
**PREPARATORY CONFERENCE FOR THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN
AND CENTRAL PACIFIC**

Second session
Madang, Papua New Guinea
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French Proposal

Draft rules of procedure on the participation of territories

a) Territories listed in Article 43 would be “Participating Territories”, once they have the relevant authorization. Such authorization shall be in the form of a declaration, filed with the Depositary, by the Contracting Party having responsibility for the Participating Territory’s international affairs.

The Declaration would describe the distribution of the Territory’s competencies and the extent of its responsibilities. The Declaration should be updated appropriately as the Participating Territory’s capacities evolve.

b) All Participating Territories would have the right to be present and to speak at the meetings of the Commission and its subsidiary bodies and to receive all communications in respect of those meetings. The Participating Territories would not have rights which are inconsistent with their territorial status (such as being elected Chair or being counted towards a quorum).

In relation to matters over which a Participating Territory has competence, such Territory may make proposals and offer amendments.

In relation to matters over which a Participating Territory does not have competence, it may, with the specific authorization of the Contracting Party having responsibility for the Territory’s international affairs, make proposals and offer amendments.

Additional rights and restrictions on rights shall be determined by the Contracting Parties in rules of procedure, as necessary, consistent with Article 43.

c) In accordance with Article 20, the Commission will make all efforts to reach decision by consensus. Consistent with their full participation in the work of the Commission, all Participating Territories would participate in the Commission’s deliberation to reach consensus. Participating Territories views would be properly considered and taken into account in reaching any decision.

Seeking a consensus will be especially important in decisions of economic significance to Participating Territories, such as:

- decisions on allocation, where a Participating Territory is responsible for the conservation and management of resources in its waters;

- decisions on the scale of assessments, where a Participating Territory makes independent and voluntary contributions to the Commission's budget.

d) Where consensus could be reached but for the views of a Participating Territory that has full competency over the resources in its waters (in decisions on allocation) or a Participating Territory that contributes to the Commission's budget (in decisions on budget and the scale of assessments), such a Participating Territory may request an additional period of time of up to twelve hours on the affected agenda item for consultation, in order to arrive at a consensus. Notwithstanding this, a Participating Territory could not block consensus on a proposal.

e) i) As an interim regime, in relation to matters over which a Participating Territory has competence or has a material interest, the Territory could exercise the right to vote accorded to members.

This right shall be subject to the authorization of the Contracting Party having responsibility for the Territory's external affairs, which submits this request to the Chairman for approval by the Commission.

The provisions of Article 20-6 of the Convention do not apply in such cases to a Participating Territory.

ii) A Participating Territory would need to meet a predetermined standard in order to acquire the right to vote as a Participating Territory within the Commission, without the authorization and approval referred to in e(i).

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