

No. 31155

MULTILATERAL

**Convention for the conservation of southern bluefin tuna
(with annex). Signed at Canberra on 10 May 1993**

Authentic texts: English and Japanese.

Registered by Australia on 18 August 1994.

MULTILATÉRAL

**Convention relative à la préservation. du thon rouge du sud
(avec annexe). Signée à Canberra le 10 mai 1993**

Textes authentiques : anglais et japonais.

Enregistrée par l'Australie le 18 août 1994.

CONVENTION¹ FOR THE CONSERVATION OF SOUTHERN BLUE-FIN TUNA

The Parties to this Convention:

Considering their mutual interest in southern bluefin tuna;

Recalling that Australia, Japan and New Zealand have already taken certain measures for the conservation and management of southern bluefin tuna;

Paying due regard to the rights and obligations of the Parties under relevant principles of international law;

Noting the adoption of the United Nations Convention on the Law of the Sea in 1982;²

Noting that States have established exclusive economic or fishery zones within which they exercise, in accordance with international law, sovereign rights or jurisdiction for the purpose of exploring and exploiting, conserving and managing the living resources;

Recognising that southern bluefin tuna is a highly migratory species which migrates through such zones;

Noting that the coastal States through whose exclusive economic or fishery zones southern bluefin tuna migrates exercise sovereign rights within such zones for the purpose of exploring and exploiting, conserving and managing the living resources including southern bluefin tuna;

Acknowledging the importance of scientific research for the conservation and management of southern bluefin tuna and the importance of collecting scientific information relating to southern bluefin tuna and ecologically related species;

Recognising that it is essential that they cooperate to ensure the conservation and optimum utilisation of southern bluefin tuna;

Have agreed as follows:

¹ Came into force on 20 May 1994, the date of deposit of the third instrument of ratification, acceptance or approval with the Government of Australia, in accordance with article 17 (2):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Japan.....	8 April 1994
New Zealand	9 May 1994
Australia.....	20 May 1994

² United Nations, *Treaty Series*, vol. 1833, No. I-31363.

Article 1

This Convention shall apply to southern bluefin tuna (*Thunnus maccoyii*).

Article 2

For the purposes of this Convention:

- (a) "ecologically related species" means living marine species which are associated with southern bluefin tuna, including but not restricted to both predators and prey of southern bluefin tuna;
- (b) "fishing" means:
 - (i) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
 - (ii) any operation at sea in preparation for or in direct support of any activity described in sub-paragraph (i) above.

Article 3

The objective of this Convention is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.

Article 4

Nothing in this Convention nor any measures adopted pursuant to it shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party or its positions or views with respect to the law of the sea.

Article 5

1. Each Party shall take all action necessary to ensure the enforcement of this Convention and compliance with measures which become binding under paragraph 7 of Article 8.
2. The Parties shall expeditiously provide to the Commission for the Conservation of Southern Bluefin Tuna scientific information, fishing catch and effort statistics and other data relevant to the conservation of southern bluefin tuna and, as appropriate, ecologically related species.

3. The Parties shall cooperate in collection and direct exchange, when appropriate, of fisheries data, biological samples and other information relevant for scientific research on southern bluefin tuna and ecologically related species.

4. The Parties shall cooperate in the exchange of information regarding any fishing for southern bluefin tuna by nationals, residents and vessels of any State or entity not party to this Convention.

Article 6

1. The Parties hereby establish and agree to maintain the Commission for the Conservation of Southern Bluefin Tuna (hereinafter referred to as "the Commission").

2. Each Party shall be represented on the Commission by not more than three delegates who may be accompanied by experts and advisers.

3. The Commission shall hold an annual meeting before 1 August each year or at such other time as it may determine.

4. At each annual meeting the Commission shall elect from among the delegates a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties and shall remain in office until the election of their successors at the next annual meeting. A delegate, when acting as Chair, shall not vote.

5. Special meetings of the Commission shall be convened by the Chair at the request of a Party supported by at least two other Parties.

6. A special meeting may consider any matter of relevance to this Convention.

7. Two-thirds of the Parties shall constitute a quorum.

8. The rules of procedure of the Commission and other internal administrative regulations as may be necessary to carry out its functions shall be decided upon at the first meeting of the Commission and may be amended by the Commission as occasion may require.

9. The Commission shall have legal personality and shall enjoy in its relations with other international organisations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

10. The Commission shall determine the location of its headquarters at such time as a Secretariat is established pursuant to paragraph 1 of Article 10.

11. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

Article 7

Each Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a unanimous vote of the Parties present at the Commission meeting.

Article 8

1. The Commission shall collect and accumulate information described below:
 - (a) scientific information, statistical data and other information relating to southern bluefin tuna and ecologically related species;
 - (b) information relating to laws, regulations and administrative measures on southern bluefin tuna fisheries;
 - (c) any other information relating to southern bluefin tuna.
2. The Commission shall consider matters described below:
 - (a) interpretation or implementation of this Convention and measures adopted pursuant to it;
 - (b) regulatory measures for conservation, management and optimum utilisation of southern bluefin tuna;
 - (c) matters which shall be reported by the Scientific Committee prescribed in Article 9;
 - (d) matters which may be entrusted to the Scientific Committee prescribed in Article 9;
 - (e) matters which may be entrusted to the Secretariat prescribed in Article 10;
 - (f) other activities necessary to carry out the provisions of this Convention.
3. For the conservation, management and optimum utilisation of southern bluefin tuna:
 - (a) the Commission shall decide upon a total allowable catch and its allocation among the Parties unless the Commission decides upon other