No. 9587

MULTILATERAL

International Convention for the Conservation of Atlantic Tunas (with Final Act and Resolution adopted by the Conference of Plenipotentiaries). Done at Rio de Janeiro on 14 May 1966

Authentic texts: English, French and Spanish.

Registered by the Food and Agricultural Organization of the United Nations on 20 May 1969.

MULTILATÉRAL

Convention internationale pour la conservation des thonidés de l'Atlantique (avec Acte final et Résolution adoptés par la Conférence de plénipotentiaires). Faite à Rio de Janeiro le 14 mai 1966

Textes authentiques: anglais, français et espagnol.

Enregistrée par l'Organisation des Nations Unies pour l'alimentation et l'agriculture le 20 mai 1969.

INTERNATIONAL CONVENTION [1] FOR THE CONSERVATION OF ATLANTIC TUNAS

Preamble

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

Article I

The area to which this Convention shall apply, hereinafter referred to as the " Convention area ", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

Article II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under 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.

[1] The Convention was prepared and opened for signature by the Conference of Plenipotentiaries on the Conservation of Atlantic Tunas which met at Rio de Janeiro from 2 to 14 May 1966. For the texts of the Final Act and resolution adopted by the Conference, see pp. 86 and 88 of this volume.

The Convention came into force on 21 March 1969 in accordance with paragraph 3 of article XIV, upon the deposit with the Director-General of the Food and Agriculture Organization of the United Nations of the instruments of ratification or adherence (*a*) by the Governments of the following seven States:

State	*Date of deposit*	*State*	*Date of deposit*
United States of America	18 May 1967	Ghana	17 April 1968 *a*
Japan	24 August 1967	Canada	20 August 1968 *a*
South Africa	17 October 1967 *a*	France	7 November 1968 *a*
		Spain	21 March 1969

It came into force subsequently in respect of Brazil on 1 April 1969 upon deposit of its instrument of ratification.

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

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties 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 the Contracting Parties or by decision of the Council as constituted in Article V.

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.

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 Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

Article IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political subdivisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent

research to supplement the research work being done by governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this Article shall include :

(*a*) collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area ;

(*b*) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch ;

(*c*) recommending studies and investigations to the Contracting Parties ;

(*d*) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case :

(*a*) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto ;

(*b*) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties ;

(*c*) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigation by the Contracting Parties.

Article VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe :

(*a*) co-ordinating the programmes of investigation by the Contracting Parties ;

(*b*) preparing budget estimates for review by the Commission ;

(*c*) authorising the disbursement of funds in accordance with the Commission's budget ;

(*d*) accounting for the funds of the Commission ;

(*e*) arranging for co-operation with the organizations referred to in Article XI of this Convention ;

(*f*) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks ;

(*g*) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1. (*a*) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like

fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.

(*b*) The recommendations referred to above shall be made :

(i) at the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two-thirds of all the Contracting Parties if an appropriate Panel has been established ;

(ii) on the proposal of an appropriate Panel if such a Panel has been established ;

(iii) on the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.

3. (*a*) If any Contracting Party in the case of a recommendation made under paragraph 1 (*b*) (i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1 (*b*) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six months period provided for in paragraph 2 above the recommendation shall not become effective for an additional, sixty days.

(*b*) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional sixty days period, or within forty-five days of the date of the notification of an objection made by anotner Contracting Party within such additional sixty days, whichever date shall be the later.

(*c*) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(*d*) However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with subparagraphs (*a*) and (*b*) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(*e*) In the case referred to in subparagraph (*d*) above the Contracting Party or Parties concerned shall have an additional period of sixty days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except

with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(*f*) If a recommendation has met with objection from more than one-fourth but less than the majority of the Contracting Parties, in accordance with subparagraphs (*a*) and (*b*) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(*g*) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree :

(*a*) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention ;

(*b*) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties 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 and in particular 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.

Article X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to :

(*a*) U.S. $ 1,000 (one thousand United States dollars) for Commission membership.

(*b*) U.S. $ 1,000 (one thousand United States dollars) for each Panel membership.

(*c*) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (*a*) and (*b*) of this paragraph, one-third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (*a*) and (*b*) of this paragraph. For the remaining two-thirds the Commission shall determine on the basis of the latest available information :

(i) the total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party ;

(ii) the total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two-thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this subparagraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise reapportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The Executive Secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following

biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a Member of the United Nations or of any Specialized Agency of the United Nations and which is not a member

of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for ten years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than April first of that year.

Article XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications

of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

Article XIV

1. This Convention shall be open for signature by any Government which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

Article XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV of deposits of instruments of ratification, approval or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies to the Governments referred to in paragraph 1 of Article XIV.

