measure aims to ensure that those new Members enter the CCSBT on a more equal footing to existing Members having also demonstrated their commitment through this initial financial contribution.

さらに、新メンバー加盟料にかかる提案は SBT の保存及び管理に向けた既存メンバーによる財政的貢献を認識する役割を果たすものであり、したがって新メンバーに適用される懲罰的措置と見なされるべきものではない。この措置は、新メンバーを差別するものでなく、むしろ最初の財政的貢献を通じてそのコミットメントを示した新メンバーが、既存のメンバーとより対等な立場で CCSBT に参加することができるよう確保することを目的とするものである。

For these reasons, the Secretariat considers that the fee would not constitute discrimination in the application of the terms of participation. The joining fee represents a clear pathway to Membership that would be applied in a transparent manner. A joining fee would not prevent cooperation nor the ability of States to fulfill their duty of cooperation under UNCLOS and UNFSA.

これらの理由から、事務局としては、加盟料が参加条件の差別的適用を構成することはないものとする。加盟料は加盟に向けた明確な筋道を示すものであり、透明な形で適用される。加盟料は、ある国による協力を妨害したり、又は UNCLOS 及び UNFSA の下での協力義務を履行するための能力を阻害するものではない。

Another element to consider with respect to the UNFSA is the requirement to give full recognition to the special requirements of developing States as set out in Article 24. Article 24 would tend to support the consideration of a reduced joining fee (or some alternative source of support) in circumstances where the imposition of the full fee would place a disproportionate burden of conservation on a new Member which is a developing State. UNFSA に関して検討すべきもう一つの要素は、第 24 条が規定する発展途上国の特別な要請の認識にかかる要件である。第 24 条は、加盟料の全額を課すことが発展途上の新メンバーに対して保存措置にかかる不均衡な負担を強いる状況において、加盟料の減額（又は代替的な支援手段）の検討を支持するものと考えられる。

### Risk of legal challenge

#### 法的な異議申し立てのリスク

The Secretariat has considered the risk of legal challenge in two circumstances: first a new Member has joined CCSBT but disputes the joining fee, and second a prospective new Member disputes paying the fee as contrary to recognition of its real interest in the SBT fishery. In the first situation, the dispute would arise under the CCSBT Convention. In the second, it would arise under the UNFSA.

事務局は、法的な異議申し立てのリスクとして 2 つの状況を検討した。第一に、新メンバーが CCSBT に加盟した後に加盟料について争う状況である。第二に、加盟を検討している国が、SBT 漁業にかかる現実の利益の認識に反するとして加盟料の支払いを争う場合である。前者の状況では CCSBT 条約の下で紛争が提起されるのに対し、後者では UNFSA に基づき紛争が提起されることとなる。

There is a potential risk, albeit small, that a new Member may dispute the joining fee on the grounds that it is not consistent with the CCSBT Convention. This would follow the existing process outlined under Article 16 of the Convention which applies to situations where a dispute arises between two or more parties. Under this article, disputing Members are encouraged to resolve the dispute through “negotiation, inquiry, mediation, conciliation,

arbitration, judicial settlement or other peaceful means of their own choice”.

新メンバーが、加盟料は CCSBT 条約と整合しないとして法的に争うリスクは小さいながらも存在する。この場合は、2 以上のメンバー間に紛争が生じた場合に適用される条約 16 条の規定に基づく既存のプロセスに従うこととなる。この条項では、関係するメンバーは「交渉、審査、仲介、調停、仲裁、司法的解釈又はこれらのメンバーが選択するその他の平和的手段」により紛争を解決することが奨励されている。

Should these efforts fail to bring about a resolution, paragraph 2 of Article 16 allows for a further escalation by referring the matter to the International Court of Justice or to arbitration. However, such referral requires the consent of all the parties to the dispute.

