

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

45th MEETING OF THE PARTIES

La Jolla, California, USA

18-19 October 2022

RESOLUTION A-22-01

(DRAFT)

USA: proposed changes¹

AIDCP RULES OF PROCEDURE

I. SCOPE OF APPLICATION

1. Except as otherwise provided in the Agreement **on the International Dolphin Conservation Program (“AIDCP” or “the Agreement”)** or decided by the Meeting of the Parties **to the Agreement (“Meeting of the Parties”)**, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies established within the framework of the Agreement and its implementation, including the International Review Panel, the Permanent Working Group on Tuna Tracking and the Working Group to promote and publicize the AIDCP Dolphin Safe Certification System.

II. REPRESENTATION

2. **Each Party shall communicate to the Director of the IATTC (the “Director”) the contacts points who shall have primary responsibility for correspondence with the Secretariat.** Before any meeting of the Meeting of the Parties, each Party shall communicate to the Director the names of the delegates, experts and advisers that it has appointed to participate in that meeting.

COMMENT (USA): This is included in the IATTC ROP and it would be very helpful to carry this over into our AIDCP ROP.

III. MEETINGS OF THE PARTIES

3. Pursuant to Article VIII.2 of the Agreement, the ordinary Meeting of the Parties shall be held at least once per calendar year, preferably on the occasion of a meeting of the Inter-American Tropical Tuna Commission (IATTC).
4. The announcement of an ordinary meeting shall be communicated by the Director to all the Parties, as well as ~~with the status of~~ to observers to that meeting **normally at least [ninety (90)] [one hundred eighty (180)] days in advance of the date fixed for the meeting. “Observers”**

¹ This text is the formatted version of the proposal made by the Chair of the Meeting of the Parties, which was submitted at its 44th meeting, subsequently revised and posted as document AIDCP-44-01 INF-A REV.

The **changes** proposed by the United States are highlighted in **red** (additions and deletions) and in green (same text but moved in the sentence). The **comments** made by the United States are highlighted in **blue**.

shall include, as appropriate, ~~to the~~ non-Parties whose participation may promote implementation of the Agreement, ~~as well as to the~~ intergovernmental organizations whose work is relevant to the implementation of this Agreement and non-governmental organizations (NGOs) with recognized experience in matters pertaining to the Agreement, [pursuant to][~~in accordance with~~] Article XVII, paragraph 2, and Annex X of the Agreement, ~~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.

COMMENT (USA): We welcome others' views, including those of the Secretariat, regarding feasibility of the U.S. proposal to receive meeting announcements 180 days in advance of the date fixed for the meeting. We support earlier notifications of meetings to ensure adequate time for travel arrangements and planning.

5. Pursuant to Article VIII, paragraph 3 of the Agreement, an extraordinary meeting may be convened at any time. ~~These meetings shall be convened at the request of any Party, 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.

COMMENT (USA): Additional sentence added for clarification regarding when an extraordinary meeting can be convened.

6. The announcement of an extraordinary meeting shall be communicated by the Director to all the Parties, as well as, ~~with the status of~~ to observers to that meeting, ~~to the non-Parties whose participation may promote implementation of the Agreement as well as to the intergovernmental organizations whose work is relevant to the implementation of this Agreement and non-governmental organizations (NGOs) with recognized experience in matters pertaining to the Agreement, pursuant to Article XVII, paragraph 2, and Annex X of the Agreement,~~ 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.

COMMENT (USA): "Observers" are now defined in paragraph 4 above, so this additional definition is no longer needed.

7. The Director, in consultation with the Chair of the AIDCP Meeting of the Parties (“the Chair”), 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 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.
8. Any Party 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 Parties at least thirty (30) days before the opening of the ordinary meeting, and twenty (20) days before the opening of the extraordinary 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.

10. The Meeting of the Parties shall be held at the headquarters of the IATTC unless ~~the Meeting of the Parties~~ decides otherwise.

IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS

11. For the submission of proposals, Parties shall use the ~~agreed~~ templates which shall be posted on the IATTC website.
12. 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.
13. 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 IATTC website and circulated among all Parties and observers at least forty-five (45) days in advance of the meeting, unless otherwise decided by the Meeting of the Parties.
14. 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 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 of the Parties~~.

V. OBSERVERS

15. Participation of observers is governed by the provisions of Annex X of the Agreement. Unless otherwise decided by the Meeting of the Parties, observers cannot attend meetings held in executive session and the meetings of Heads of Delegations.

VI. CHAIR AND VICE-CHAIR

16. At the end of each of its meetings, the Meeting of the Parties shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties, unless the Meeting of the Parties 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 Meeting of the Parties is 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.
17. 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 Meeting of the Parties;
 - c. Decide on all questions of order that may arise at the Meeting of the Parties. However, ~~upon the request of a Party, such delegates may request that any~~ decision by the Chair shall be submitted to the Meeting of the Parties for approval or rejection.
 - d. Encourage and facilitate consensus on matters under consideration at the Meeting of the Parties.

- e. Act in representation of the Meeting of the Parties, in accordance with the tasks that the Meeting of the Parties may assign.
- f. In general, carry out such functions as the Meeting of the Parties may assign.

