

INTER-AMERICAN TROPICAL TUNA COMMISSION
**COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION**

2ND MEETING

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**RULES OF PROCEDURE FOR THE COMMITTEE FOR THE REVIEW OF
IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION**

During the 82nd meeting of the IATTC in September 2010, it was agreed that the Joint IATTC-AIDCP Working Group on fishing by non-Parties would be dissolved, and its functions related to the IATTC would be assumed by this Committee, and those related to the Agreement of the International Dolphin Conservation Program (AIDCP) by its International Review Panel (IRP). Furthermore, it was agreed that the necessary changes to the rules of procedure or terms of reference should be identified, and the Working Group's functions divided correspondingly.

This document contains a proposal for rules of procedure for the Committee. They were drafted in accordance with the its functions as established in the Antigua Convention, as well as the rules of procedure of the erstwhile IATTC Working Group on Compliance and the terms of reference of the Joint IATTC-AIDCP Working Group.

This proposal was prepared for review by the Committee in order the make a recommendation on rules of procedure for approval by the Commission.

Appendix 1 presents, for informative purposes only, the functions that the IRP should assume to carry out the tasks previously performed by the Joint IATTC-AIDCP Working Group in relation to the AIDCP and which formed part of terms of reference of the group. These functions should be discussed in the context of the AIDCP.

**DRAFT RULES OF PROCEDURE FOR THE COMMITTEE FOR THE REVIEW OF
IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION**

1. Functions

In accordance with Article X of the Antigua Convention, *Committee for the Review of Implementation of Measures Adopted by the Commission*, the functions of the Committee, as established in Annex 3 of the Convention, shall be the following:

- a. review and monitor compliance with conservation and management measures adopted by the Commission, as well as cooperative measures referred to in Article XVIII, paragraph 9, of the Convention;
- b. analyze information by flag or, when information by flag would not cover the relevant case, by vessel, and any other information necessary to carry out its functions;
- c. provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures;
- d. recommend to the Commission means of promoting compatibility among the fisheries

management measures of the members of the Commission;

- e. in consultation with the Scientific Advisory Committee, recommend to the Commission the priorities and objectives of the program for data collection and monitoring established in Article VII, subparagraph (I) of paragraph 1, of the Convention and assess and evaluate the results of that program;
- f. perform such other functions as the Commission may direct.

Similarly, by agreement of the IATTC at its 81st Meeting in September 2010, the Committee will assume the functions of Joint IATTC-AIDCP Working Group on fishing by non-Parties in matters related to the IATTC, as follows:

- a. identify non-Members with vessels fishing in the region, and identify the individual vessels of non-Members;
- b. review and monitor compliance by non-Members with the conservation and management measures of the IATTC;
- c. propose the requirements for non-Members to obtain the status of cooperating non-member, entity or fishing entity;
- d. examine any information provided by the Members and the reports of the administration of the IATTC on vessels of non-Members, entities or fishing entities fishing in the region;
- e. when reviewing and monitoring the compliance of a non-member and determining whether it has fulfilled the requirements to obtain the status of co-operating non-member, entity or fishing entity, the Committee shall also take into account the activities of these non-Members as co-operating non-Members or non-Members in other oceans which have regional fisheries organizations that regulate the conservation and management of highly migratory fish stocks under their competence;
- f. analyze the mechanism by which the status of cooperating non-member, entity or fishing entity shall be requested and granted;
- g. propose the procedures for evaluating the status of cooperating non-member, entity or fishing entity and define the reasons for revoking such a status;
- h. recommend to the IATTC, such actions as may be required to obtain, request, grant and maintain the status of cooperating non-member, entity or fishing entity, as well as those that are considered necessary to promote and improve compliance with the conservation and management measures of the IATTC;
- i. develop and recommend measures to be adopted by the IATTC to eliminate illegal, unreported, and unregulated (IUU) fishing activities in the region, in line with the FAO International Plan of Action;
- j. develop a system of notification of sighting and identification of non-Member vessels operating in the region;
- k. propose criteria for a list of, vessels identified as being engaged in IUU fishing activities in the region to complement the list of vessels authorized to fish in the region as identified in the IATTC Regional Vessel Register;
- l. review the recommendations of the Parties to the AIDCP for the inclusion of vessels on the IATTC list of IUU vessels for violating the regulations of the AIDCP.

2. Governmental members

The Committee shall be composed of representatives of each of the Members of the IATTC

("governmental members").

3. Observers

Representatives of non-Members, pertinent intergovernmental organizations, non-governmental environmental organizations with recognized experience in matters pertaining to this Committee, and owners of tuna vessels fishing in the eastern Pacific Ocean under the jurisdiction of any of the Members, may participate in the Committee as observers.