こうした取組によって解決がされなかった場合、条約第 16 条 2 項は、解決のための国際司法裁判所又は仲裁に付託することによるエスカレートを許容している。しかしながら、このような付託には全ての紛争当事国の同意が必要とされる。

With respect to the second situation, UNFSA provides for dispute settlement concerning the interpretation or application of UNFSA or of an agreement relating to high migratory fish stocks. Depending on the procedures which the parties have accepted, a dispute may be referred to the International Tribunal for the Law of the Sea or to arbitration. However, in a situation where a prospective new Member has the option of CNM status, the risk of challenge is likely to be small.

第二の状況について、UNFSA は UNFSA 自体の解釈又は適用、あるいは高度回遊性魚種に関する協定の解釈又は適用に関する紛争解決手続きを規定している。締約国が受け入れた手続きによっては、紛争は国際海洋法裁判所又は仲裁に付託される可能性がある。しかしながら、加盟を希望する新メンバーが CNM の地位を選択できる状況においては、法的に争うリスクは比較的小さいものと考えられる。

## **Other considerations**

### **その他の検討事項**

#### Size of contribution

##### 貢献の規模

The question of what constitutes an appropriate initial joining fee is highly subjective and has no precedent in the context of RFMOs. Members may wish to consider setting a fixed amount or alternatively a percentage of the most recent annual budget. In order to provide some context surrounding recent financial contributions of Members, the table below includes a summary of the most recent and the total Member contribution fees paid over the last ten years.

適切な初期加盟料はいくらかという設問は極めて主観的であり、また RFMO の文脈での前例はない。メンバーは、固定金額を設定するか、又は直近の年間予算の一定割合とする方式の検討を望む可能性がある。メンバーによる最近の分担金の状況を示すため、メンバーの直近年の分担金額及び過去 10 年間の累計の概要を下表に示した。



Table 1: Member Contributions for previous 10 years

表1：過去10年におけるメンバーの分担金

|                                 | Latest Contribution<br>(2025) | Total Contributions from<br>2016 to 2025 |
|---------------------------------|-------------------------------|------------------------------------------|
| <b>Japan</b>                    | \$937,631                     | \$7,917,116                              |
| <b>Australia</b>                | \$937,631                     | \$7,917,116                              |
| <b>New Zealand</b>              | \$266,593                     | \$2,255,340                              |
| <b>Korea</b>                    | \$286,732                     | \$2,425,267                              |
| <b>Fishing Entity of Taiwan</b> | \$286,732                     | \$2,425,267                              |
| <b>Indonesia</b>                | \$255,150                     | \$2,125,170                              |
| <b>European Union</b>           | \$124,186                     | \$1,059,849                              |
| <b>South Africa</b>             | \$178,624                     | \$1,454,895                              |
| <b>Total</b>                    | \$327,3278                    | \$27,580,020                             |

The smallest contribution over this period was slightly in excess of a million dollars and this can be used as a starting point since it would be difficult to justify charging a new Member a greater amount than what has been paid by an existing Member. There is a further argument for consideration of a smaller amount still since (in principle) the new Member has not received any benefits from the fishery to date unlike existing Members. In addition, the financial contributions of existing Members have been spread over ten years, whereas a new Member would need to amortise their fee over the expected lifespan of their membership. This could in fact create incentives for new Members to retain their membership to justify the upfront investment.

この期間における最小の分担金累計は百万ドルをやや超える水準であり、新メンバーに対して既存のメンバーを上回る金額を請求することを正当化するのは困難と考えられることから、これを開始点として用いることが考えられる。また、既存のメンバーと違い、新メンバーは（原則的に）これまで SBT 漁業による恩恵を得ていないのであるから、より少額を設定することを検討すべきとの議論も有り得る。さらに、既存メンバーによる財政的負担は 10 年間にわたって分散されてきたのに対し、新メンバーはその加盟期間を見越して一括で費用を償却する必要がある。このことは、初期投資を正当化するべく新メンバーが CCSBT メンバーに留まるためのインセンティブを生む可能性もある。

The Secretariat considers that based on the investments made by existing Members to date and the ongoing value of access to the SBT fishery, a one-time joining fee of \$500,000 AUD for new Members would be an appropriate starting point for discussion by Members.