COMMENT (USA): Edits provided for clarity.

18. 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.

VII. DECISION-MAKING

19. a. In accordance with Article IX of the Agreement, all decisions made by the Parties at meetings convened pursuant to Article VIII of the Agreement and Section III of these Rules of Procedure shall be by consensus.
- b. Unless otherwise provided in the Agreement or at the time they are adopted, such decisions shall enter into force forty-five (45) days from the date on which they are notified by means of publication on the IATTC website.

VIII. INTERSESSIONAL DECISION-MAKING

20. Without prejudice to the provisions of Article IX of the Agreement, 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).
21. Matters to be decided under this section shall not include:
- a. decisions on adoption of amendments to ~~this Convention~~ **the Agreement** and its annexes;
 - b. invitations to accede to the ~~Convention~~ **Agreement** pursuant to Article XXII, paragraph 1, of the Agreement.
 - c. the adoption and amendment of the AIDCP budget, and those that determine the form and proportion of the contributions of the members;
 - d. the establishment of dolphin mortality limits (DMLs); and
 - e. such others ~~as~~ **matters** as the Parties may decide.
22. 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.
23. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the Parties referred to in paragraph 22 **of these Rules of Procedure** of such determination and the reasons. Within ten (10) days of the notification, these Parties may request **reconsideration of the Chair's determination** by an intersessional decision **by consensus** ~~on the Chair's determination~~.

COMMENT (USA): We offer these edits in order to clarify what we believe is the intent of this paragraph.

24. Where the Chair [, or the Parties in accordance with para. 23,] determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all Parties:
 - 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.
25. Parties shall promptly acknowledge receipt of the transmittal under paragraph 22. 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 Party in the decision-making process.
26. 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 Director shall inform all Parties of the final date by which responses must be received.
27. If no reply from a Party 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 Party shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that Party pursuant to paragraph 25.
28. 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 Parties. If any explanations of positions are received, these shall also be transmitted to all Parties.
29. Proposals adopted intersessionally shall become effective for all Parties pursuant to paragraph 19 b. ~~a.ii.~~ of these Rules of Procedure.
30. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
31. A proposal that has been rejected by intersessional decision for any reason shall not be reconsidered until the following meeting of the Meeting of the Parties.

IX. INTERNATIONAL REVIEW PANEL

32. Without prejudice to these Rules of Procedure, meetings of the International Review Panel ("IRP") shall be conducted in accordance with the rules established by Annex VII, paragraphs 5-14, of the Agreement.

X. OTHER SUBSIDIARY BODIES

33. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Meeting of the Parties may determine. Pursuant to Annex VII of the Agreement, the International Review Panel (IRP) shall hold at least two meetings a year, one of which will preferably be held on the occasion of the ordinary Meeting of the Parties.

34. In the case of a request or recommendation for an intersessional meeting, the Director will consult the Parties pursuant to section VIII of these rules of procedure.
35. Each subsidiary body shall elect its own Chair.

XI. REPORTS AND MINUTES

36. The Director shall prepare an annual report of the activities of the AIDCP during the previous year, and circulate it among Parties at least forty-five (45) days before the ordinary meeting.
37. The draft Minutes of the Meeting of the Parties shall include all decisions adopted by the Meeting of the Parties.
38. The draft Minutes of the Meeting of the Parties and the draft reports of the International Review Panel and other subsidiary bodies, shall be transmitted as soon as possible after the end of the meeting by the Director, in coordination with the Chair of the Meeting of the Parties, the President of the International Review Panel and chairs of the other subsidiary bodies, to all Parties for their comments and drafting suggestions.
39. Any comments or drafting suggestions shall be submitted no later than 30 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 Parties to resolve the issue and prepare a revised Minutes or report which will be the final draft.
40. The final draft Minutes or reports shall be submitted for approval to the Parties through intersessional decision-making.
41. The final Minutes of the Meeting of the Parties, and the final reports of the International Review Panel and other subsidiary bodies shall be sent electronically to all Parties and published on the IATTC website.

XII. DOCUMENTS

42. Upon request, the Meeting of the Parties shall provide to any Party copies of any documents pertaining to the Meeting of the Parties. The Director shall consider electronic means of distributing documents to save cost and paper.
43. Without prejudice to any other rules on confidentiality that may be adopted by the Meeting of the Parties, reports and statistics on the production of individual fisheries and details of operations which individual companies provide to the Meeting of the Parties or to the staff of the Secretariat shall be treated as confidential.

XIII. AMENDMENTS

44. These Rules of Procedure may be amended as deemed necessary by the Meeting of the Parties, and in accordance with Article IX of the Agreement and ~~or~~ Section VII of these Rules of Procedure.

COMMENT (USA): While we recognize that the corresponding IATTC ROP also uses and/or, it is not clear why "or" is needed or appropriate. We welcome any insight from others as to why this approach was used for IATTC ROP's and if there is a reason it needs to be used here.

45. The Meeting of the Parties shall review these rules as appropriate and when deemed necessary for the effective and efficient operation of the Meeting of the Parties, of the International Review Panel and other subsidiary bodies.

XIV. LANGUAGES

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