

**REVISED DRAFT RULES OF PROCEDURE OF THE COMMISSION FOR THE
CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS
IN THE WESTERN AND CENTRAL PACIFIC**

Prepared by the Secretariat

1. Draft rules of procedure for the Commission, based on standard rules of procedure for international organizations worldwide and taking into account the considerations identified in document WCPFC/PrepCon/BP.3, were prepared by the interim secretariat for the first session of the Preparatory Conference (WCPFC/PrepCon/WP.1, 25 April 2001). During the first, second and third sessions of the Conference, the draft rules were considered in informal plenary sessions. At the end of each session, the interim secretariat was requested to prepare a revised draft of the rules taking into account the discussions that had taken place in the informal sessions.

2. During the fourth session, the Conference met in informal session on 7 May 2003 to review the further revised draft rules of procedure for the Commission which had been prepared by the interim secretariat on the basis of discussions during the third session and contained in document WCPFC/PrepCon/WP.1/Rev.3*. In considering the draft, the Conference focused its attention on those rules where specific problems had been identified, namely rules 1, 14, 15, 23, 24, 30, 31, 34 and 35. While it was possible to resolve the outstanding issues in relation to a number of these provisions (including revisions to rule 1, paragraph 1, rule 15, and rule 35, paragraph 5) it was noted that considerable differences remained on other provisions. In particular, with respect to the proposal by Japan relating to the Northern Committee (rule 31), it was agreed to defer further discussion on this issue until the fifth session of the Conference in order to achieve a consensus consistent with the Convention. The Conference also agreed to defer discussion of a proposal by the delegations of France, New Zealand and the United States for rules of procedure on the nature and extent of participation by territories (rule 34) as well as proposals developed by a number of interested delegations on procedures for intersessional voting by mail. In the meantime, the Secretariat prepared a further revised draft of the rules of procedure under symbol WCPFC/PrepCon/WP.1/Rev.4.

3. During the fifth session (Rarotonga, Cook Islands, 29 September – 1 October 2003), the Conference met in informal session to consider document WCPFC/PrepCon/WP.1/Rev.4. In considering the draft, the Conference focused its attention on outstanding complex issues, including the rules of procedure relating to the Northern Committee, the proposals made in relation to the participation of territories and proposals relating to intersessional voting procedures. Following intensive discussions, including informal consultations between delegations, it was possible to resolve the outstanding issues in relation to these provisions. It was noted that that the outcome of these discussions, as well as a number of other minor technical revisions, would be reflected in a further revised version of the draft rules of procedure which would be taken up at the final session of the Conference.

4. No formal discussion of the rules of procedure took place at the sixth session of the Preparatory Conference (Bali, Indonesia, 19 – 23 April 2004), although a further revised text of the draft rules, taking into account the discussions at PrepCon V, was circulated to all delegations for comment under symbol WCPFC/PrepCon/CRP.2 (20 April 2004).

5. The present document is a formal re-issue of WCPFC/PrepCon/CRP.2 (with minor editorial revisions suggested by delegations) and represents the outcome of all discussions in the informal plenary on this issue to date. Subject to any further consideration during the final session of the Preparatory Conference, it is proposed that the Preparatory Conference **recommend** the further revised draft rules of procedure contained in the annex to the present document to the Commission for adoption at its first session.

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I. SESSIONS

REGULAR AND SPECIAL SESSIONS

Holding of regular and special sessions

Rule 1

1. The Commission shall hold a regular annual session.¹ Before the end of each regular annual session, the Commission shall, if possible, decide on the date of commencement and the approximate duration of the next regular annual session. All meetings of the Commission and its subsidiary bodies shall be held within no more than two sessions per year, unless the Commission decides otherwise.

2. The Executive Director shall notify the members of the Commission,² each territory referred to in article 43 of the Convention, and observers referred to in rule 36, of the

¹ In these rules, unless otherwise stated, ‘regular annual session’ means the annual meeting of the Commission specified in article 9, paragraph 3 of the Convention.

² In accordance with article 9, paragraph 2, of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter referred to as “the Convention”), a fishing entity referred to in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and

date and place and provisional agenda of the session as early as possible but at least ninety days in advance of the opening of a regular annual session.