事務局は、今日までの既存メンバーによる投資、及び SBT 漁業へのアクセスから得られる継続的な利益を踏まえ、新メンバーに対する一度限りの加盟料の金額を 500,000 豪ドルとすることがメンバーによる検討にかかる開始点として適切と考える。

Alternatively, Members may wish to adopt an approach that is based on an agreed percentage of the most recent year's annual expenditure. This would ensure that the joining fee maintains the same relative level and is not diluted over time by inflationary pressures. Based on the



initial figure provided in the previous paragraph and the total expenditure for the 2025 budget, the current percentage would be roughly 12.5% of annual expenditure.

あるいは、メンバーは直近年の年間総支出額に対する合意された割合に基づく手法の採択を望む可能性がある。このアプローチでは、加盟料が常に相対的に同じレベルに維持され、またインフレ圧力により長期的に希釈されることもない。上述のパラグラフに示した数字及び 2025 年予算における総支出額に基づく、現行の割合としては年間総支出額の概ね 12.5 % となる。

### Scaling of Fee to Reflect Development Status.

#### 開発状況を反映した費用の調整

Members may wish to consider scaling the fee to reflect a State's development status. Although there is no precedent amongst tuna RFMOs for a joining fee, there are examples of adjustments being made to the contribution levels based on a Member's ability to pay.

メンバーは、国の開発状況を反映する形での加盟料の調整の検討を望む可能性がある。まぐろ類 RFMO において加盟料の前例はないが、メンバーの支払い能力に応じて分担金を調整した事例は存在する。

The Secretariat does not recommend the development of a specific formula based on the new Member's GDP (or some other economic indicator). A simpler approach would be to apply a set discount rate (e.g. 50% rebate) based on a particular qualifier (e.g. recognition of small island developing state (SIDS) status under the United Nations<sup>4</sup>, UN's List of Least Developed Countries (LCDs)<sup>5</sup>, or other agreed criteria).

事務局は、新メンバーの GDP（又はその他の経済指標）に基づく計算式の開発は勧告しない。より簡便な方法としては、特定の条件（例えば国連の小島嶼開発途上国（SIDS）としての認定、国連の後発開発途上国リスト（LCD）、又はその他の合意されたクライテリア）に基づき、一定の割引率（例えば 50 % の減額）を適用することが考えられる。

### **Enabling Instrument**

#### **根拠規定**

### Text of the Convention for the Conservation of Southern Bluefin Tuna

#### みなみまぐろ保存条約本文

The Secretariat analysis concludes that there are no provisions found within the Text of the Convention for the Conservation of Southern Bluefin Tuna (the Convention) which would clearly prevent the changes proposed in this paper. The Member formula for contributions to the annual budget is set out in Article 11(2) of the Convention, with 30% divided among all Members, and 70% divided according to catch. A joining fee is not the same as annual contributions to the budget.

事務局の分析の結果、みなみまぐろ保存条約（以下「条約」という）の本文において、本文書で提案した変更を明確に妨げる規定はないとの結論に至った。年間予算に対するメンバーの分担金の計算式は条約第 11 条 2 項に規定されており、全体の 30 % を全メンバーで均等割し、70 % は漁獲量に比例して割り当てることとされて

<sup>4</sup> <https://www.un.org/ohrlls/content/list-sids>

<sup>5</sup> <https://www.un.org/ohrlls/content/list-lcds>

いる。加盟料は、年間予算に対する分担金とは性質が異なる。

The Secretariat, therefore, does not consider that amendments to the Convention are required in order to introduce a new Member joining fee. The Convention (Article 11(4)) currently enables the Commission to amend financial regulations, which the Secretariat considers to be a more appropriate instrument for the potential changes proposed within this paper.

