

COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMISSION

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The following draft rules of procedure for the Commission were prepared by the Secretariat as a result of the entry into force of the Antigua Convention, whose provisions significantly affect the manner in which the Commission operates. The existing rules of procedure were originally adopted in the 1960s, and do not address many of the Commission's activities and *modus operandi* nowadays. This new text combines elements of the Convention and of the current rules, plus certain new elements that reflect the practice and the reality of the present-day operation of the Commission.

RULES OF PROCEDURE

I. REPRESENTATION

1. Each Member of the *Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica* (“the Convention”) may appoint from one to four Commissioners.
2. Each Member shall communicate to the Director, as soon as possible, the names of its Commissioners.
3. At any meeting of the Commission, each Member's Commissioners may be accompanied by their experts and advisers that they deem advisable, or else nominate delegates for that meeting, whose names shall be communicated to the Director at the beginning of that meeting, or before.

II. MEETINGS OF THE COMMISSION

4. The Commission shall meet at least once a year. The date and place of the meeting shall be decided by the Commission.
5. An extraordinary meeting may be convened at any time, at the request of at least two Members, provided that a majority of the Members supports the request. The date and place of an extraordinary meeting shall be those that the Commission determines.
6. The announcement of an ordinary or extraordinary meeting shall be communicated by the Director to all the Members and to all the governments and international organizations invited by the Commission to send observers to the meeting, normally at least ninety (90) days in advance of the date fixed for the meeting.
7. The meetings of the Commission and of its subsidiary bodies shall be held only if there is a quorum present. Quorum is reached when two-thirds of the Members are present.
8. The Director, in consultation with the Chair, shall draw up an agenda for ordinary or extraordinary meetings, and shall circulate it to the Members together with a communication of the announcement of the meetings of the Commission and its subsidiary bodies.
9. The meetings of the Commission shall be public unless the Commission decides otherwise, subject to the rules regarding the participation of observers.

III. OBSERVERS

10. Observers may, by invitation of the Director, attend all the ordinary and extraordinary meetings of the Commission, with the exception of meetings held in executive session and the meetings of Heads of Delegations. The following may participate as observers in the meetings of the Commission:
 - a. Cooperating Non-Members identified in accordance with the rules of the Commission in force.
 - b. Intergovernmental organizations whose work is relevant to the implementation of the Convention and/or maintain regular contact with the Commission or whose work is of interest to the Commission, and *vice versa*.
 - c. All Non-Members whose coastline borders the Convention Area or whose nationals participate in the fisheries covered by the Convention.
 - d. States that are not Parties interested in the conservation and sustainable use of the fish stocks covered by the Convention and that so request.
 - e. Non-governmental organizations referred to in Article XVI, paragraph 2 of the Convention.
11. Any organization not contemplated in rule 10 that has a legitimate interest in the work of the Commission may send observers to the meetings, with the prior approval of the Members. Requests for participation shall be sent to the Director to be presented to the Members for consideration at least fifty (50) days before the meeting in question. The Director shall circulate such requests with forty-five (45) days notice of that meeting to the Members and shall issue the invitations, unless one-third of the Members have objected, in writing, expressing the reasons for their objection. All objections may be discussed at the request of a Member in an executive session of the Commission immediately before the meeting in question.
12. If a meeting of the Commission is held with less than fifty (50) days' notice, the Director shall have greater flexibility concerning the time frames for sending invitations.
13. Observers may, with the authorization of the Chair and provided that no Member objects, take the floor at meetings of the Commission, but shall not have the right to vote.
14. The total number of observers shall not be large enough to impede the work of the Commission.
15. The circulation of documents by observers is subject to approval by the Chair.

