

INTER-AMERICAN TROPICAL TUNA COMMISSION

104th MEETING

Lisbon (Portugal)

August 31 to September 4, 2026

PROPOSAL IATTC-104 V-1

**SUBMITTED BY BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA,
HONDURAS, NICARAGUA AND PANAMA**

**Creation of the Ad Hoc Working Group for Legal Assistance to the Commission and the Secretariat
“Legal Review for the Harmonization of Resolutions” “a performance review???”**

Proponents:

I. Technical specifications of the proposal

Object	To create an Ad Hoc Working Group of a strictly consultative nature to provide legal assistance to the Commission, the Secretariat, and subsidiary bodies that request it.
Institutional basis	Antigua Convention, IATTC Rules of Procedure, Commission practice relating to working groups and subsidiary bodies.
Nature	Advisory, technical, non-decisive, and non-binding.
Composition	Duly accredited delegates of the Members, with expertise in legal sciences and experience in fisheries management under the mandate of the Commission.
Work modality	Primarily virtual, without prejudice to in-person meetings when circumstances allow or require it.
Expected result	Improve the legal coherence, feasibility of implementation, and regulatory quality of the Commission's resolutions, decisions, and institutional processes.

II. Explanatory notes for proponents

1. Institutional justification

The proposal is based on the IATTC's practice of creating ad hoc or specialized working groups when the Commission requires technical support on specific matters. The novelty of this Group lies in its legal approach, not in the institutional figure used.

2. Protection of existing competencies

The text establishes express safeguards to prevent the Working Group from interfering with the Scientific Advisory Committee, the Compliance Committee, the specialized technical groups, or the Secretariat. Its intervention is only permitted upon express request or by mandate of the Commission.

3. Non-binding nature

The resolution emphasizes that the Group's opinions are not binding and do not constitute the will of the Commission. This precision is essential to prevent the Group from being perceived as an instance of appeal, review, or legal control over other bodies.

4. Practical value for the Commission

The Group can help reduce ambiguities in draft resolutions, avoid contradictions among existing measures, improve the clarity of reporting obligations, and make it easier for all CPCs to implement the measures.

5. Internal Administration

The proposal allows the Group to issue guiding criteria on internal administrative matters but clarifies that the final decision corresponds to the competent body or official. This wording protects the Secretariat and the Commission from any confusion regarding decision-making accountability.

6. Chair and meeting summons

The fact that the Chair of the Commission convened the first meeting reflects respect for the institutional structure. The subsequent election of the Chair by the Group itself follows the general practice of subsidiary bodies and avoids unnecessary external appointments.

7. Virtual modality

The virtual modality allows the Group to be activated without a relevant budgetary impact. The in-person option remains for exceptional cases or when a meeting coincides with ordinary sessions of the Commission or subsidiary bodies.

8. Advisability of submitting the proposal

The proposal can be presented as a tool for institutional strengthening, not as a criticism of the Secretariat or existing bodies. The emphasis should be placed on regulatory quality, legal coherence, and effective implementation.

9. Possible negotiation strategy

During the negotiation, it is important to emphasize that the Group shall not produce automatic opinions or review all documents. It shall act only when requested, when there is a specific legal need, or when ordered by the Commission.

10. Possible adjustments

If some Members consider that the term "legal assistance" can be interpreted as formal institutional legal advice, the expression "legal and procedural consistency" could be considered. However, the current wording already clearly limits the Group's consultative scope.

Preliminary matrix of functions and safeguards

Advisory function	Intended use	Institutional safeguard
Legal consistency review	To identify contradictions, duplications, or compatibility problems among proposed texts and current resolutions.	It does not decide the content of the measure; it only issues legal observations.
Implementation feasibility analysis	To examine whether a proposed obligation can be implemented by the CPCs with procedural clarity.	It does not replace the political or technical assessment of suitability.
Procedural support	To provide guidance on the application of Rules of Procedure, mandates, and powers.	It does not replace the Chairman of the Commission or the Secretary in their functions.

