

INTER-AMERICAN TROPICAL TUNA COMMISSION

92ND MEETING

Mexico City, Mexico
24-28 July 2017

PROPOSAL IATTC-92 J-1

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

**CREATION OF AN *AD HOC* WORKING GROUP TO REVIEW THE
LEGAL AND OPERATIVE COHERENCE OF IATTC
RESOLUTIONS**

EXPLANATORY MEMORANDUM

The IATTC started operating in accordance with the 1949 Convention (1949) and in the year 2010 the new regulatory framework entered into force in accordance with the Antigua Convention (Antigua). In the meantime, there are recommendations that have been subject to the implicit rule in Antigua on the validity of recommendations adopted in accordance with 1949, and new ones have been issued, all without carrying out an evaluation of the operational and legal coherence of the rules, evaluating the effective integration of these rules into the legislation of each one of the countries, all with a view to improving the effectiveness of compliance.

Although Annex 3 of the Antigua Convention establishes as a function of the Committee for the Review of the Implementation of Measures Adopted by the Commission, in its subparagraphs c), d) and e), recommending ways of improving compliance based on analysis of the administrative measures in force, it is considered necessary to establish a more in-depth analysis that evaluates the integrality of the resolutions in force, and ensures the coherence of the language and the objectives that are stated as well as their effective applicability, promoting with its final report efficiency in the governance of the tasks entrusted to the Commission.

In this context, this proposal is intended to develop a highly specialised technical effort, created in the framework of an *Ad Hoc* Group, which will present as a result to the Commission an analysis of the legal and operative integration and coherence of all resolutions and recommendations in force and their adaptation to the regulatory framework of the IATTC, so that it may issue recommendations to the Commission on areas and elements that should be reviewed or improved, including what as necessary in the IATTC rules of procedure

This Group does not pretend to prejudge about incoherences and deficiencies, but rather to ensure that the resolutions in force are suitable for effective compliance without the need for indispensable improvements from the legal and operative perspective, or as appropriate have concrete recommendations where necessary.

The Group to be created should be representative of the CPCs but ideally made up of specialists in the different areas required for the established objective, the presence of legal specialists as well as scientists and fisheries policy specialists being recommended.

The Group's mandate should be concrete, the time for its work defined and a working methodology is proposed that involves using technological mechanisms as much as possible, without detriment to the Group itself recommending the need for face-to-face meetings to progress substantively in the report to be produced.

The Inter-American Tropical Tuna Commission (IATTC), gathered in Mexico City, Mexico, on the occasion of its 92nd meeting:

Aware of its responsibility regarding ensuring the conservation and sustainable long-term use of species covered by the Convention, in accordance with the relevant rules of international law, integrated and materialized by the implementation of the recommendations that the Commission decides;

Recognising that the Commission started its work in the framework of the Convention for the establishment of an Inter-American Tropical Tuna Commission (1949) and that in the year 2010 entered into force the new legal framework defined by the Convention for the Strengthening of the Inter-American Tropical Tuna Commission (Antigua), whose Article XXXI defines transition structures that set out the manner in which the resolutions adopted under the 1949 Convention can subsist when the Antigua Convention enters into force;

Recognising that the Commission's resolutions must be complied with effectively and efficiently by the Parties, which depends fundamentally on ensuring that their structure and content is coherent with the legal framework and the technical and operative needs at which they are directed;

Taking into account that the performance review carried out by the Moss Adams Group in the year 2016 recognised the important work of the Review Committee, this being understood as the Committee for the Review of the Implementation of Measures Adopted by the Commission, however to date there has not been a comprehensive study of the Resolutions in force regarding their legal and operative integration and coherence and adaptation to the regulatory framework and scientific objectives of the IATTC;

Recognising the importance of developing efforts that facilitate compliance with resolutions and provide advice on strategies for ensuring the permanent legal and operative coherence of resolutions that are adopted;

Agrees:

1. To create the *Ad Hoc* Working Group for Reviewing the Legal and Operative Coherence of IATTC resolutions in force.
2. The Working Group described in the first paragraph shall have the following functions:
 - a. In consultation with the Secretariat, it will evaluate the current content of all the resolutions that are considered in force in the Commission;
 - b. It will analyse the conceptual coherence utilised in the language of the resolutions, as well as their structural and operative coherence, to determine whether a clarifying amendment or reform is necessary in any or several resolutions to ensure effective compliance.
 - c. It will review and analyse the recommendations issued by the Committee for the Review of the Implementation of Measures Adopted by the Commission and the observations that the Parties or the Secretariat may issue regarding the need or opportunities for improvement to recommend the way of effectively implementing those recommendations in compliance with the functions and competence of the Commission.
 - d. It will issue a final report to the Commission for its consideration at the ordinary annual Meeting in the year 2018.
3. CPCs shall designate their representative(s) to the Working Group, endeavouring that representatives will participate in the group with technical and specialised ability or experience suitable to the Group's objective.
4. The Working Group shall be chaired by the person that the Commission decides.
5. The Chair of the Working Group with the support of the Secretariat and considering the contributions that the CPCs may make, shall establish the format, periodicity and content of virtual and face-to-face meetings that the development of its functions demand, which shall be developed in the intersessional period of the year 2017-2018.
6. The Commission shall review at its meeting of the year 2018, the necessity or otherwise of extending in time and/or broadening the mandate of this Group.