IN WITNESS WHEREOF the representatives duly authorized by their respective Governments have signed the present Convention. Done at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

Pelos Estados Unidos do Brasil : [1]

Emilio VAROLI

Por España : [2]

Fernando NOGUÉS MESQUITA
Fernando MARCITLLACH GUAZO

For the United States of America :

J. Lawrence MCHUGH
Burdick H. BRITTIN

For the Republic of Korea :

TONG JIN PARK
May 31, 1966

Pour le Japon : [3]

Shigeru YOSANO
le 28 octobre 1966 [4]

Pour le Gabon : [5]

Georges RAWIRI
le 9 août 1967 [6]

Por el Gobierno de la República Dominicana : [7]

Pedro PADILLA
13 Febrero 1968 [8]

[1] For the United States of Brazil.
[2] For Spain.
[3] For Japan.
[4] 28 October 1966.
[5] For Gabon.
[6] 9 August 1967.
[7] For the Government of the Dominican Republic.
[8] 13 February 1968.

CONFERENCE OF PLENIPOTENTIARIES
ON THE CONSERVATION OF ATLANTIC TUNAS

Rio de Janeiro, Brazil, 2 to 14 May 1966

FINAL ACT

1. The Conference of the Food and Agriculture Organization of the United Nations, at its Thirteenth Session held in Rome in November and December 1965, authorized the Director-General of that Organization to call a Conference of Plenipotentiaries to prepare and adopt a Convention for the purpose of establishing a Commission for the conservation of tuna and tuna-like fishes in the Atlantic Ocean.

2. The Conference of Plenipotentiaries on the Conservation of Atlantic Tunas met, on the invitation of the Government of Brazil, in Rio de Janeiro from 2 to 14 May 1966.

3. The Governments of the following seventeen States were represented : Argentina, Brazil, Canada, Cuba, Democratic Republic of the Congo, France, Japan, Portugal, Republic of Korea, Republic of South Africa, Senegal, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

4. The Governments of the following three States were represented by observers : Federal Republic of Germany, Italy, Poland.

5. The Conference elected His Excellency General Ney Aminthas de Barros Braga, Minister of Agriculture of Brazil, as President.

6. The Conference elected as Vice-Presidents : Argentina, France, Japan, Senegal, Spain, Union of Soviet Socialist Republics, United States of America.

7. The following Committees were set up :

General Committee

Chairman : The President of the Conference

Main Committee

Chairman : Dr. J.L. McHugh (United States of America)

Drafting Committee

Chairman : Mr. B.H. Brittin (United States of America)

Credentials Committee

Chairman : Mr. J. Rougé (France).

8. The Director-General of the Food and Agriculture Organization of the United Nations was represented by Mr. R. I. Jackson, Assistant Director-General (Fisheries).

9. The Conference had before it a draft Convention prepared by the FAO Working Party for Rational Utilization of Tuna Resources in the Atlantic Ocean at its second session held in Rome from 6 to 13 July 1965 and comments thereon submitted by Governments.

10. On the basis of its deliberations, as recorded, the Conference prepared and opened for signature a Convention which is reproduced as Annex I hereto. The Convention will remain open for signature in Rio de Janeiro until 31 May 1966 and thereafter at the Headquarters of the Food and Agriculture Organization of the United Nations in Rome.

11. In addition the Conference adopted the Resolution which is reproduced as Annex II hereto.

IN WITNESS WHEREOF the representatives have signed this Final Act.

Argentina :

C. BASTANCHURRI
Juan Carlos KATZENSTEIN

Brazil :

E. VAROLI

Canada :

S. V. OZERE
J. C. STEVENSON

Cuba :

J. MÁRQUEZ ARNER
O. VALDÉS VIERA

Democratic Republic of the Congo :

A. KIPAMINA

France :

J. ROUGÉ
R. A. LAGARDE

Japan :

K. NISHIMURA
Ryuichi ANDO

Portugal :

Ramiro FERRÂO
Vasco VALDEZ

Republic of Korea :

TONG JIN PARK
HYUNG KUN KIM

Republic of South Africa :

B. VAN D. DE JAGER

Senegal :

B. DIOP

Spain :

F. NOGUÉS MESQUITA
F. MARCITLLACH GUAZO

Union of Soviet Socialist Republics :

V. LAFITSKY

United Kingdom of Great Britain and Northern Ireland :

R. A. WELLINGTON
Louis S. MOWBRAY

United States of America :

J. L. MCHUGH
Burdick H. BRITTIN
William M. TERRY

Uruguay :

A. SILVARIÑO
Luis LANDER
Mario SIRI

Venezuela :

Rafael MARTÍNEZ E.

DONE at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the Food and Agriculture Organization of the United Nations.

RESOLUTION ON THE COLLECTION OF STATISTICS ON THE ATLANTIC TUNA FISHERIES

The Conference

Taking note of documents FID : AT/66/4, Annex 6, and FID : AT/66/INF-5 relating to the collection and publication of statistics on Atlantic tuna fisheries ; and

Agreeing that it is essential that all countries fishing these Atlantic tuna resources should collect adequate statistics on catch and fishing effort and the necessary biological data, and make available for publication the statistical and related economic data with a view to enabling the International Commission for the Conservation of Atlantic Tunas to fulfil its functions adequately as soon as it is established ;

Urges all countries to take steps without delay to create, where they do not already exist, offices within their fisheries administrations suitably staffed and having appropriate financial and legislative support to undertake the collection and the processing of the data to be used by the Commission; and

Suggests that all countries faced with the tasks of establishing and operating such offices, give priority to requests for assistance in this connection through the United Nations Development Programme and through the regular programme of the Food and Agriculture Organization of the United Nations.