

# **INTER-AMERICAN TROPICAL TUNA COMMISSION**

## **83<sup>RD</sup> MEETING**

**La Jolla, California (USA)**

**25-29 June 2012**

### **RESOLUTION C-12-03**

**(AS AMENDED BY RESOLUTION C-14-08\* AND C-17-04\*\*)**

## **IATTC RULES OF PROCEDURE**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83<sup>rd</sup> Meeting:

*In accordance with* the provisions of Article VII, paragraph 1(s), of the Antigua Convention;

Agrees:

To adopt the following Rules of Procedure:

## **IATTC RULES OF PROCEDURE**

### **I. SCOPE OF APPLICATION**

1. Except as otherwise provided in the Convention or decided by the Commission, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies of the Commission, including the Scientific Advisory Committee and the Committee for the Review of the Application of Measures Adopted by the Commission.

### **II. REPRESENTATION**

2. Each Member shall communicate to the Director, as soon as possible, the names of its Commissioners, as well as the contact points who shall have primary responsibility for correspondence with the Secretariat. Any change and replacement shall be immediately communicated to the Director.
3. Before any meeting of the Commission, each Member shall communicate to the Director the names of the delegates, experts and advisers that it has appointed pursuant to Article VI.2 of the Convention.

### **III. MEETINGS OF THE COMMISSION**

4. Pursuant to Article VIII.1 of the Convention, the Commission shall meet at least once per calendar year [*Inserted text*\*, preferably not less than three months after the conclusion of the meeting of the Scientific Advisory Committee corresponding to the same year]. The date and place of the meeting shall be decided by the Commission.
5. The announcement of an ordinary meeting shall be communicated by the Director to all the Members and to all the non-Members and intergovernmental organizations invited by the Commission as observers to the meeting, pursuant to Annex 2, paragraph 1, to the Convention, normally at least ninety (90) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.
6. Pursuant to Article VIII.2 of the Convention, an extraordinary meeting may be convened at any time. The date and place of an extraordinary meeting shall be those that the Commission determines.
7. The announcement of an extraordinary meeting shall be communicated by the Director to all the

Members and to all the non-Members and intergovernmental organizations invited by the Commission as observers to the meeting, pursuant to Annex 2, paragraph 1, to the Convention, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.

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. The agenda should normally be circulated at least sixty (60) days in advance of the date fixed for the ordinary meeting and thirty (30) days in advance of the date fixed for the extraordinary meeting.
9. Any member of the Commission may, at least forty-five (45) days before the date fixed for the opening of the ordinary meeting, or twenty-five (25) days in the case of an extraordinary meeting, request the inclusion of supplementary items in the provisional agenda. A request of supplementary items in the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all Members and Cooperating non-Members of the Commission (hereinafter referred to as “CPCs”) at least thirty (30) days before the opening of the ordinary meeting, and twenty (20) days before the opening of the extraordinary meeting.
10. The Commission shall appoint a rapporteur from one of the Members at the beginning of each meeting, in order to assist the Chair in the production of a meeting report.
11. The meeting of the Commission shall be held at the headquarters of the Commission unless it decides otherwise.

#### **IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS**

12. For the submission of proposals, Members shall use the agreed templates which shall be posted on the Commission’s website.
13. If a draft proposal is either an amendment to an existing resolution or recommendation, or an amendment to a previous proposal by the same proponent, it shall be submitted and circulated in both a clean version and a track change version.
14. All background documents to be prepared by the Director for the next ordinary meeting shall, to the extent possible and subject to applicable rules of confidentiality, be posted on the Commission’s website and circulated among all CPCs and observers at least forty-five (45) days in advance of the meeting, unless otherwise decided by the Commission. These documents shall include, *inter alia*, the report of the Scientific Advisory Committee, the staff conservation recommendations, the compliance report, the at-sea transshipment reports, the draft annual budget, and the auditor’s report.
15. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (21) days before the opening of the meeting. These shall be posted on the Commission website immediately in their original language. The Director shall translate and circulate proposals to all CPCs at the latest ten (10) days before the beginning of the meeting.

#### **V. OBSERVERS**

16. Participation of observers is governed by the provisions of Annex 2 to the Convention. Unless otherwise decided by the Commission, observers other than non-governmental organizations (NGOs) cannot attend meetings held in executive session and the meetings of Heads of Delegations.

#### **VI. CHAIR AND VICE-CHAIR**

17. At the end of each of its meetings, the Commission shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties, unless the Commission decides otherwise. The Chair and Vice-Chair shall remain in office for a period of one year. The Chair and Vice-Chair

may be re-elected unless they are no longer able to carry out their respective functions or their successors are elected. If the Commission is not able to elect a Chair and/or a 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.

18. The duties of the Chair are to be exercised both during the meeting and during the intersessional period. These are:
  - a. Declare the opening and the closing of the meeting;
  - b. Preside over 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 and facilitate consensus on matters under consideration at the meetings of the Commission.
  - e. Act in representation of the Commission, in accordance with the tasks that the Commission may assign.
  - f. In general, carry out such functions as the Commission may assign.
19. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time as the Chair is able to resume carrying out its functions or a new Chair is elected. If neither the Chair nor the Vice-Chair are able to carry out their functions, the host Member shall provide a Chair and the previous host Member a Vice-Chair.

## **VII. DIRECTOR**

20. The Commission shall establish criteria and procedures to appoint a Director, whose competence in the field of the Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects. In the appointment of the Director, the views of the Members shall be expressed through a secret ballot should one of the Members so request.
21. The terms and functions of the Director shall be pursuant to Article XII of the Convention.