IV. CHAIR AND VICE-CHAIR

16. The Commission shall elect a Chair and a Vice-Chair, from different Parties. The Chair and Vice-Chair shall remain in office for a period of one year, and may be reelected for an additional period if the Commission so decides. If the Commission is not able to elect Chair and/or Vice-Chair, the host Member (the Member that will host the annual meeting in that year) shall provide the Chair, and the previous host Member the Vice-Chair.
17. The duties of the Chair are to:
 - a. Determine, together with the Director, the date and place of the ordinary and extraordinary meetings of the Commission, after consulting the Commission.
 - b. Chair all the meetings of the Commission.
 - c. Decide on all questions of order that may arise at the meetings of the Commission. However, delegates may request that any decision by the Chair be submitted to the Commission for approval or rejection.
 - d. Encourage the search for consensus at the meetings of the Commission.

- e. Act in representation of the Commission in accordance with the tasks that the Commission may assign.
 - f. Approve the official minutes of all the meetings of the Commission.
 - g. In general, carry out any function that the Commission may assign.
18. The Vice-Chair shall assume the functions of the Chair in the absence of the latter.

V. DIRECTOR

19. The Commission shall designate a Director, whose competence in the field of the Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects.
20. The duration of the Director's mandate shall be four (4) years, and may be renewed as many times as the Commission decides.
21. The duties of the Director shall be those established in Article XII of the Convention and those established as Secretary of the Agreement on the International Dolphin Conservation Program (AIDCP), in accordance with its Article XIV, *Role of the IATTC*.
22. El Director may appoint and remove the members of the Commission staff, who shall be under his authority.

VII. DECISION MAKING

23. Unless provided otherwise, all decisions made by the Commission shall be by consensus of Members present at the meeting in question.
24. Decisions on adoption of amendments to this Convention and its annexes, as well as invitations to accede to the Convention, shall require consensus of all Parties. In such cases, the Chair of the meeting shall ensure that all Members have the opportunity to express their views on the proposed decisions, which the Parties shall take into account in reaching the final decision.
25. The consensus of all the members of the Commission shall be required for decisions on:
- a. the adoption and amendment of the Commission's budget, and those that determine the form and proportion of the contributions of the members;
 - b. matters related to developing criteria and making decisions relating to the allocation of total allowable catch, or total allowable fishing capacity, including carrying capacity, or the level of fishing effort.
26. With respect to the decisions referred to in rules 23 and 24, if a Party or Member of the Commission, as the case may be, is absent from the meeting in question and has not sent a notification, the Director shall notify such Party or Member of the decision taken at the meeting. If, within thirty (30) days of the receipt of such notification, the Director has not received a response from such Party or Member, that Party or Member shall be deemed to have joined the consensus on the decision in question. If, within such 30-day period, such Party or Member replies in writing that it cannot join the consensus on the decision in question, the decision shall have no effect, and the Commission shall seek to reach consensus at the earliest opportunity.
27. When a Party or Member of the Commission that was not present at a meeting notifies the Director that it cannot join the consensus on a decision taken at that meeting, that Party or Member shall not be able to oppose consensus on the same issue if it is not present at the next meeting of the Commission at which that issue is on the agenda.
28. If a Member is not able to attend a meeting of the Commission due to extraordinary and unforeseen

circumstances outside its control:

- a. It shall so notify the Director, in writing, prior to the start of the meeting if possible or otherwise at the earliest possible opportunity. Such notification shall be effective upon acknowledgement of its receipt by the Director to the Member concerned; and
 - b. Subsequently and as soon as possible, the Director shall notify the Member of all the decisions taken at that meeting;
 - c. within thirty (30) days of the notice, the Member may notify the Director in writing that it cannot join the consensus on one or more of these decisions. In such cases, the relevant decision or decisions shall have no effect, and the Commission shall seek to reach consensus at the earliest opportunity.
29. The decisions adopted by the Commission, unless otherwise specified in the Convention or agreed when a decision is taken, shall be binding for all members forty-five (45) days after their notification,.