したがって、事務局は、新メンバー加盟料を導入するために条約を改正する必要はないものとする。現行の条約（第 11 条 4 項）は委員会が会計規則を改正することを許容しており、事務局としては、これが本文書で提案した変更の可能性に対してより適切な規定であるとする。

Article 11(3) of the Convention does have an existing provision that suspends the right of Members from taking part in the decision-making process should they fail to pay their annual contributions for two consecutive years. This provision is mirrored in Regulation 5.3 of the Financial Regulations. The Secretariat has proposed expanding the application of Regulation 5.3 to include the new Member joining fee but does not consider that a similar change to Article 11(3) is required.

条約第 11 条 3 項は、連続した 2 年間の間分担金を支払わない締約国は委員会における決定の手続きに参加する権利を有しないことを規定している。この規定は会計規則の規則 5.3 でも再掲されている。事務局は、新メンバー加盟料を追加する形で会計規則 5.3 の適用範囲を拡大することを提案しているが、条約第 11 条 3 項を同様に修正する必要はないものとする。

The Secretariat also notes that Article 13 of the Convention does state that “Parties shall cooperate with each other to encourage accession by any State to this Convention where the Commission considers this to be desirable” and a joining fee may be seen as a detriment to this objective.

なお、事務局は、条約第 13 条が「締約国は、委員会が望ましいと認める場合には、この条約の目的の達成を促進するため、いずれかの国のこの条約への加入を奨励することにつき、相互に協力する」としており、加盟料はこの目的を害するものと見なされる可能性があることを指摘する。

## Financial Regulations

### 会計規則

The Secretariat believes that a one-time new Member joining fee could be introduced with the following amendments to the Financial Regulations. The section below provides a brief explanation behind the changes proposed in **Attachment A**.

事務局は、CCSBT 会計規則を以下のように修正することにより、一度限りの新メンバー加盟料を導入することができるものとする。別紙 A の会計規則改訂案にかかる説明を以下に示した。

## Regulation 5 – Provision of Funds

### 規則 5 - 資金の拠出

Although this section of the Financial Regulations defines the rules surrounding the calculation of the initial Member contribution for a new Member it is not the most appropriate place to introduce an initial joining fee. The addition would not align with the Member contribution formula found at Article 11(2) of the Convention and could be seen as

being in conflict with the Convention. To avoid this potential conflict, the Secretariat recommends detailing the joining fee under Regulation 7 – Other Income.

会計規則の本セクションでは新メンバーに対する最初のメンバー分担金の算定にかかる規則が定義されているものの、新メンバー加盟料を導入するに当たって最も適切なセクションではない。加盟料の追加は条約第 11 条 2 項が定めるメンバーの分担金計算式と整合しないので、条約に抵触すると見なされる可能性がある。条約に抵触する可能性を回避するべく、事務局は加盟料を規則 7 - その他の収入の下に位置づけることを勧告する。

However, Regulation 5.3 stipulates the consequences of failing to meet financial obligations to the Commission and the Secretariat has recommended that this provision be extended to also include a failure to pay the initial joining fee.

しかしながら、規則 5.3 が委員会の財政上の義務の履行を怠った場合の結果が規定されており、事務局は初期加盟料の未払いにも適用する形で本規定を拡大することを勧告した。

Regulation 5.5 also currently includes text that relates to the initial financial year when the Commission first came into force. The Secretariat considers that this text is no longer relevant and has recommended that it be removed to avoid confusion.

また、現行の規則 5.5 には委員会が発足した最初の会計年度に関する文言が含まれている。事務局は、この文言は失効しているものと考えており、混乱を避けるべくこの文言を削除することを勧告した。

### Regulation 6 – Funds 規則 6 - 勘定

Regulation 6.1 details the process to adjust Member contributions based on additional unforeseen income from a new Member contribution. The Secretariat is suggesting that the new Member joining fee not be subject to this clause given that one of the underlying objectives of the fee is to support the long-term financial viability of the Commission.