3. In exceptional circumstances, the Commission may hold special sessions in accordance with this paragraph. Any member of the Commission may request the Executive Director to convene a special session of the Commission. The Executive Director shall immediately inform the other members of the Commission of the request and inquire whether they concur with it. If within thirty days of the date of communication by the Executive Director a majority of the members of the Commission concur in the request, a special session of the Commission shall be convened by the Executive Director and it shall meet no earlier than thirty days and no later than ninety days after the receipt of such concurrence. The Executive Director shall notify the members of the Commission, each territory referred to in article 43 of the Convention, and observers referred to in rule 36, of the date and place and provisional agenda for a special session as early as possible but at least twenty-five days in advance of the special session.

4. The Commission shall meet at the headquarters of the Commission unless it decides otherwise.

II. AGENDA

REGULAR SESSIONS

Drawing up of the provisional agenda

Rule 2

1. The provisional agenda for a regular session shall be drawn up by the Executive Director, in consultation with the Chairman.

2. The provisional agenda of a regular session shall include:

- (a) The annual report of the Executive Director on the work of the Commission;
- (b) Items the inclusion of which has been requested by the Commission at a previous session;
- (c) Items proposed by any member of the Commission;
- (d) Items pertaining to the budget for the next financial year, the report on the accounts for the last financial year and the auditors' report;

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which has agreed to be bound by the regime established by the Convention in accordance with the provisions of Annex I to the Convention, may participate in the work, including decision-making, of the Commission in accordance with the provisions of article 9 and Annex I and subject to the provisions of article 34, paragraph 4. According to paragraph 2 of Annex I, such fishing entity shall participate in the work of the Commission, including decision-making, and shall comply with the obligations under the Convention. References thereto by the Commission or members of the Commission include, for the purposes of the Convention, such fishing entity as well as Contracting Parties.

- (e) Recommendations of the Scientific Committee and any recommendations of the scientific experts pursuant to article 13 of the Convention;
- (f) Recommendations of the Technical and Compliance Committee;
- (g) Recommendations of the committee established pursuant to article 11, paragraph 7, of the Convention;
- (h) Consideration of the special requirements of developing States pursuant to Part VIII of the Convention; and
- (i) Items which the Executive Director deems it necessary to put before the Commission.

Supplementary items

Rule 3

Any member of the Commission, the Chairman, or the Executive Director may, at least thirty days before the date fixed for the opening of a regular session request the inclusion of supplementary items in the agenda. A request for the inclusion of a supplementary item on the provisional agenda shall be accompanied by a written explanation of the proposed supplementary item. Such items shall be placed on a supplementary list, which shall be communicated to the members of the Commission, to each territory referred to in article 43 of the Convention, and to observers referred to in rule 36 at least twenty days before the opening of the session.

SPECIAL SESSIONS

Drawing up of the provisional agenda

Rule 4

The provisional agenda for a special session shall include only of those items proposed for consideration in the request for holding the session.

REGULAR AND SPECIAL SESSIONS

Adoption of the agenda

Rule 5

At the beginning of each session, the Commission shall adopt its agenda for the session on the basis of the provisional agenda. The Commission may, however, in urgent circumstances, place additional items of an important or urgent character on the agenda at any time during a session.

III. REPRESENTATION

Representation

Rule 6

1. Each member of the Commission, and each territory referred to in article 43 of the Convention, shall be represented by designated representatives and such alternate representatives and advisers as may be required by the delegation.
2. Observers referred to in rule 36 shall be represented by designated representatives and by such alternate representatives and advisers as may be required.
3. The names of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Director if possible not later than twenty-four hours after the opening of the session in such standard form of designation as the Executive Director shall establish.

Official contact

Rule 7

Each member of the Commission, and each territory referred to in article 43 of the Convention, shall, as soon as possible after the adoption of these rules, notify the Executive Director of one or more Official Contacts who shall, for the purposes of official communications between the Commission and the member or territory concerned, including all notifications and communications made pursuant to these rules, be the official points of contact.

IV. OFFICERS

Elections

Rule 8

At its first regular session, and each two years thereafter, the Commission shall elect a Chairman and a Vice-Chairman from among the Contracting Parties to the Convention, who shall be of different nationalities. Except at the first regular session of the Commission, the Chairman and Vice-Chairman shall assume office at the end of the session at which they are elected. Subject to rule 10, they shall hold office for a period of two years and shall be eligible for re-election.

