（右条約の英文）

PROTOCOL

To amend the International Convention for the Conservation of Atlantic Tunas

The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas, done at Rio de Janeiro on 14 May 1966 (hereinafter "the Convention"),

RECALLING the *Recommendation by ICCAT to establish a Working Group to develop amendments to the ICCAT Convention* [Rec. 12-10] and the resulting draft proposals for amendment developed through this Working Group,

TAKING NOTE of the *Resolution by ICCAT regarding participation by fishing entities under the amended ICCAT Convention* [Res. 19-13] and the *Recommendation by ICCAT on fishes considered to be tuna and tuna-like species or oceanic, pelagic, and highly migratory elasmobranchs* [Rec. 19-01], which are integral components of the proposals for amendment and were adopted by the Commission in conjunction with the finalization of this Protocol,

CONSIDERING that the proposals for amendment to the Convention set out herein involve new obligations,

EMPHASIZING the importance of completing their respective internal acceptance procedures expeditiously in order that this Protocol may enter into force for all Contracting Parties as soon as possible,

Have agreed as follows:

Article 1

The Preamble to the Convention shall be amended to read as follows:

> "The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes and elasmobranchs that are oceanic, pelagic, and highly migratory found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels that will permit their long term conservation and sustainable use for food and other purposes, resolve to conclude a Convention for the conservation of these resources, and to that end agree as follows:"

Article 2

Articles II and III of the Convention shall be amended to read as follows:

"Article II

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law. This Convention shall be interpreted and applied in a manner consistent with international law.

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention. Each Contracting Party shall be a Member of the Commission.

2. Each of the Members of the Commission shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.

3. Decisions of the Commission shall be taken by consensus as a general rule. Except as may otherwise be provided in this Convention, if consensus cannot be achieved, decisions shall be made by a two-thirds majority of the Members of the Commission present and casting affirmative or negative votes, each Member of the Commission having one vote. Two-thirds of all the Members of the Commission shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of all the Members of the Commission or by decision of the Council as constituted in Article VI.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among the Contracting Parties a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Members of the Commission every two years on its work and findings and shall also inform any Member of the Commission, whenever requested, on any matter relating to the objectives of this Convention."

Article 3

A new Article IV shall be added to the Convention, which shall read as follows:

"Article IV

The Commission and its Members, in conducting work under this Convention, shall act to:

(a) apply the precautionary approach and an ecosystem approach to fisheries management in accordance with relevant internationally agreed standards and, as appropriate, recommended practices and procedures;

(b) use the best scientific evidence available;

(c) protect biodiversity in the marine environment;

(d) ensure fairness and transparency in decision making processes, including with respect to the allocation of fishing possibilities, and other activities; and

(e) give full recognition to the special requirements of developing Members of the Commission, including the need for their capacity building in accordance with international law, to implement their obligations under this Convention and to develop their fisheries."

Article 4

Articles IV, V, VI, VII, and VIII of the Convention shall be renumbered as Articles V, VI, VII, VIII, and IX, respectively, and amended to read as follows:

"Article V

1. In order to carry out the objectives of this Convention: