

**PROCEDURAL ISSUES REGARDING  
THE CONVENTION AMENDMENT PROCESS**

*Presented by the Chair of the Working Group on Convention Amendment*

As was noted by the Chair of the Commission in his letter outlining the priorities for the upcoming ICCAT Annual meeting, the Working Group on Convention Amendment has finished its work, and the Commission will now need to consider how to finalize the proposals for amendment.

***Technical finalization of the text***

- The proposals for amendment developed by the Working Group will require two additional technical steps:
  1. A technical and legal review, which would be limited to addressing the consistency of use of terminology within the text, issues related to format (e.g. punctuation, numbering format, cross references, etc.), and the correct use of language, and;
  2. A technical review of the text in the three different official languages to ensure consistency among the versions.
- These two reviews could happen in combination or separately. Likewise, they could either be undertaken by a small group of experts or a process open to experts from all CPCs.

***Approval of the Proposal for Amendment***

- Pursuant to Article XIII of the Convention, proposals for amendment are to be transmitted to the Depositary, who then transmits a certified copy to the text to the Contracting Parties for their approval and acceptance.
- The Convention is silent on how a proposal for amendment originating with the Commission is first adopted, so the Commission will need to decide how to record its decision to forward the proposals to the Depositary, i.e. through a resolution, or a record in the meeting report, or some other means.

***Entry into Force***

- The amendments then take effect once three-quarters of the Contracting Parties have notified the Depositary of their acceptance of the amendments in one of two ways:
  1. If the amendments do not involve new obligations, they take effect for all Contracting Parties at that time, or
  2. If the amendments involve new obligations, they take effect only for those Contracting Parties that have accepted them, and thereafter for each additional Contracting Parties that accepts them.
- The Commission will need to determine whether the proposals for amendment involve new obligations.
- The latter case could result in a certain number of Contracting Parties being bound to the old terms of the Convention, even after the amendments have entered into force for most Contracting Parties. In this case, the Commission may want to consider whether this situation would create potential issues in the future, and if so, how best to manage those.

- As was the case with the amendments to the Convention previously developed in 1984 (the Paris Protocol) and 1992 (the Madrid Protocol), the Commission may decide on some alternative process for entry into force. In this case, the alternative provisions would need to be set out in a protocol to the Convention that would need to be developed and adopted by the Contracting Parties.
- This would likely require an additional intersessional meeting of either the Working Group or some other body to develop a text, which would be forwarded to either a Conference of Plenipotentiaries or to the Commission itself for adoption.