4. Decision making

1. All participants in the Committee shall have speaking rights, but only the governmental members shall have voting rights. The Committee shall adopt its reports and recommendations by consensus of the governmental members present and voting. Any recommendations of the Committee must be considered by the IATTC.
2. In cases of urgency, and without prejudice to the provisions of paragraph 4 (1) of these rules of procedure, the Committee may take decisions by correspondence through a vote of the governmental members, under the following procedures:
 - i. The proposal shall be circulated to all members of the Committee, in writing, with all pertinent documentation, at least 14 days before the proposed effective date of the resolution, action, or measure and the votes shall be transmitted to the Director no less than 7 days before the proposed effective date;
 - ii. The proposal shall be considered urgent unless a simple majority of the governmental members objects in writing and the proposal shall be accepted unless any governmental member objects in writing; and
 - iii. The Director shall circulate the proposal as well as the accompanying documentation, receive and count the votes, and inform the members of the Committee of the results of a vote as soon as the voting closes.

5. Chair

1. The Chair of the Committee, who shall be a member of a delegation of one of the Members, shall be elected for a two-year term at the regular meeting of the Committee, and may be reelected to the position by the Committee. The Committee shall also, on the same schedule, elect a vice-Chair, who shall fulfill the duties of the Chair until the end of the period of appointment, should the position become vacant. The vice-Chair shall also serve as Chair if the latter is unable to attend or participate in a meeting of the Committee.
2. The duties of the Chair shall be to:
 - i. Propose the time and place of all regular meetings of the Committee for its consideration;
 - ii. To convene special meetings of the Committee, at the request of at least two governmental members, as long as such request is supported by a majority of the governmental members;
 - iii. Present to the regular meetings of the IATTC the reports, recommendations, and communications of the Committee.

6. Information

1. The Director of the Commission shall:
 - i. Collect and maintain the information necessary for the work of the Committee.
 - ii. Provide to the governmental members and non-member governments all pertinent information relative to the operation of their flag vessels at least 15 days in advance of a meeting of the

Committee.

iii. Provide the Committee with the analyses that it considers necessary to carry out its functions.

2. Governmental members and observers shall apply the rules of confidentiality adopted by the IATTC with respect to all information provided to the Committee.

7. Attendance at meetings

1. There shall be no restrictions on the number of persons a governmental member may include in its delegation to a meeting of the Committee.
2. Observers from intergovernmental and non-governmental organizations shall be limited to two delegates, but may bring more with the approval by consensus of the governmental members. If a consensus is not possible, this matter may be decided by a two-thirds majority of the governmental members.

8. Meetings

The Committee shall meet at least once each year, if possible in conjunction with a meeting of the IATTC. The quorum for a meeting is two-thirds of the governmental members.

9. Language

The official languages of the Committee shall be English and Spanish.

10. Amendments

These rules of procedure shall be approved by the IATTC. The Committee may recommend to the IATTC, for approval, any changes that may be necessary in order for the Committee to fulfill its mandate.

Appendix 1

FUNCTIONS TO BE ASSUMED BY THE INTERNATIONAL REVIEW PANEL UPON THE DISSOLUTION OF THE JOINT IATTC-AIDCP ON FISHING BY NON-PARTIES

The functions that should be passed to the IRP as a result of the elimination of the Joint IATTC-AIDCP Working Group on fishing by non-Parties and that are identified in the terms of reference of that group are as follows:

1. Review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP;
2. Examine any information provided by the Parties and the reports of the Secretariat on vessels of non-Parties, entities or fishing entities fishing in the region;
3. Recommend to the Meeting of the Parties to the AIDCP such actions as may be considered necessary to promote and improve compliance with measures adopted by the AIDCP, which should be taken into account when considering the status of cooperating non-Member of the Inter-American Tropical Tuna Commission (IATTC);
4. Develop and recommend measures to be adopted by the Meeting of the Parties to the AIDCP to eliminate illegal, unreported, and unregulated (IUU) fishing activities in the region, in line with the FAO International Plan of Action (IPOA-IUU);
5. Develop a system of notification of sightings and identifications of vessels of non-Parties operating in the region;
6. Identify, and report to the Meeting of the Parties to the AIDCP, the names and other pertinent information about vessels of Parties and non-Parties that are undermining the provisions of the Agreement, in order to draw up a list of vessel involved in IUU fishing activities in the region. The Parties to the AIDCP, through its Secretariat, shall present this information to the IATTC Committee for the review of implementation of measures adopted by the Commission.