規則 6.1 は、新メンバーからの分担金を受領し、その資金が予算を作成する際に考慮に入れられていなかった場合のメンバー分担金の調整プロセスを詳述している。事務局は、加盟料の根本的な目的の一つは委員会の長期的な財政的持続可能性をサポートすることであることを踏まえ、新メンバー加盟料については当該条項の適用対象としないことを提案している。

### Regulation 7 – Other Income 規則 7 - その他の収入

The Secretariat suggests that the new Member fee is best suited to the category of Other Income and should be accommodated through the addition of a new paragraph detailing the applicability and timing of the payment.

事務局は、新メンバー加盟料については「その他の収入」に分類することが最適であり、その適用範囲及び支払いのタイミングを明記した新パラグラフを挿入する形で対応すべきことを提案した。

## **Recommendation**

### **勧告**

Although the introduction of a new Member joining fee cannot be seen as a singular means of ensuring long-term financial viability for this Commission, it does provide an opportunity for occasional one-off payments that will provide short-term relief and serve to recognise the commitments and sacrifices made by Members to date.

新メンバー加盟料の導入は、本委員会の長期的な財政的持続可能性を確保するための唯一の手段と見なすことはできないものの、短期的な財政的緩和をもたらす一度限りの収入の機会を提供するとともに、メンバーによるこれまでのコミットメント及び犠牲を認識する役割を果たすものである。

Members are encouraged to discuss the merits of introducing a joining fee, including any of the potential effects that such a fee may have on Members' efforts to encourage greater participation by non-Members.

メンバーは、非メンバーによる参加をより促進するためのメンバーの努力に対して加盟料が及ぼす潜在的な効果を含め、加盟料の導入によるメリットについて検討するよう奨励されている。

## **Acknowledgments**

### **謝辞**

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## **Prepared by the Secretariat**

### **事務局作成文書**

**Attachment A**

**Financial Regulations**

**REGULATION 1**

**APPLICABILITY**

1.1 These Regulations shall govern the financial administration of the Commission for the Conservation of Southern Bluefin Tuna (hereinafter referred to as "the Commission"), the Scientific Committee for the Conservation of Southern Bluefin Tuna (hereinafter referred to as the "Scientific Committee") and any subsidiary bodies respectively established under Articles 6.1, 9.1 and 8.10 of the Convention for the Conservation of Southern Bluefin Tuna (hereinafter referred to as "the Convention").

**REGULATION 2**

**FINANCIAL YEAR**

2.1 The financial year shall be for 12 months commencing 1 January and ending 31 December, both dates inclusive.

**REGULATION 3**

**THE BUDGET**

3.1 A draft budget comprising estimates of receipts by the Commission and of expenditures by the Commission, the Scientific Committee and any subsidiary bodies established pursuant to Article 8.10 of the Convention shall be prepared by the Executive Secretary for the ensuing financial year.

3.2 The draft budget shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditure.

3.3 The draft budget shall be divided by functions into items and, where necessary or appropriate, into sub-items.

3.4 The draft budget shall be accompanied by details both of the appropriations made for the previous year and estimated expenditure against those appropriations, together with such information annexures as may be required by Members of the Commission or deemed necessary or desirable by the Executive Secretary. The precise form in which the draft budget is to be presented shall be prescribed by the Commission.

3.5 The Executive Secretary shall submit the draft budget to all Members of the Commission at least 60 days prior to the annual meeting of the Commission. At the same

time, and in the same form as the draft budget, the Executive Secretary shall prepare and submit to all Members of the Commission a forecast budget for the subsequent financial year.

