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Proposals for New Procedures to facilitate amending the Convention
by the Depositary Government



DEPARTMENT OF STATE

Washington, D.C. 20520

March 20, 1970

Mr. L. R. Day
Executive Secretary
International Commission for the
Northwest Atlantic Fisheries
P. O. Box 638
Dartmouth, Nova Scotia, Canada

Dear Mr. Day:

Your letter of 20 October 1969 to the Secretary of State drew the attention of the Depositary Government to a proposal of the 19th Annual Meeting of the Commission concerning the timely entry into force of amendments to the Convention. We have reviewed this matter carefully, and have concluded that the Commission might wish to consider an amendment to the Convention which would establish procedures for consideration and adoption of future proposed amendments to the Convention, and more expeditious ways of bringing the amendments into force. I am enclosing a draft Protocol to this effect for consideration by the Commission.

Sincerely yours,

Charles I. Bevens
Charles I. Bevens
Assistant Legal Adviser

Enclosure:

Draft Protocol

DRAFT

PROTOCOL TO THE INTERNATIONAL CONVENTION
FOR THE NORTHWEST ATLANTIC FISHERIES
RELATING TO AMENDMENTS TO THE
CONVENTION

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

Article I

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

"Article XVII

- "1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.
- "2. Any Contracting Government may propose amendments to be considered at a special Conference of Contracting Governments held for this purpose. Any such proposal shall be sent to the Executive Secretary, who shall promptly notify every other Contracting Government.

The Contracting Government making the proposal shall convene the meeting no less than sixty days after four other Contracting Governments, including a Contracting Government in North America, have signified their concurrence to the Executive Secretary.

- "3. A proposed amendment to the Convention shall be adopted by the Commission or by the special Conference by a three-fourths vote of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depositary Government to all Contracting Governments.
- "4. Any amendment not involving new obligations on Contracting Governments shall take effect for all Contracting Governments thirty days following the date upon which the Depositary Government has received written notifications of approval from two-thirds of all Contracting Governments. If any Contracting Government notifies the Depositary Government that it considers an amendment to involve new obligations, before the Depositary Government has received such notifications of approval from two-thirds of all Contracting Governments, the amendment shall be considered to involve new obligations and shall take effect in accordance with the provisions of paragraphs 5 and 6 of this Article.
- "5. Any amendment involving new obligations on Contracting Governments shall take effect for all Contracting Governments one-hundred and twenty days following receipt by the Depositary Government of written notifications of approval by two-thirds of all Contracting Governments unless any other

Contracting Government notifies the Depositary Government, within ninety days following such receipt by the Depositary Government, that it objects to the amendment.

- "6. A Contracting Government which has objected to an amendment pursuant to paragraph 5 may withdraw that objection at any time. The amendment shall take effect for all Contracting Governments sixty days following withdrawal of all objections or upon the expiration of the one-hundred and twenty days referred to in paragraph 5, whichever is later.
- "7. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 3 of this Article shall be deemed to have approved the said amendment.
- "8. The Depositary Government shall promptly notify all Contracting Governments of the receipt of notifications of approval of amendments, the receipt of notifications that amendments are considered to involve new obligations, the receipt of notifications of objection, the withdrawal of objections, and the entry into force of amendments."

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that any amendment included in the first-mentioned Protocol shall be deemed to involve new obligations on Contracting Governments; and provided further that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from two-thirds of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the one-hundred and twenty day period specified in paragraph 5 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective powers, have signed this Protocol.

DONE at Washington this day of 1970,
in the English language.

For Canada:

For Denmark:

For the Federal Republic of Germany:

For France:

For Iceland:

For Italy:

For Norway:

For Poland:

For Portugal:

For Romania:

For Spain:

For the Union of Soviet Socialist Republics:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America: