

**AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM**

**44<sup>th</sup> MEETING OF THE PARTIES**

**Phoenix, Arizona**

**26 July 2022**

**DOCUMENT AIDCP-44-01 INF-A REV**

**CHAIR'S TEXT**

**DRAFT AIDCP RULES OF PROCEDURE**

As we are all aware, COVID 19 pandemic has hindered considerably the way we normally function, including the implementation of our programmed activities. One of these was the task that was to be accomplished by a virtual working group to discuss rules of procedure for the AIDCP, since there are currently none except the detailed provisions contained in the Agreement concerning the International Revision Panel (IRP).

The proposal that Colombia had tabled at the 40th Meeting of the Parties in October 2019, the last presential meeting that was held before the current one, constituted the starting basis for the work that had to be done. We must be grateful to Colombia for its initiative, which will not only allow to fill a gap but also to eliminate inconsistencies between the de facto practice within AIDCP and the implementation of the rules of procedure of the IATTC.

As Colombia, I am convinced that the best way to address this issue, is to apply mutatis mutandis to the AIDCP the same rules of procedures than those of the IATTC, without prejudice of course to those rules that, as indicated above, have been already established formally in the case of the IRP.

Consequently, I carefully reviewed the Colombian proposal, and I followed the same logic, only introducing some complementary adjustments to the text when I found these to be necessary.

The Chair's Text below is the result of this exercise. You will note that all the wording that differs from the IATTC rules of procedure is highlighted in yellow, in order to facilitate its identification.

I hope and I propose that, for the sake of efficiency, we endeavor to adopt at least on a provisional basis these rules of procedure and the current Meeting of the Parties, in the understanding that further adaptation might be carried out and the text amended at the first opportunity, if it is considered necessary.

Thank you for your collaboration and support.

Alvin Delgado

Chair of the AIDCP Meeting of the Parties

# AIDCP RULES OF PROCEDURE

## DRAFT – CHAIR’S TEXT

### I. SCOPE OF APPLICATION

1. Except as otherwise provided in the Agreement or decided by the 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. 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.

### 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 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 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, paragraph 3 of the Agreement, an extraordinary meeting may be convened at any time. 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 Director to all the Parties, as well as, with the status of 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.
7. The Director, in consultation with the Chair of the AIDCP Meeting of the Parties, 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 it 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.

#### **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, delegates may request that any decision by the Chair 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.
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 and its annexes;
  - b. invitations to accede to the Convention 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 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 such determination and the reasons. Within ten (10) days of the notification, these **Parties** may request an intersessional decision on the Chair's determination.
24. 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 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 a. ii. of those 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.
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 Presider 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.
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 another 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.