

October 26, 2015 (11:15 AM)

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**LETTER FROM WORKING
GROUP ON CONVENTION AMENDMENT CHAIR**
(ICCAT Circular #7540/15)

**SUBJECT: MEETING OF THE WORKING GROUP ON CONVENTION AMENDMENT
IN ADVANCE OF THE 2015 ANNUAL MEETING OF ICCAT**

In preparation for the upcoming session of the Working Group on Convention Amendment, I am providing the compiled version of the full Convention text reflecting the specific proposals for amendment that have been discussed to date by the Working Group. All paragraphs that are subject to changes are highlighted in this document for ease of review. Text that remains unresolved is set off in square brackets and shaded.

As requested by the Working Group, I have also identified any conforming changes required in other parts of the Convention in order to be consistent with the amended text developed by the Working Group. These technical changes are set off by dashed lines in the compiled text.

There are four main outstanding issues still to be resolved by the Working Group.

1. In Article III bis, which establishes the general principles that will underpin the Commission's work, two sub-paragraphs are still open.
 - Sub-paragraph (d), which refers to broader ecosystem considerations, was widely supported but remains in brackets at the request of one delegation.
 - In sub-paragraph (h) regarding transparency in decision making, there is not yet consensus on how the specific issue of allocations should be reflected. There are two possible drafting options in brackets.
2. In Article VIII, paragraph 3 (h) regarding the grounds for an objection, there are currently several versions of sub-paragraph (iii) in brackets. At the last Working Group meeting, there was some movement towards the third option as a possible basis for agreement, but the issue remains unresolved. All three options – or none – remain under consideration.
3. While there was general agreement on the inclusion of provisions related to dispute settlement, there is no agreement on specific text. The two proposals presented to date are within brackets in Article VIII bis.
4. There was extensive consultation among delegations at the last meeting of the Working Group to identify a consensus approach to address the issue of non-participation comparable to what has been adopted by other RFMOs. In general, this approach would enable a fishing entity whose vessels have fished in the Convention area to provide a written instrument to the Depositary of its commitment to abide by the Convention, and in exchange be enabled to participate fully in the relevant work of the Commission. Such an approach is closely linked to, and depends upon, having a Contracting Party assume the role of Depositary. There have not yet been formal proposals tabled for the specific amendments required to address these issues.

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Once these remaining issues are resolved, the Working Group will present its recommendations to the Commission for action. The Commission will need to determine the process to finalize and adopt the proposed amendments, and to establish the terms for their entry into force. Note that the process for amending the Convention is set out in Article XIII, paragraph 1. In practice, previous proposals for amendment have been adopted through a protocol negotiated and approved by a Conference of the Contracting Parties. This protocol has contained both the specific changes proposed to the text of the Convention, as well as the specific process for approval and entry into force of the amendments.

I commend all of the Working Group participants on their hard work, cooperation, and flexibility in our previous meetings, which has allowed us to make such excellent progress. We must all be prepared to find constructive solutions to these few remaining issues in the very short time we will have available. I am confident that we can meet our mandate of providing recommendations for amendment to the Commission at the Annual Meeting that follows.

Please accept the assurances of my highest consideration.



Deirdre M. Warner-Kramer
Chair of the Working Group on Convention Amendment