Internal administrative criteria	To provide guidance on administrative, documentary, or institutional matters.	The final decision rests with the competent body or official.
Support for subsidiary bodies	To respond to inquiries from Committees or Working Groups when requested.	It does not intervene in technical matters except by express referral or mandate of the Commission.

III. EXPLANATORY MEMORANDUM

Throughout its institutional evolution, the Inter-American Tropical Tuna Commission (IATTC) has developed a broad and specialized set of resolutions, procedures, subsidiary bodies, compliance mechanisms, scientific programs, administrative arrangements, and operational practices aimed at ensuring the conservation and sustainable use of fishery resources under its mandate. This evolution has increased the regulatory density and legal complexity of the decisions that the Commission must adopt and implement.

The entry into force of the Antigua Convention and the subsequent development of the Commission's Rules of Procedure reinforced the need for the actions of the IATTC to remain fully consistent with its mandate, the internal distribution of powers, the responsibilities of the Members and the procedures applicable to decision-making. In practice, many discussions of the Commission and its subsidiary bodies involve relevant legal dimensions, even when their origin is scientific, administrative, budgetary, technical, or compliance-related.

These dimensions include, among others, the harmonious interpretation of current resolutions; the interaction among new proposals and pre-existing measures; the determination of the legal scope of reporting, preservation, control, and cooperation obligations; the identification of possible terminological inconsistencies; the feasibility of implementation by the Parties and CPCs; the correct attribution of powers among the Commission, the Secretariat, the Committees, and the Working Groups; and the consistency of internal procedures with the Rules of Procedure.

The Commission has subsidiary bodies of great technical and scientific relevance, such as the Scientific Advisory Committee, the Committee for the Review of the Application of Measures Adopted by the Commission, and various specialized working groups. However, there is currently no working group specifically oriented to provide legal advisory assistance to the Commission, the Secretariat, and the subsidiary bodies when they require it or when the Commission orders it.

The absence of a specialized consultative mechanism can, in certain circumstances, create additional burdens for the Secretariat and for delegations, especially when deliberations require examining the legal compatibility of texts, the coherence among resolutions, the interpretation of procedures, or the way in which the proposed measures could be implemented by Members in accordance with their internal legal frameworks.

The creation of an Ad Hoc Working Group for Legal Assistance would allow us to take advantage of the experience of duly accredited delegates who have legal sciences training and experience in fisheries management under the mandate of the Commission. This mechanism would allow for the provision of specialized support without creating a decision-making body, without replacing the powers of the Commission, the Secretariat or the subsidiary bodies, and without altering the institutional balance provided for in the Convention and the Rules of Procedure.

The strictly consultative nature of the Group is essential. Their opinions, reports, analyses, or recommendations would not be binding and would not, in themselves, constitute an expression of the will of the Commission. Responsibility for decision-making, for the execution of administrative acts, or for the formulation of substantive recommendations would remain exclusively with the competent body or official, as appropriate.

Furthermore, the Group should not intervene in matters that fall within the competence of other Committees or Working Groups, unless expressly requested by them or so ordered by the Commission. This limitation preserves the technical expertise of existing bodies and avoids duplication, interference, or undue transfer of powers.

The institutional utility of the Group is especially projected on the normative quality of the Commission's resolutions. A preventive legal analysis can help ensure that proposed texts are clear, coherent, viable, proportionate, applicable, and compatible with the IATTC legal framework. This facilitates implementation by all CPCs, reduces the risk of divergent interpretations, and improves the predictability of the obligations adopted.

The effective implementation of the resolutions requires that their content conform to standards that allow CPCs to accurately understand the scope of their obligations, identify the responsible national authorities, establish internal administrative procedures, and report appropriately to the Commission. Therefore, the analysis of legal and administrative feasibility is relevant before the adoption of certain measures, especially when these generate new obligations, procedures, or reporting burdens.