3.6 The draft budget and the forecast budget shall be presented in Australian dollars.

3.7 At each annual meeting, the Commission shall decide upon its annual budget and the budget of the Scientific Committee and any subsidiary bodies.

## **REGULATION 4**

### **APPROPRIATIONS**

4.1 The appropriations adopted by the Commission shall constitute an authorisation for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted.

4.2 Unless the Commission decides otherwise, the Executive Secretary may also incur obligations against future years before appropriations are adopted when such obligations are necessary for the continued effective functioning of the Commission, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorised in the budget of the current financial year. In other circumstances the Executive Secretary may incur obligations against future years only as authorised by the Commission.

4.3 Appropriations shall be available for the financial year to which they relate. At the end of the financial year all appropriations shall lapse. Commitments remaining undischarged against previous appropriations at the end of a financial year shall be carried over and be included in the budget for the next financial year, unless the Commission otherwise decides.

4.4 The Executive Secretary is authorised to make transfers of up to 10 per cent of appropriations between items and sub-items. All such transfers must be reported by the Executive Secretary to the next annual meeting of the Commission in the revised budget submitted to the Commission each year. Transfers in excess of 10 per cent will require the authorisation of the Chair.

4.5 The Commission shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.

## **REGULATION 5**

### **PROVISION OF FUNDS**

5.1 Each Member of the Commission shall contribute to the budget in accordance with Article 11.2 of the Convention.

5.2 Staff Assessment Levy paid by an employee of the Commission shall be regarded by the Commission as payment towards the annual budget contribution for the year following payment of levy.

5.3 On approval of the budget for a financial year, the Executive Secretary shall send a copy thereof to all Members of the Commission notifying them of their contributions and requesting them to remit their contributions due. A Member of the Commission that fails to pay ~~its~~ the initial joining fee defined under paragraph 7.2 or fails to pay its contributions for two consecutive years shall not, until it has fulfilled its payment obligations, enjoy the right to participate in the decision-making process in the Commission, unless the Commission decides otherwise.

5.4 All contributions shall be made in Australian dollars.

5.5 (a) ~~Except in the first financial year, a~~ new Member of the Commission whose membership becomes effective during the first six months of the financial year shall be liable to pay the full amount of the annual contribution which would have been payable had it been a Member of the Commission when assessments were made under Article 11.2 of the Convention. A new Member whose membership becomes effective during the last six months of the financial year, shall be liable to pay half of the amount of the annual contribution referred to above. ~~In the first financial year all Members whose membership becomes effective during the first nine months of the year shall be liable to pay the full amount of the annual contributions. A Member whose membership becomes effective during the last three months of the first financial year shall be liable to pay half the amount of the first annual contribution;~~

(b) Where contributions are received from new Members the contributions of existing Members shall be adjusted in accordance with Regulation 6.1 (d).

5.6 Contributions shall be due for payment on the first day of the financial year (ie. the due date) and shall be paid in full not later than 150 days after that date. Notwithstanding the foregoing, a Member may elect to pay its contribution in 4 equal quarterly instalments, in which case each such instalment payment shall be made no later than the last day of each quarter of the financial year. However, in the case referred to in Regulation 5.5(a), contributions by a new Member shall be paid in full within 90 days following the date on which its membership becomes effective.

5.7 The Executive Secretary shall report to each meeting of the Commission on the receipt of the contributions and the position of arrears.

## REGULATION 6

### FUNDS

6.1 (a) There shall be established a General Fund for the purpose of accounting for the income and expenditure of the Commission, the Scientific Committee and any subsidiary bodies established pursuant to the Convention;

(b) Contributions paid by Members under Regulation 5.1 and miscellaneous income to finance general expenditure shall be credited to the General Fund;



- (c) Any cash surplus in the General Fund at the close of a financial year that is not required to meet undischarged commitments in terms of Regulation 4.3 shall be divided in proportion to the contributions made by existing Members under Regulation 5.1 in the current financial year and used to offset such Members' contributions for the ensuing financial year; ~~This provision shall not apply at the end of the first financial year when surplus funds other than those resulting from contributions by new Members may be carried over into the following financial year;~~
- (d) Where contributions are received from new Members after the commencement of the financial year and such funds have not been taken into account in formulating the budget, appropriate adjustment shall be made to the level of the assessed contributions of existing Members and such adjustments recorded as advances made by such Members. This clause does not apply to income received as part of the joining fee defined under regulation 7.2;
- (e) Advances made by Members shall be carried to the credit of the Members which have made such advances.

