Proposed amendment to the NEAFC convention

The following article shall be inserted after Article 18:

"*Article 18 bis*

The Commission shall make recommendations establishing procedures for the settlement of disputes arising under this Convention."

Proposal to a NEAFC Recommendation concerning the procedures of Articles 12 and 13 of the NEAFC

In accordance with Articles 12 and 13 of the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, hereinafter referred to as "the Convention" , NEAFC recommends as follows:

"A Contracting Party which presents an objection to a recommendation in accordance with Article 12 or gives notice of the termination of its acceptance of a recommendation in accordance with Article 13, shall give a statement of the reasons for its objection or notice and a declaration of its intentions following the objection or notice, including a description of any alternative conservation and management measures which the Contracting Party intends to take or has already taken."

Proposal to a NEAFC Recommendation establishing procedures for the settlement of disputes

In accordance with Article 18 bis of the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, hereinafter referred to as "the Convention" , NEAFC recommends the establishment of the following procedures for the settlement of disputes:

1. Contracting Parties shall co-operate in order to prevent disputes referred to in paragraph 2 and 3.

2. If any dispute arises between two or more Contracting Parties concerning the interpretation or application of the Convention, those Contracting Parties shall expeditiously seek to resolve the dispute by consultation, negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

3. Where a dispute concerns the application of the Convention or the interpretation or application of a recommendation adopted by the Commission, the parties to the dispute may refer the dispute to an *ad hoc* panel constituted in accordance with rules of procedure adopted by the Commission. The panel shall at the earliest possible opportunity confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously.

4. Where the parties to a dispute have agreed to refer the dispute to the *ad hoc* panel procedure, they may agree at the same time to apply provisionally the relevant recommendation adopted by the Commission until the panel finalizes its work or the dispute is resolved by the parties to the dispute, whichever occurs first.
Pending the settlement of a dispute in accordance with paragraph 5, the parties to the dispute shall apply provisionally any measure described by the panel**.** That provisional application shall cease when the parties to the dispute agree on arrangements of equivalent effect, when a judicial body to which the dispute has been referred in accordance with paragraph 5 has taken a provisional or definitive decision or, in any case, at the date of expiration of the recommendation of the Commission at issue.

5. Where a dispute is not resolved by recourse to the means set out in paragraphs 2 and 3, one of the parties to the dispute may refer the dispute to compulsory procedures entailing binding decisions. Such procedures shall be governed *mutatis mutandis* by the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea of 10 December 1982 (1982 UN Convention) or, where the dispute concerns one or more straddling stocks, by the provisions set out in Part VIII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (1995 Agreement). The relevant parts of the 1982 UN Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also Parties to these instruments.

6. A panel or judicial body to which any dispute has been referred under this Article shall apply, as appropriate, the relevant provisions of the Convention, of the 1982 UN Convention, of the 1995 Agreement, and other rules of international law compatible with the said instruments, as well as recommendations of the Commission which are applicable to the parties of the dispute, with a view to ensuring the conservation and optimum utilisation of the fish stocks concerned.