The Commission also faces internal administrative matters that may benefit from guiding legal criteria, such as cooperation agreements, procurement procedures, institutional arrangements, organization of meetings, application of procedural rules, document management, formulation of mandates, and coordination among bodies. In such cases, the Group's opinions would be merely advisory and would not displace the decision-making responsibility of the Commission, the subsidiary bodies, or the Secretariat.

The virtual work modality would allow the Group to operate efficiently, at low cost, and with flexibility, without generating significant budgetary burdens. In-person meetings may only be held when available facilities, the nature of the matter, or institutional circumstances allow or require it.

For the above reasons, it is proposed to create an Ad Hoc Working Group for Legal Assistance to the Commission and the Secretariat, with a clearly defined mandate, specialized technical composition, non-binding nature, and functions aimed at strengthening legal coherence, the feasibility of implementation, and the institutional quality of the actions of the IATTC.

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104th MEETING OF THE COMMISSION
Lisbon, Portugal, August 31 to September 4, 2026
RESOLUTION C-26-xx

**CREATION OF AN AD HOC WORKING GROUP FOR LEGAL ASSISTANCE TO THE
COMMISSION AND THE SECRETARIAT**

The Inter-American Tropical Tuna Commission (IATTC), meeting in the city of Lisbon, Portugal, on its 104th Meeting:

Remembering 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 (Antigua Convention), and in particular the provisions relating to the functions of the Commission, its administration, its subsidiary bodies, and the adoption of measures for the fulfillment of its objectives;

Remembering likewise, the Commission's Rules of Procedure and the IATTC's institutional practice regarding the establishment of committees, working groups, and other support mechanisms to address specialized issues within the Commission's mandate;

Recognizing that the management of fisheries under the mandate of the Commission has acquired increasing legal, technical, scientific, administrative, and operational complexity;

Recognizing also that the resolutions, recommendations, procedures, and decisions of the Commission must maintain consistency with the Antigua Convention, the Rules of Procedure, current resolutions, and applicable principles of international law;

Considering that the correct legal formulation of the Commission's decisions contributes to their effective, uniform, and verifiable implementation by Members and Cooperating Non-Members, and facilitates compliance with the obligations assumed within the framework of the IATTC;

Considering also the advisability of having the proposed resolutions and other instruments submitted to the Commission examined, where appropriate, considering criteria of legal coherence, regulatory clarity, feasibility of implementation, procedural consistency, and adequate delimitation of powers;

Taking note that the Commission has subsidiary bodies specialized in scientific, compliance, administration, financing, and other matters, but does not have a working group specifically oriented to provide legal advisory assistance to the Commission, the Secretariat, and the subsidiary bodies that require it;

Recognizing that several Members of the Commission have in their delegations duly accredited professionals with legal training and experience in fisheries management, whose contribution can strengthen the institutional work of the IATTC;

Underlining that any legal assistance mechanism must fully respect the powers of the Commission, the Secretariat, the Committees, and the existing Working Groups, and must not replace or condition the decisions that correspond to these bodies or officials;

Affirming that the opinions, analyses, reports, or recommendations of a working group of this nature must be strictly consultative, non-binding and not constitutive of the will of the Commission, unless the Commission expressly adopts a decision in the exercise of its powers;

Recognizing that the use of virtual meetings and electronic consultations can facilitate efficient, flexible, and low-cost operation, without prejudice to the possibility of holding in-person meetings when circumstances allow or require it;

Convinced that the creation of an Ad Hoc Working Group for Legal Assistance shall contribute to strengthening institutional coherence, legal certainty, regulatory quality, and the effective implementation of the Commission's decisions;

Agree:

1. Creation:

The Ad Hoc Working Group for Legal Assistance to the Commission and the Secretariat, hereinafter "the Working Group", is created as a consultative mechanism for legal support within the institutional framework of the IATTC.

2. Legal nature

1. The Working Group shall have a strictly consultative, technical, and non-decisive nature.
2. The opinions, analyses, reports, criteria, or recommendations of the Working Group shall not be binding on the Commission, the Secretariat, the Committees, the Working Groups, or the Members of the Commission.
3. No opinion issued by the Working Group shall constitute an expression of the will of the Commission, unless the Commission expressly adopts a decision in accordance with its Rules of Procedure.

