

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

1ST MEETING

**Manzanillo (Mexico)
June 21, 2002**

DOCUMENT JWG-1-04

TERMS OF REFERENCE

In June 2001 the 68th Meeting of the IATTC and the 5th Meeting of the Parties to the AIDCP agreed to establish a Joint IATTC-AIDCP Working Group on Fishing by Non-Parties, and to seek agreement on the terms of reference for this working group. Following are some proposed terms of reference for consideration by the Parties.

IATTC-AIDCP JOINT WORKING GROUP ON FISHING BY NON-PARTIES

TERMS OF REFERENCE

The overall purpose of the Joint IATTC-AIDCP Working Group on Fishing by Non-Parties (“the Working Group”) is to address, in a cooperative manner, the matter of fishing in the region by vessels under the jurisdiction of non-Parties to either the AIDCP or the IATTC Convention.

1. DEFINITIONS

For the purposes of this Working Group:

- a. “Party” means a contracting party to the convention establishing the IATTC, to the AIDCP, or a state or regional economic integration organization that is provisionally applying the AIDCP.
- b. “non-party” means a state, entity, or regional economic integration organization that does not meet the definition of Party in (a) above.
- c. “cooperating non-party” means any non-party that cooperates, as determined by the Parties, with both the IATTC and AIDCP programs.
- d. “non-cooperating non-party” means any non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the Parties, with both the IATTC and IDCP programs.

2. FUNCTIONS

The functions of the Working Group shall be:

- a. to review and monitor compliance by non-parties with the management programs of both the IATTC and the AIDCP;
- b. to identify non-parties with vessels fishing in the region, and to identify the individual vessels of non-parties;
- c. to determine cooperating non-parties and non-cooperating non-parties;

- d. to recommend, to the IATTC and the Meeting of the Parties, measures to improve compliance by non-parties with the management programs of both the IATTC and the AIDCP.

3. ORGANIZATION

- a. The Working Group shall be composed of representatives of each of the Parties.
- b. Representatives of non-parties, pertinent intergovernmental organizations, non-governmental environmental organizations with recognized experience in matters pertaining to this Working Group, and owners of tuna vessels fishing in the eastern Pacific Ocean) under the jurisdiction of any of the Parties, may participate in the Working Group as observers.
- c. All participants in the Working Group shall have speaking rights, but only the Parties shall have voting rights.
- d. The Working Group shall hold at least one meeting every year.
- e. The Working Group may adopt its own rules of procedure and of confidentiality if necessary for the performance of its duties.
- f. The Chair of the Working Group shall be elected for a term of two years, and may be reelected to the position by the Working Group. At the end of the last meeting of the two year period, the Working Group shall elect a Chair for the next two year term.

4. DECISION MAKING

- a. All recommendations and reports of the Working Group shall be directed to both the IATTC and the Meeting of the Parties. The Working Group shall strive to make joint decisions on all matters, by consensus. In the event a consensus is not possible, the Parties to the IATTC Convention may, by consensus among themselves, direct recommendations to the IATTC on matters within its purview, and the Parties to the AIDCP may, by consensus among themselves, direct recommendations to the Meeting of the Parties on matters within its purview.
- b. The Working Group may take decisions by correspondence, through a vote of the Parties, pursuant to a procedure organized by the Director of the IATTC and approved by the Parties.
- c. All recommendations emanating from the Working Group shall take into consideration the fact that the provisions and objectives of the IATTC Convention and the AIDCP are not the same.

5. ADMINISTRATION

The staff of the IATTC shall:

- a. collect and maintain the information necessary for the work of the Working Group;
- b. provide to the Working Group such analyses as the Working Group deems necessary for carrying out its functions;
- c. prepare the reports of the Working Group;
- d. distribute all pertinent information to the members of the Working Group.