Functions of the Chairman

Rule 9

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules or by the Convention, the Chairman shall declare the opening and closing of each plenary meeting of the Commission, direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, announce the list of speakers and, with the consent of the Commission, declare the list of speakers closed, put questions and announce decisions. He or she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The Chairman may, in the course of discussion of an item, propose to the Commission the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion.
2. The Chairman, in the exercise of his or her functions, remains under the authority of the Commission.

3. The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of the Chairman or Vice-Chairman

Rule 10

If the Chairman or Vice-Chairman is unable to carry out his or her functions or ceases to be a representative of a Contracting Party, or if a Contracting Party of which he or she is a representative ceases to be a member of the Commission, he or she shall cease to hold office and a new Chairman or Vice-Chairman shall be elected for the unexpired term.

V. SECRETARIAT

Duties of the Executive Director

Rule 11

1. The Executive Director, as the chief administrative officer of the Commission, shall act in that capacity in all meetings of the Commission and of its subsidiary bodies. The Executive Director may designate an officer of the Secretariat to act as his or her representative. The Executive Director shall discharge such other responsibilities as are assigned to him or her under the Convention or by the Commission in the conduct of its business.
2. The Executive Director shall provide and direct, with due regard to principles of economy and efficiency, the staff required by the Commission and its subsidiary bodies.
3. The Executive Director shall keep the members of the Commission informed of any issues or matters which may be of interest to the Commission.

Duties of the Secretariat

Rule 12

The Secretariat shall carry out the duties and perform the functions set out in article 15 of the Convention. In particular, the Secretariat shall receive, reproduce and distribute documents, reports and decisions of the Commission and its subsidiary bodies, prepare and circulate summary reports of the meetings of the Commission in accordance with rule 33; have the custody and proper preservation of the documents in the archives of the Commission; distribute all documents of the Commission to the members of the Commission, the territories referred to in article 43 of the Convention, and observers referred to in rule 36; and, generally, perform all other work which the Commission may require.

Report of the Executive Director on the work of the Commission

Rule 13

The Executive Director shall make an annual report, and such supplementary reports as are necessary, to the Commission at its regular session on the work of the Commission. The Executive Director shall communicate the annual report to the members of the Commission, to each territory referred to in article 43 of the Convention and to observers referred to in rule 36 at least forty-five days before the opening of the regular session.

VI. CONDUCT OF PLENARY MEETINGS

Quorum

Rule 14

The Chairman may declare a meeting of the Commission open and permit the debate to proceed when at least three-fourths of the members of the Commission are present.

Open and closed meetings

Rule 15

1. The meetings of the Commission and its subsidiary bodies shall be open unless the Commission or the subsidiary body concerned decides that exceptional circumstances require that meetings be held in closed session.

2. All decisions of the Commission taken at a closed session shall be announced at an early open meeting of the Commission. At the end of a closed meeting of a subsidiary body, the Chairman may issue a communiqué through the Executive Director.

Speeches

Rule 16

No representative may address the Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak, except that the Chairman of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body. The Chairman may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Statements by the Secretariat

Rule 17

The Executive Director, or a member of the Secretariat designated by him as his representative, may, at any time with the permission of the Chairman, make either oral or written statements to the Commission concerning any question under consideration by it.

Points of order

Rule 18

During the discussion of any matter, a member of the Commission may rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with these rules of procedure. A member of the Commission may appeal against the ruling of the Chairman. In such a case, the appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members of the Commission present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Procedural motions

Rule 19

1. Subject to rule 18, a member of the Commission may at any time make any of the following procedural motions. Such motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

2. Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Proposals and amendments

Rule 20

Proposals and amendments shall normally be circulated in writing to the Executive Director, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

VII. DECISION-MAKING

Voting rights

Rule 21

Each member of the Commission shall have one vote, unless otherwise provided in the Convention.

Decision-making

Rule 22

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of these rules, "consensus" means the absence of any formal objection made at the time the decision was taken.

2. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Commission on questions of procedure shall be taken by a majority of those present and voting. Decisions on questions of substance shall be taken by a three-fourths majority of those present and voting provided that such majority includes a three-fourths majority of the members of the South Pacific Forum Fisheries Agency present and voting and a three-fourths majority of non-members of the South Pacific Forum Fisheries Agency present and voting and provided further that in no circumstances shall a proposal be defeated by two or fewer votes in either chamber. When the issue arises as to whether a question is one of substance or not, that question

shall be treated as one of substance unless otherwise decided by the Commission by consensus or by the majority required for decisions on questions of substance.

3. If it appears to the Chairman that all efforts to reach a decision by consensus have been exhausted, the Chairman shall fix a time during that session of the Commission for taking the decision by a vote. At the request of any member, the Commission may, by a majority of those present and voting, defer the taking of a decision until such time during the same session as the Commission may decide. At that time, the Commission shall take a vote on the deferred question. This rule may be applied only once to any question.

4. Elections of individuals shall be conducted in accordance with article 20 of the Convention. In the event of a vote, notwithstanding the provisions of rule 24, the election shall be conducted by secret ballot. If no candidate obtains in the first ballot the necessary majorities of the votes cast, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the balloting shall be continued until one candidate secures the necessary majorities of the votes cast.

5. For the purposes of these rules, and subject to rules 21 and 34, the phrase “those present and voting” means members of the Commission present and casting an affirmative or negative vote. Members of the Commission who abstain from voting shall be considered as not voting.

Decisions requiring a consensus

Rule 23

Decisions on questions of substance arising under the following provisions of the Convention shall be taken by consensus: article 9, paragraph 8 (adoption, and amendment, of rules of procedure), article 10, paragraph 4 (decisions relating to the allocation of total allowable catch or the total level of fishing effort), article 17, paragraph 2 (adoption of financial regulations), article 18, paragraphs 1 and 2 (adoption of the budget and a scheme for assessment of contributions to the budget), and article 40 (amendments to the Convention).

Method of voting

Rule 24

The Commission shall vote by show of hands or by standing, but any member of the Commission may request a roll-call. The roll-call shall be taken in the alphabetical order of the names of the members of the Commission participating in that session, beginning with the member whose name is drawn by lot by the Chairman. The name of each member of the Commission shall be called in any roll-call, and one of its representatives shall reply “yes”, “no” or “abstention”. The result of the voting shall be inserted in the record in the alphabetical order of the names of the members.

Conduct during voting

Rule 25

After the Chairman has announced the commencement of voting, no member of the Commission may interrupt the voting, except that members of the Commission may interrupt on a point of order in connection with the actual conduct of voting.

Explanation of vote

Rule 26

Members of the Commission may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The Chairman may limit the time to be allowed for such statements. A member of the Commission sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals and amendments

Rule 27

A member of the Commission may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for a division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 28

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on to the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of the proposal.

Order of voting on proposals

Rule 29

If two or more proposals relate to the same question, the Commission shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

Taking decisions intersessionally

Rule 30

1. When necessary, a matter may be decided during the period between meetings by voting electronically via the Internet (e.g. email, secure Web site) or other means of communication (intersessional vote). Normally, such means of taking decisions shall be applied to matters of procedure, such as in deciding to convene a special session (Rule 3). However, in exceptional circumstances, where an urgent decision is necessary after efforts to reach a decision by

consensus have been exhausted or as otherwise decided, such means of taking a decision may be applied to matters of substance.

2. When it is necessary to decide any matter during the period between meetings, the Chairman, on his or her initiative, or at the request of a member that has made a proposal, may move adoption without delay of such proposal by intersessional vote. The Chairman, in consultation with the Vice-Chairman, shall decide on the necessity of considering the proposal intersessionally, and the Chairman shall decide whether the proposal raises a matter of procedure or a matter of substance.

3. In any case in which the Chairman determines that it is not necessary to consider a motion proposed by a member intersessionally, the Chairman shall promptly so inform that member of such determination and the reasons therefor, at which time the proposer may request an intersessional vote on the Chairman's determination, to be subject to the majority decision rule for questions of procedure set forth in the Convention.

4. In cases in which the Chairman has concurred on the necessity of considering a proposal moved by a member intersessionally, the Executive Director shall promptly transmit the proposal and both determinations made by the Chairman under paragraph 2 to members via the official contacts provided for in rule 7, requesting that responses be returned within 40 days.