3. Object

The Working Group shall have the purpose of providing legal advisory assistance to the Commission, the Secretariat, and the subsidiary bodies that require it, to contribute to the legal coherence, regulatory clarity, feasibility of implementation, and procedural consistency of the actions of the Commission.

4. Composition

1. The Working Group shall be composed of duly accredited delegates of the Commission Members, who have expertise or demonstrable experience in legal sciences and relevant experience in fisheries management under the mandate of the Commission.
2. Each Member may designate one or more delegates to participate in the Working Group, ensuring that the designations reflect the required legal expertise and practical experience in fisheries, institutional, or administrative matters related to the IATTC.
3. Cooperating Non-Members may participate as observers, in accordance with the Rules of Procedure and the practice of the Commission, unless the Commission determines otherwise for a specific matter.

5. Chair

1. The Working Group shall be chaired by one of its members, elected by the Working Group itself at its first meeting, in accordance with the Commission's Rules of Procedure and the practice applicable to subsidiary bodies.
2. The first meeting of the Working Group shall be convened by the Chairman of the Commission, who shall facilitate the initial organizational process up to the election of the Chair of the Working Group.
3. The Chair of the Working Group shall perform the functions of coordination, facilitation, and conducting of the meetings, without prejudice to the consultative nature of the Group.

6. General mandate

1. The Working Group may issue recommendations, analyses, or advisory legal opinions addressed to the Commission, the Secretariat, and the subsidiary bodies that require it, within the limits established in this Resolution.
2. The Working Group may consider, among other matters: a) legal coherence of proposed resolutions; b) compatibility among existing resolutions and new proposals; c) regulatory clarity and terminological uniformity; d) legal and administrative feasibility of implementation by the CPCs; e) procedural interpretation of the Rules of Procedure; f) delimitation of powers among Commission bodies; g) preliminary legal review of administrative instruments, mandates, terms of reference, or cooperation arrangements when submitted to it for consideration; and h) other legal matters that the Commission, the Secretariat, or a subsidiary body expressly refers to it.

7. Limits of mandate

1. The Working Group may not issue opinions on matters that are the responsibility of other Working Groups, Committees, or subsidiary bodies, unless expressly requested by them or ordered by the Commission.
2. The Working Group shall not replace the Scientific Advisory Committee, the Committee for the Review of the Application of Measures Adopted by the Commission, the specialized working groups, the Secretariat, or the Commission in the exercise of their respective powers.
3. The Working Group shall not formulate scientific determinations, compliance assessments, binding administrative decisions, or substantive fisheries management recommendations, except as strictly necessary to analyze the legal or procedural coherence of the referred matter.

8. Internal administrative matters

1. In internal administrative matters of the Commission, the Working Group may issue guiding legal criteria when requested by the Commission, the Secretariat, or the competent body.
2. These criteria shall not constitute an expression of the will of the Commission, nor shall they displace the accountability of the body or official exercise of the decision-making power.
3. The actions ultimately taken by the Commission, subsidiary bodies, or the Secretariat shall be the responsibility of the competent body or official, in accordance with the Antigua Convention, the Rules of Procedure, applicable resolutions, and relevant administrative regulations.

9. Request for legal assistance

1. The Commission, the Secretariat, the Chairman of the Commission, the Chair of a Committee or Working Group, or a Member through the Commission or the Secretariat, may request the consideration of a matter by the Working Group.
2. When a request comes from a subsidiary body, it must identify the specific issue, the scope of the consultation, and the suggested deadline for submitting the consultative opinion.
3. When a request comes from a Member and relates to a matter that has not been previously referred by the Commission, the Secretariat shall consult with the Chair of the Commission on the appropriate way to process it, considering the Rules of Procedure and the mandate of the Working Group.

