

Original: English

**PROPOSAL RELATED TO THE  
PARTICIPATION OF FISHING ENTITIES IN ICCAT**

*(Proposal by Belize, El Salvador, Japan, Panama and the United States)*

With the understanding that a Contracting Party will take the full role of depositary from the FAO, the following annex will be added to the Convention:

**ANNEX  
FISHING ENTITIES**

1. After the entry into force of the amendments to the Convention adopted on [XXXX date] [pursuant to Article XIII], any fishing entity that has attained Cooperating Status in accordance with the procedures established by the Commission, may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it. Such commitment shall become effective 30 days from the date of receipt of the instrument. Any such fishing entity may withdraw such commitment by a written notification addressed to the Depositary. The withdrawal shall become effective 1 year after the date of its receipt, unless the notification specifies a later date.
2. In case of any further amendment made to the Convention pursuant to Article XIII, any fishing entity referred to in paragraph 1 may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of the amended Convention and comply with recommendations adopted pursuant to it. This commitment of a fishing entity shall be effective from the dates referred to in Article XIII or on the date of receipt of the written communication referred to in this paragraph, whichever is later.
3. A fishing entity which has expressed its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it in accordance with paragraph 1 or 2 may participate in the relevant work, including decision making, of the Commission, and shall, mutatis mutandis, enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, IV, VI, VIII, IX, X, and XI of the Convention.
4. If a dispute involves a fishing entity which has expressed its commitment to be bound by the terms of this Convention in accordance with this Annex and cannot be settled by amicable means, the dispute shall, at the request of any party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.
5. The provisions of this Annex relating to the participation of a fishing entity are only for the purposes of this Convention.

### Corresponding Adjustments to Convention Text

In addition to inclusion of the Fishing Entity Annex, the following corresponding adjustments will be made to the Convention text:

- At the end of paragraph 1 of Article III, the following sentence will be added, “Each Contracting Party shall be a Member of the Commission.”
- In Articles III, IV, VI, VIII and X, all instances of “Contracting Parties” or “Contracting Party” will be changed to “Members of the Commission” or “Member of the Commission,” except in Article III paragraph 1, which will remain unchanged.
- Article III paragraph 5 will be amended as follows:
  5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect ~~from among its Members~~ a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.
- In paragraph 3 (a) of Article VIII, “which is also a” will be added before “member of a Panel.”
- In paragraphs 1 and 2 of Article IX, all instances of “Contracting Parties” or “Contracting Party” will be changed to “Members of the Commission” or “Member of the Commission.”
- Paragraph 3 of Article IX\_ will be amended as follows:
  3. The ~~Contracting Parties~~ Members of the Commission undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention.
  4. ~~and in particular Contracting Parties~~ undertake to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries.
- In paragraph 2 of Article XI, “Contracting Parties” will be changed to “Members of the Commission.”
- Article XIII bis will be added as follows:

#### Article XIII bis

The Annex forms an integral part of this Convention and a reference to this Convention includes a reference to the Annex.