

**AGREEMENT ON THE INTERNATIONAL DOLPHIN
CONSERVATION PROGRAM**

40TH MEETING OF THE PARTIES

LA JOLLA, CALIFORNIA, USA

23 OCTOBER 2019

PROPOSAL AIDCP-40-A-1 REV.

SUBMITTED BY COLOMBIA

PROPOSAL ON AIDCP RULES OF PROCEDURE

EXPLANATORY MEMORANDUM

This proposal is submitted because the AIDCP currently does not have rules of procedure. Matters such as the methodology for convening meetings, publication of documents, submission of proposals, election of the Chair, intersessional decision-making, publication of reports and minutes, inter alia, do not have an applicable regulatory framework nor a clearly established methodology. Consequently, it is essential to adopt rules of procedure to ensure the correct operation of the AIDCP.

This proposal was drafted based on the existing IATTC rules of procedures. We believe that this proposal is a good starting point to eventually adopt rules that meet the needs and characteristics of the AIDCP. Colombia is flexible in terms of the provisions included in the proposal and expects to receive comments from the other Parties to the AIDCP, as well as from the IATTC Secretariat, for the adoption of effective and reasonable rules of procedure.

The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), gathered in La Jolla, California, USA, on the occasion of their 40th Meeting:

Agree:

I. Scope of application

1. Except as otherwise provided in the Agreement or decided at a Meeting of the Parties, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies, including the International Review Panel, the Permanent Working Group on Tuna Tracking and the Working Group to Promote and Publicize the AIDCP Dolphin-Safe Tuna Certification System.

II. Representation

2. Before any Meeting of the Parties, each Party shall communicate to the IATTC Director the names of the delegates, experts and advisers that it has appointed to participate in the meeting.

III. Meetings of the AIDCP

3. Pursuant to Article VIII.2 of the AIDCP, the ordinary Meeting of the Parties shall take place at least once per calendar year, preferably on the occasion of an IATTC meeting.
4. The announcement of an ordinary meeting shall be communicated by the IATTC Director to all the Parties, intergovernmental organizations and non-governmental organizations invited by the Commission as observers to the meeting, pursuant to Annex X of the AIDCP, normally at least ninety (90) days in advance of the date fixed for the meeting. This announcement shall also be posted on the IATTC website as soon as possible.
5. Pursuant to Article VIII.3 of the AIDCP, an extraordinary meeting may be convened at any time, provided that such request is supported by a majority of the Parties. The date and place of an extraordinary meeting shall be those that the Parties determine.
6. The announcement of an extraordinary meeting shall be communicated by the IATTC Director to all the Parties, intergovernmental organizations and non-governmental organizations invited by the Parties as observers to the meeting, pursuant to Annex X of the AIDCP, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the IATTC website as soon as possible.
7. The IATTC Director, in consultation with the Chair of the AIDCP, shall draw up an agenda for ordinary or extraordinary meetings, and shall circulate it to the Parties together with a communication of the announcement of the Meeting of the Parties and its subsidiary bodies. The agenda should normally be circulated at least forty (40) days in advance of the date fixed for the meeting.
8. Any Party to the AIDCP may, at least twenty-five (25) days before the date fixed for the opening of the 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 Parties at least twenty (20) days before the opening of the meeting.
9. The Meeting of the Parties shall appoint a rapporteur from one of the Parties at the beginning of each meeting, in order to assist the Chair in the production of a meeting report.

IV. Posting and circulation of documents and submission of proposals

10. For the submission of proposals, Parties shall use the agreed templates which shall be posted on the IATTC website.
11. 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.
12. All background documents to be prepared by the IATTC Director for the next ordinary meeting shall, to the extent possible and subject to applicable rules of confidentiality, be posted on the IATTC website and circulated among all Parties and observers at least twenty-five (25) days in advance of the meeting, unless otherwise decided by the Parties.
13. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (15) days before the opening of the meeting. These shall be posted on the IATTC website immediately in their original language. The Director shall translate and circulate proposals to all Parties at the latest ten (10) days before the beginning of the meeting.