5. Members shall promptly acknowledge receipt of any request for an intersessional vote. If no acknowledgment is received within 10 days of the date of transmittal, the Executive Director shall retransmit the request and shall use all additional means available to ensure that the request has been received.

6. Members shall respond within 40 days of the date of transmittal of a proposal, indicating whether they cast an affirmative vote, cast a negative vote, or abstain from voting. If no reply from a member is received within 40 days of transmittal, that member shall be recorded as having abstained.

7. The result of a decision taken by intersessional vote shall be ascertained by the Executive Director at the end of the voting period and promptly announced to all members. If any explanations of votes are received, these shall also be transmitted to all members. Subject to paragraphs 6 and 7 of article 20 of the Convention, if the proposal is adopted, it shall become binding 60 days after its adoption.

8. No proposal transmitted by the Executive Director for an intersessional vote shall be subject to amendment during the voting period.

9. A proposal that has been rejected by intersessional vote shall not be reconsidered by way of an intersessional vote until after the following meeting of the Commission, but may be reconsidered at that meeting.

VIII. RULES OF PROCEDURE OF SUBSIDIARY BODIES

Rules of procedure

Rule 31

1. Subject to the provisions of the Convention, each subsidiary body of the Commission may formulate and submit to the Commission for approval such rules as may be necessary for the efficient conduct of its functions.

2. Pending the approval of such rules, and except as otherwise provided in the Convention, these rules of procedure apply, mutatis mutandis, to the proceedings of subsidiary bodies, including the Scientific Committee and the Technical and Compliance Committee.

The Northern Committee

Rule 32

Notwithstanding all other provisions of these Rules, the committee established pursuant to article 11, paragraph 7, of the Convention, shall function in accordance with the procedures set out in Annex I.

IX. REPORTS OF MEETINGS

Reports of meetings

Rule 33

1. Summary reports of the sessions of the Commission shall be maintained in such form as the Commission shall decide. As a general rule, such reports shall be circulated as soon as possible, to all representatives, who shall inform the Secretariat within thirty working days after the circulation of the summary report of any changes they wish to have made.

2. The Executive Director shall communicate the text of all decisions adopted by the Commission pursuant to article 20 of the Convention to all members of the Commission and to each territory referred to in article 43 of the Convention, and to observers referred to in rule 36, within seven working days following the adoption of such decision.

X. SUSPENSION OF RIGHTS

Suspension of the exercise of voting rights

Rule 34

A contributor to the budget of the Commission which is in arrears in the payment of its financial contributions to the Commission shall not participate in the taking of decisions by the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Commission may, nevertheless, permit such a contributor to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the contributor.

XI. PARTICIPATION BY TERRITORIES

Participation by territories

Rule 35

Notwithstanding all other provisions of these Rules, pursuant to article 43 of the Convention, the nature and extent of the participation of the territories listed in article 43, paragraph 1, of the Convention, shall be governed by the rules set out in Annex II.

XII. OBSERVERS

Observers

Rule 36

1. The following may participate as observers in the Commission and its subsidiary bodies:
 - (a) States, entities and fishing entities that participated in the Multilateral High Level Conference on the Conservation and Management of the Highly Migratory Fish Stocks, which are not members of the Commission;
 - (b) Any entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e) of the 1982 United Nations Convention on the Law of the Sea which is situated in the Convention Area, which is not a member of the Commission;
 - (c) Any regional economic integration organization whose nationals and fishing vessels conduct or wish to conduct fishing for highly migratory fish stocks in the Convention Area;
 - (d) Other States and fishing entities with an interest in the work of the Commission, invited by the Commission, which are not members of the Commission;
 - (e) The Food and Agriculture Organization of the United Nations and other relevant intergovernmental organizations and South Pacific regional organizations invited by the Commission;
 - (f) Non-governmental organizations concerned with matters relevant to the implementation of the Convention admitted by the Commission pursuant to paragraph 4 of this rule which have demonstrated their interest in matters under consideration by the Commission.
2. Observers referred to in paragraph 1 (a), (b), (c) and (d) of this rule may participate subject to the provisions of these rules in the deliberations of the Commission and its subsidiary bodies but shall not be entitled to participate in the taking of decisions. Written statements submitted by such observers shall be distributed by the Secretariat to the members of the Commission.
3. Observers referred to in paragraph 1 (e) of this rule may participate in the deliberations of the Commission and its subsidiary bodies upon the invitation of the Chairman on questions within the scope of their competence, but shall not be entitled to participate in the taking of decisions. Written statements submitted by such observers shall be distributed by the Secretariat to the members of the Commission.
4. A non-governmental organization desiring to participate as an observer shall notify the Executive Director in writing of its desire to participate at least fifty days in advance of the session. The Executive Director shall notify the members of the Commission of such request at least 45 days prior to the opening of the session at which the request is to be considered. Non-governmental organizations that have made such notification to the Executive Director shall be