## **VIII. INTERSESSIONAL DECISION-MAKING**

22. [*Inserted text\*\**: In case of any extraordinary circumstance that permanently prevents the performance of the duties related to the post, the duties and responsibilities of the Director established by the Commission in accordance with paragraph 23 shall be performed by the Senior Fishery Management and Policy Advisor, for a period of six months, which may be extended by the Commission, or until the process for the appointment of a new Director is concluded, whichever comes first. Should the Senior Fishery Management and Policy Advisor become unavailable, the duties and responsibilities will be undertaken by the Coordinator of Scientific Research.]
23. The duties and responsibilities referred to in paragraph 22 shall be established by the Commission.]
24. Without prejudice to the provisions of Article IX of the Convention, where a decision cannot be deferred until the next meeting of the Commission, a matter may be decided during the period between meetings electronically (*e.g.* email, secure website). Matters to be decided under this section shall not include those in paragraph 2 and 3 of Article IX of the Convention.
25. The Chair, on its initiative, or the Director, at the request of at least three (3) Members that have made a proposal, may move for adoption without delay of such proposal by intersessional decision. In doing so, the Chair, in consultation with the Vice-Chair, shall determine the necessity of considering the proposal intersessionally.

26. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Members referred to in paragraph 23 of such determination and the reasons. Within ten (10) days of the notification, the Members may request an intersessional decision on the Chair's determination.
27. Where the Chair determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Members of the Commission:
  - a. The proposal, including any explanatory note;
  - b. The determination made by the Chair under this paragraph; and
  - c. A request for an intersessional decision.
28. Members shall promptly acknowledge receipt of the transmittal under paragraph 25. If no acknowledgment is received within seven (7) days of the date of transmittal, the Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the Director that the transmittal has been received shall be deemed conclusive regarding the participation of the Member in the decision-making process.
29. Members shall respond within thirty (30) days of the date of the initial transmittal if they do not agree with the proposal, or if they require additional time to consider the matter. If a Member requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension will be permitted. In the event of such an extension, the Director shall inform all Members of the final date by which responses must be received.
30. If no reply from a Member is received within thirty (30) days of transmittal, or by the extended deadline specified by the Director in the event of a fifteen (15) day extension to consider the proposal, that Member shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that Member pursuant to paragraph 26.
31. The result of a decision taken intersessionally shall be ascertained by the Director at the end of the decision-making period and promptly notified to all Members. If any explanations of positions are received, these shall also be transmitted to all Members.
32. Proposals adopted intersessionally shall become effective for all CPCs pursuant to Article IX of the Convention.
33. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
34. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following meeting of the Commission.

#### **IX. COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION**

35. The functions, rules, and procedures of the Committee shall be those established in Article X and Annex 3 of the Convention.
36. The Committee shall elect an individual as Chair, who shall serve for a term of two years and may be re-elected.

#### **X. SCIENTIFIC ADVISORY COMMITTEE**

37. The functions, rules, and procedures of the Committee shall be those established in Article XI and Annex 4 of the Convention.
38. The Director shall serve as Chair of the Committee, pursuant to article XI paragraph 6 of the Conven-

tion.

39. The Committee may consider documents submitted by individuals and entities other than CPCs and observers.

#### **XI. OTHER SUBSIDIARY BODIES**

40. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Commission may determine.
41. In the case of a request or recommendation for an intersessional meeting, the Director will consult the Commission pursuant to section VIII of these rules of procedure.
42. Each subsidiary body shall elect its own Chair.

#### **XII. REPORTS AND MINUTES**

43. The Director shall prepare an annual report of the activities of the Commission during the previous year, and circulate it among Members at least forty-five (45) days before the ordinary meeting.
44. The draft report of the Commission shall include all decisions adopted by the Commission.
45. The draft reports of the meetings of the Commission, its Committees and other subsidiary bodies, shall be transmitted within fourteen (14) days after the end of the meeting by the Director, in coordination with the Chair of the Commission and of the respective Committee or other subsidiary bodies, to all CPCs for their comments.
46. Any comments shall be submitted no later than fourteen (14) days from the reception of the draft report. The Director, in coordination with the Chair of the meeting, shall make every effort to reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned CPCs to resolve the issue and prepare a revised report which will be the final draft.
47. The final draft shall be submitted for approval to the Commission through intersessional decision-making.
48. The final reports of the Commission, Committees and other subsidiary bodies shall be sent electronically to all CPCs and published on the Commission's website.

#### **XIII. DOCUMENTS**

49. Upon request, the Commission shall provide to any CPC copies of any documents pertaining to the Commission. The Director shall consider electronic means of distributing documents to save cost and paper.
50. Reports and statistics of individual fisheries production and details of the operations that companies individually provide to the Commission or its staff shall be considered as confidential and treated in accordance with rules on confidentiality established by the Commission.

#### **XIV. AMENDMENTS**

51. These Rules of Procedure may be amended as deemed necessary by the Commission, and in accordance with Article IX of the Convention and/or Section VIII of these Rules of Procedure.
52. The Commission shall review these rules no later than its annual meeting in 2015, and consider revising them as necessary for the effective and efficient operation of the Commission.

#### **XV. LANGUAGES**

53. English or Spanish may be used during meetings of the Commission, and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and

official publications of the Commission shall be in both languages. Official correspondence of the Commission, communications, or documents formulated by the CPCs should be circulated in both languages to the extent practicable and taking into account budgetary constraints.

#### **XVI. APPLICABILITY**

54. These Rules of Procedures replace those adopted by the Commission at its 4<sup>th</sup> meeting on 13 August 1952, as amended.