6.2 Trust and Special funds may be established by the Commission for the purpose of receiving funds and making payments for purposes not covered by the regular budget of the Commission.

## REGULATION 7

### OTHER INCOME

7.1 All income other than contributions to the budget under Regulation 5 and that referred to in Regulation 7.3 below, shall be classified as Miscellaneous Income and credited to the General Fund. The use of Miscellaneous Income shall be subject to the same financial controls as activities financed from regular budget appropriations.

7.2 Any State that accedes to the Convention shall be liable for an initial joining fee of [\$XXX,XXX Australian dollars]. The joining fee for the State shall be paid in full no later than 90 days following the date of deposit of that State's instrument of accession.

~~7.3~~ Voluntary contributions above and beyond Members' budget contributions may be accepted by the Executive Secretary provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-Members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.

~~7.4~~ Voluntary contributions shall be treated as Trust or Special Funds under Regulation 6.2.

## **REGULATION 8**

### **CUSTODY OF FUNDS**

8.1 The Executive Secretary shall designate a bank or banks in Australia in which the funds of the Commission shall be kept and shall report the identity of the bank or banks so designated to the Commission.

- 8.2 (a) The Executive Secretary may make short-term investments of moneys not needed for the immediate requirements of the Commission. Such investments shall be restricted to securities and other investments issued by Australian institutions or Government bodies with current ratings, provided by a rating body approved by the Commission's auditor, indicating a strong capacity to pay. The details of investment transactions and income derived shall be reported in the documents supporting the budget;
- (b) With regard to moneys held in Trust or Special Funds for which use is not required for at least 12 months, longer-term investments may be authorised by the Commission provided such action is consistent with the terms under which the moneys were lodged with the Commission. Such investments shall be restricted to securities and other investments issued by Australian institutions or Government bodies with current ratings, provided by a rating body approved by the Commission's auditor, indicating a strong capacity to pay.

8.3 Income derived from investments shall be credited to the Fund from which the investment was made.

## **REGULATION 9**

### **INTERNAL CONTROL**

9.1 The Executive Secretary shall:

- (a) establish detailed operational financial rules and procedures to ensure effective financial administration and the exercise of economy in the use of funds – the rules and procedures to be notified to the Commission at each annual meeting;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- (c) designate officers who may receive moneys, incur obligations and make payments on behalf of the Commission; and
- (d) maintain and be responsible for internal financial control to ensure:
  - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission;

- (ii) the conformity of obligations and expenditures with the appropriations adopted by the annual meeting; and
- (iii) the economic use of the resources of the Commission.

9.2 No obligations shall be incurred until allotments or other appropriate authorisations have been made in writing under the authority of the Executive Secretary.

9.3 The Executive Secretary may propose to the Commission, after full investigation by him, the writing off of losses of assets, provided that the external auditor so recommends. Such losses shall be included in the annual accounts.

9.4 Tenders in writing for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests for quotation from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist, in connection with all purchases or contracts, the amounts of which exceed A\$80,000 (Australian dollars). This rule, shall, however, not apply in the following cases:

- (a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;
- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission, and that fact is so certified by the Executive Secretary.

9.5 For expenditure items less than \$80,000 it is generally expected that the Executive Secretary will follow the principle of best value for money unless specifically directed by the Commission.