V. Chair and Vice-Chair

14. At the end of each of their ordinary meetings, the Parties shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties, unless the Parties decide 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 Parties are not able to elect a Chair and/or a Vice-Chair, the host Party (the Party that will host the annual meeting in that year) shall provide the Chair, and the previous host Party the Vice-Chair.
15. 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 Parties.
 - c. Decide on all questions of order that may arise at the meetings of the Parties. However, delegates may request that any decision by the Chair be submitted to the Parties for approval or rejection.
 - d. Encourage and facilitate consensus on matters under consideration at the meetings of the Parties.
 - e. Act in representation of the Meeting of the Parties, in accordance with the tasks that it may assign, and carry out any other function the Meeting of the Parties may assign to it.
16. 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 Party shall provide a Chair and the previous host Party a Vice-Chair.

VI. Intersessional decision-making

17. Without prejudice to the provisions of Article IX of the AIDCP, where a decision cannot be deferred until the next Meeting of the Parties, 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 on: (i) the adoption of amendments to this Agreement; (ii) the adoption and amendment of the AIDCP budget, as well as those determining the form and proportion of the contributions by the Parties; (iii) the establishment of annual dolphin mortality limits; and (iv) others that the Parties may decide.
18. The Chair, on its initiative, or the IATTC Director, at the request of at least three (3) Parties 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.
19. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Parties of such determination and the reasons. Within ten (10) days of the notification, the Parties referred to in paragraph 18 may request an intersessional decision on the Chair's determination.
20. Where the Chair determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Parties: a. The proposal, including any explanatory notes; b. The determination made by the Chair under this paragraph; and c. A request for an intersessional decision.
21. Parties shall promptly acknowledge receipt of the transmittal under paragraph 14. If no acknowledgment is received within seven (7) days of the date of transmittal, the IATTC Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the IATTC Director that the transmittal has been received shall be deemed conclusive regarding the participation of the Parties in the decision-making process.

22. Parties 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 Party 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 IATTC Director shall inform all Parties of the final date by which responses must be received.
23. If no reply from a Party is received within thirty (30) days of transmittal, or by the extended deadline specified by the IATTC Director in the event of a fifteen (15) day extension to consider the proposal, that Party shall be deemed to have joined the consensus, as long as the IATTC Director has confirmed receipt of the transmittal by that Member pursuant to paragraph 21.
24. The result of a decision taken intersessionally shall be ascertained by the IATTC Director at the end of the decision-making period and promptly notified to all Parties. If any explanations of positions are received, these shall also be transmitted to all Parties.
25. Proposals adopted intersessionally shall become effective for all Parties pursuant to Article IX of the AIDCP.
26. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
27. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following Meeting of the Parties.

VII. Subsidiary bodies

28. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Parties may determine.
29. In the case of a request or recommendation for an intersessional meeting, the IATTC Director will consult the Parties, pursuant to section VI of these Rules of Procedure.
30. Each subsidiary body shall elect its own Chair.

VIII. Reports and minutes

31. The IATTC Director shall prepare an annual report of the activities of the AIDCP during the previous year and circulate it among Parties at least 45 days before the ordinary meeting.
32. The draft report of the Meeting of the Parties shall include all decisions adopted.
33. The draft reports of the meetings of the Parties and subsidiary bodies shall be transmitted within fourteen (14) days after the end of the meeting by the IATTC Director, in coordination with the Chair of the AIDCP and the respective subsidiary body, to all Parties for their comments, unless the Parties decide otherwise.
34. Any comments shall be submitted no later than fourteen (14) days from the reception of the draft report. The IATTC 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 IATTC Director will consult with the concerned Parties to resolve the issue and prepare a revised report which will be the final draft.
35. The final draft shall be submitted for approval to the Meeting of the Parties through the intersessional decision-making process.
36. The final reports of the Meeting of the Parties and other subsidiary bodies shall be sent electronically to all Parties and published on the IATTC website.

IX. Documents

37. Upon request, the Meeting of the Parties shall provide to any Party copies of any documents pertaining to the meeting. The IATTC Director shall consider electronic means of distributing documents to save cost and paper
38. Reports and statistics of individual fisheries production and details of the operations that companies individually provide, or its staff, shall be considered as confidential and treated in accordance with rules on confidentiality.

X. Amendments

39. These Rules of Procedure may be amended as deemed necessary by the Parties, and in accordance with Article IX of the AIDCP and/or Section VII of these Rules of Procedure.
40. The Meeting of the Parties shall review these rules and consider revising them as necessary for the effective and efficient operation of the AIDCP.

XI. Languages

41. English or Spanish may be used during meetings of the Parties, and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and official publications shall be in both languages. Official correspondence, communications, or documents formulated by the Parties should be circulated in both languages to the extent practicable and taking into account budgetary constraints.