10. Working methods

1. The Working Group shall meet primarily in a virtual format, unless available facilities, the nature of the matter, or institutional circumstances allow or require an in-person meeting.
2. The Working Group may work through virtual meetings, electronic consultations, written exchanges, drafting groups, and other methods compatible with the Commission's Rules of Procedure.
3. The Chair of the Working Group, with the support of the Secretariat, shall endeavor to circulate, in a reasonable time, the documents, legal questions, draft reports and other materials necessary to facilitate the informed participation of the Members.

11. Reports, opinions, and recommendations

1. The results of the Working Group may take the form of reports, advisory legal opinions, technical notes, recommendations, legal consistency observations, or implementation feasibility analysis matrices.
2. The Working Group documents must clearly identify a) the requesting body or party; b) the matter under review; c) the scope of the consultation; d) the main legal considerations; e) the options or recommendations, where appropriate; and f) any relevant limitations of the analysis.
3. When there is no consensus, the report shall reflect, in an objective and balanced manner, the different positions expressed by the participants, without prejudice to the Group's efforts, as far as possible, to formulate common criteria.

12. Confidentiality and circulation of documents

1. The Commission, the Secretariat, or the requesting body shall determine, as appropriate, whether a matter submitted to the Working Group should be treated as a public, restricted, or confidential document.
2. When the matter involves internal administrative issues, labor relations, institutional negotiations, sensitive information, or non-public documents, the Working Group shall respect the level of confidentiality indicated by the requesting body.
3. The Secretariat shall maintain a record of the Working Group's requests and products, in accordance with the Commission's documentary standards and practices.

13. Support from the Secretariat

1. The Secretariat shall provide administrative and logistical support to the Working Group, including convening meetings, circulating documents, preparing preliminary agendas, providing documentary support, and maintaining records.
2. The support of the Secretariat shall not imply responsibility for the substantive content of the criteria, reports, or recommendations issued by the Working Group.
3. The Secretariat may request, from the Working Group, preventive legal criteria on draft resolutions, administrative decisions, cooperation agreements, terms of reference, internal procedures, or other instruments that require consultative legal analysis.

14. Work program

1. The Working Group may adopt an annual or multi-year work program, subject to the priorities established by the Commission and the requests it receives from the Secretariat or subsidiary bodies.
2. The work program may include, among other things, the review of the legal consistency of current resolutions, the development of guidelines for regulatory technique, the preparation of guiding criteria for the formulation of proposed resolutions, and the analysis of the feasibility of implementing new measures or relevant amendments.

15. Relationship with other organs

1. The Working Group shall coordinate its activities in such a way that it does not interfere with the work of existing Committees and Working Groups.
2. When a legal matter relates to the competence of another subsidiary body, the Working Group shall limit its analysis to the legal, procedural or institutional aspects specifically submitted, and shall avoid substituting the corresponding technical evaluation of the competent body.

3. The Working Group may invite, through the Secretariat, the Chair, or representatives of other subsidiary bodies to clarify the scope of a consultation or to facilitate institutional coordination.

16. Participation and transparency

1. Participation in the Working Group shall be governed by the Commission's Rules of Procedure and by the Commission's applicable decisions on observer participation.
2. The Commission shall ensure that the functioning of the Working Group preserves institutional transparency, without prejudice to the restrictions necessary to protect the confidentiality of certain administrative, legal, or institutional matters.

17. Costs

1. The Working Group shall endeavor to carry out its work efficiently and without generating significant additional budgetary burdens for the Commission.
2. The participation of delegates in the Working Group shall be assumed by the respective Members, unless the Commission decides otherwise in accordance with its budgetary procedures.

18. Performance review

1. The Commission shall review the functioning of the Working Group no later than three years after the adoption of this Resolution, to determine whether its mandate, working methods, or ad hoc nature should be maintained, adjusted, or terminated.
2. The review shall consider the usefulness of the criteria issued, the participation of the Members, the relationship with other subsidiary bodies, the operating costs, and the Group's contribution to legal consistency and the effective implementation of the Commission's decisions.

19. Entry into force

This Resolution shall enter into force on the date of its adoption by the Commission.