invited to participate in the session as observers unless a majority of the members of the Commission objects to the request in writing at least twenty days before the opening of the session. Such observer status shall remain in effect for future sessions unless the Commission decides otherwise.

5. Observers referred to in paragraph 1 (f) of this rule may sit at meetings of the Commission and its subsidiary bodies and upon the invitation of the Chairman and subject to the approval of the Commission or the relevant subsidiary body may make oral statements on matters within the scope of their activities. Written statements submitted by observers referred to in paragraph 1 (f) of this rule within the scope of their activities which are relevant to the work of the Commission may, subject to the approval of the Chairman, be distributed at meetings of the Commission and its subsidiary bodies.

XIII. AMENDMENTS

Method of amendment

Rule 36

These rules of procedure may be amended by a decision of the Commission, taken by consensus.

Annex I

Rules of procedure relating to the Northern Committee

1. The committee established under article 11, paragraph 7, of the Convention shall be called the Northern Committee. Members situated in the Convention area north of 20° north parallel and members fishing in that area shall be members of the Northern Committee. Any member of the Commission not represented on the Committee may send a representative to participate in the deliberations of the Committee as an observer.
2. The Northern Committee shall, by consensus, make recommendations on the formulation of conservation and management measures* in respect of stocks which occur mostly in the area north of 20° north parallel (hereinafter referred to as “northern stocks”). Such recommendations shall relate to the northern stocks in the area north of 20° north parallel. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in the Convention. The Commission shall not take a decision with regard to any such measure without a recommendation concerning such measure from the Northern Committee.
3. The Commission may, however, request the Northern Committee to formulate and send back a recommendation on conservation and management measures for a northern stock in such a period of time as the Commission considers appropriate. The Northern Committee shall comply with such request by the Commission.
4. The Northern Committee shall, by consensus, make recommendations on the implementation for the area north of 20° north parallel of such conservation and management measures* as may be adopted by the Commission. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in the Convention.
5. “Northern stocks” are understood to be northern Pacific bluefin, northern albacore and the northern stock of swordfish. The Commission, based on the advice of the Scientific Committee, shall periodically review and determine whether this list should be revised.

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* Conservation and management measures are those provided for in article 10, paragraph 2, of the Convention.

Annex II

Rules of procedure on the nature and extent of participation of territories

1. Territories listed in article 43 of the Convention 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 international affairs of such Participating Territory.
2. 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.
3. Participating Territories 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. Participating Territories would not have rights which are inconsistent with their territorial status (such as being elected Chair or being counted towards a quorum).
4. In relation to matters over which a Participating Territory has competence, such Territory may make proposals and offer amendments.
5. 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 that Territory’s international affairs, make proposals and offer amendments.
6. Additional rights and restrictions on rights shall be determined by the Contracting Parties in rules of procedure, as necessary, consistent with Article 43.
7. In accordance with article 20, of the Convention, the Commission will make all efforts to reach decisions by consensus. Consistent with their full participation in the work of the Commission, all Participating Territories would participate in the Commission’s deliberations 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:
 - (a) decisions on allocation, where a Participating Territory is responsible for the conservation and management of resources in its waters;
 - (b) decisions on the scale of assessments, where a Participating Territory makes independent and voluntary contributions to the Commission’s budget.
8. Where a consensus could be reached but for the views of a Participating Territory that has full competence 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. Notwithstanding this, a Participating Territory could not block consensus on a proposal.
9. A Participating Territory would need to meet a pre-determined standard in order to acquire or exercise the right to vote within the Commission. The standards and the process and criteria for assessing whether the standards have been met would need further discussion and elaboration by the Contracting Parties.