## **REGULATION 10**

### **THE ACCOUNTS**

10.1 The Executive Secretary shall ensure that appropriate records and accounts are kept of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the Commission's moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incoming of liabilities by the Commission.

10.2 The Executive Secretary shall submit to the Members of the Commission, not later than 1 March immediately following the end of the financial year, annual financial statements showing, for the financial year to which they relate:

- (a) the income and expenditure relating to all funds and accounts;
- (b) the situation with regard to budget provisions, including:
  - (i) the original budget provisions;

- (ii) the approved expenditure in excess of the original budget provisions;
- (iii) any other income;
- (iv) the amounts charged against these provisions and other income;
- (c) the financial assets and liabilities of the Commission;
- (d) details of investments;
- (e) losses of assets proposed in accordance with Regulation 9.3.

The Executive Secretary shall also give such other information as may be appropriate to indicate the financial position of the Commission. These financial statements shall be prepared in a form approved by the Commission after consultation with the external auditor.

10.3 The accounting transactions of the Commission shall be recorded in the currency in which they took place but the annual financial statements shall record all transactions in Australian dollars.

10.4 Appropriate separate accounts shall be kept for all Special and Trust Funds.

10.5 The annual financial statements shall be submitted by the Executive Secretary to the external auditor at the same time as they are submitted to Members of the Commission under paragraph 2 of this Regulation.

## **REGULATION 11**

### **EXTERNAL AUDIT**

11.1 The Commission shall appoint an external auditor who shall be the Auditor-General or equivalent statutory authority from a Member of the Commission and shall serve for a term of two years with the possibility of re-appointment. The Commission will ensure respect for the external auditor's independence of the Commission, the Scientific Committee, any subsidiary bodies established pursuant to the Convention and the Commission's staff, fix the terms of office, appropriate funds to the external auditor and may consult him or her on the introduction or amendment of any financial regulations or detailed accounting methods as well as on all matters affecting auditing procedures and methodology.

11.2 The external auditor or a person or persons authorised by him or her shall be entitled at all reasonable times to full and free access to all accounts and records of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission. The external auditor or a person or persons authorised by him or her may make copies of or take extracts from any such accounts or records.

11.3 If required by the Commission to perform a full audit, the external auditor shall conduct his or her examination of the statements in conformity with generally accepted auditing standards and shall report to the Commission on all relevant matters, including:

- (a) whether, in his or her opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether, in his or her opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
- (d) observations with respect to the efficiency and economy of the financial procedures and the conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.

11.4 If required by the Commission to perform a review audit, the external auditor shall review the statements and accounting controls in operation. He or she shall report to the Commission whether anything has come to his or her attention which would cause him or her to doubt whether:

- (a) the statements are based on proper accounts and records;
- (b) the statements are in agreement with the accounts and records; or
- (c) the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations.

11.5 The Executive Secretary shall provide the external auditor with the facilities he or she may require in the performance of the audit.

11.6 The Executive Secretary shall provide to the Members of the Commission a copy of the audit report and the audited financial statements within 30 days of their receipt.

11.7 The Commission shall, if necessary, invite the external auditor to attend discussions on any item under scrutiny and consider recommendations arising out of his or her findings.

## **REGULATION 12**

### **ACCEPTANCE OF ANNUAL FINANCIAL STATEMENTS**

12.1 At each annual meeting the Commission shall, following consideration of the audited annual financial statements and audit report submitted to its Members under Regulation 11.6 of these Regulations, signify its acceptance of the audited annual financial statements of the previous financial year or take such other action as it may consider appropriate.

## **REGULATION 13**

### **INSURANCE**

13.1 The Commission may take out suitable insurances with a reputable financial institution against normal risks to its assets.

## **REGULATION 14**

### **GENERAL PROVISION**

14.1 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

14.2 Where the Commission, the Scientific Committee or any subsidiary body is considering matters which may lead to a decision which has financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Secretary.