IX. COMMITTEE FOR THE REVIEW OF THE APPLICATION OF MEASURES ADOPTED BY THE COMMISSION

30. The Committee for the review of implementation of measures adopted by the Commission (“Committee”) shall be composed of those representatives designated for this purpose by each Member, who may be accompanied by such experts and advisers as that member may deem advisable.
31. The functions of the Committee shall be those established in Annex 3 of this Convention, in addition to those that the Commission may determine.
32. The Committee shall strive to adopt its reports and recommendations by consensus. If every effort to achieve consensus has failed, the reports shall so indicate, and shall reflect the majority and minority views. At the request of any member of the Committee, the views of that member on all or any part of the reports shall also be reflected.
33. The Committee shall meet at least once a year, preferably on the occasion of the ordinary meeting of the Commission.
34. The Committee may convene additional meetings at the request of at least two (2) of Members, provided that a majority of the members support the request.
35. The Committee shall exercise its functions in accordance with such rules as the Commission may approve and the guidelines that the Commission may adopt.
36. The Committee shall elect a chair from among its members, who shall serve for the term that the Committee may define. These decisions shall be ratified by the Commission.

X. SCIENTIFIC ADVISORY COMMITTEE

37. The Scientific Advisory Committee shall be composed of a representative designated by each Member, who shall have appropriate qualifications or relevant experience in the area of competence of the Committee, and who may be accompanied by such experts or advisers as that member may deem advisable.
38. The Commission may invite to participate in the work of the Committee organizations or persons with recognized scientific experience in matters related to the work of the Commission.
39. The functions of the Committee shall be those established in Annex 4 of the Convention, in addition to those that the Commission may determine for a better performance of its functions and the achievement of its objectives.

40. The Committee shall meet at least once a year, preferably prior to a meeting of the Commission.
41. The Committee may convene additional meetings at the request of at least two (2) Members, provided that a majority of the Members support the request.
42. The Director shall serve as Chair of the Committee or may delegate the exercise of this function, subject to the approval of the Commission.
43. The Committee shall strive to adopt its reports and recommendations by consensus. If every effort to achieve consensus has failed, the reports shall so indicate, and shall reflect the majority and minority views. At the request of any member of the Committee, the views of that member on all or any part of the reports shall also be reflected.

XI. OTHER COMMITTEES AND WORKING GROUPS

44. The creation of other Committees or working groups to deal with specific matters shall be decided by the Commission.
45. These Committees and working groups shall hold their meetings with the frequency and at the date and place that the Commission may determine, or by themselves after informing the Commission. Each working group shall elect its own chair, who shall be ratified by the Commission.
46. The rules applicable to the functioning of the Commission shall be applied *mutatis mutandis* to these Committees or working groups, but may be complemented with other rules or provisions for the functioning of its meetings and for the exercise of its faculties and functions.

XII. REPORTS AND MINUTES

47. Each year, the Commission shall draft a report of its activities and their results during the previous year.
48. The reports of the meetings of the Commission, its Committees and working groups, shall be transmitted in a timely manner by the Director, in coordination with the Chair of the Commission and of the respective Committee or working group, to all the Members and shall be published on the Commission's website.
49. The reports of the Committees and working groups shall be presented by the Chair of each to the meeting of the Commission for its consideration and for the taking of the corresponding decisions.

XIII. DOCUMENTS

50. Upon request, the Commission shall provide to any Member copies of any documents pertaining to the Commission.
51. Reports and statistics of individual fisheries production and details of the operations that companies individually provide to the Commission, shall be considered as confidential.

XIV. AMENDMENTS

52. These rules of procedure may be amended as deemed necessary by the Commission, and in accordance with the rules on decision-making.

XV. FISCAL YEAR

53. The Commission's fiscal year shall be from 1 January to 31 December.

XVI. HEAD OFFICE

54. The headquarters of the Commission shall be at San Diego, California, United States of America. Field headquarters and laboratories shall be installed or maintained at such locations as are determined by the Commission, at the Director's suggestion.

XVII. LANGUAGES

55. The official languages of the Commission shall be English and Spanish, and Members may use either language during meetings and translation into the other language will be provided. The minutes, official documents, and official publications of the Commission shall be in both languages, but official correspondence of the Commission, communications or documents formulated by the Members may be circulated, at the discretion of the Director, in either language.

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