

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

2ND MEETING

**Antigua (Guatemala)
20 June 2003**

DOCUMENT JWG-2-04

TERMS OF REFERENCE

At its first meeting, held in June 2002, the Working Group discussed terms of reference for its activities. A preliminary revised draft of terms of reference, based on these discussions, was subsequently prepared, and it was agreed that the Working Group would consider this revised draft at its next meeting, after receiving any additional comments from governments. No additional comments have been provided; however, the Secretariat has suggested some modifications to Section 1 (Definitions), in response to comments that it was important to keep clearly separate the responsibilities of the IATTC and the AIDCP.

IATTC-AIDCP JOINT WORKING GROUP ON FISHING BY NON-PARTIES

DRAFT TERMS OF REFERENCE

The overall purpose of the Joint IATTC-AIDCP Working Group on Fishing by Non-Parties (“the Working Group”) is to address, in a cooperative manner, the matter of fishing in the region by vessels under the jurisdiction of non-Parties to either the AIDCP or the IATTC Convention.

1. DEFINITIONS

For the purposes of this Working Group:

- a. “IATTC Party” means a contracting party to the convention establishing the IATTC.
- b. “AIDCP Party” means a State or regional economic integration organization which has consented to be bound by the AIDCP and for which the AIDCP is in force.
- c. “IATTC non-party” means a state, entity, or regional economic integration organization that does not meet the definition of Party in (a) above.
- d. “AIDCP non-party” means a state, entity, or regional economic integration organization that does not meet the definition of Party in (b) above.
- e. “Cooperating IATTC non-party” means any IATTC non-party that cooperates, as determined by the IATTC Parties, with the IATTC.
- f. “Cooperating AIDCP non-party” means any AIDCP non-party that cooperates, as determined by the AIDCP Parties, with the AIDCP.
- g. “Non-cooperating IATTC non-party” means any IATTC non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the IATTC Parties, with the IATTC.
- h. “Non-cooperating AIDCP non-party” means any AIDCP non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the AIDCP Parties, with the AIDCP.

2. FUNCTIONS

The functions of the Working Group shall be:

- a. to review and monitor compliance by non-parties with the management programs of both the IATTC and the AIDCP;
- b. to identify non-parties with vessels fishing in the region, and to identify the individual vessels of non-parties;
- c. to determine cooperating non-parties and non-cooperating non-parties;
- d. to recommend, to the IATTC and the Meeting of the Parties to the AIDCP, measures to improve compliance by non-parties with the management programs of both the IATTC and the AIDCP.
- e. to identify individual vessels believed to be engaged in IUU fishing activities.

[MEXICO:

- a. Identify the requirements for interested parties to obtain the status of “Collaborating Party, entity or fishing entity.”
- b. Analyze the mechanism by which the status of “Collaborating Party, entity or fishing entity” shall be requested and granted.
- c. Establish the procedure for evaluating the status of “Collaborating Party, entity or fishing entity” and define the reasons for revoking such status.
- d. Review and monitor the observance given by Collaborating Parties, entities or fishing entities to the measures of the IATTC and the AIDCP;
- e. Examine the reports of the Secretariat of the AIDCP and the Administration of the IATTC on non-cooperating non-Parties, entities or fishing entities and vessels fishing in the region;
- f. Recommend to the IATTC and the Meeting of the Parties to the AIDCP, such actions as may be required to obtain, request, grant and maintain the status of “Collaborating Party, entity or fishing entity”; as well as those that are considered necessary to promote and improve compliance with the conservation and management measures of the IATTC and/or the AIDCP.]

3. ORGANIZATION

- a. The Working Group shall be composed of representatives of each of the Parties.
- b. The following may participate as observers: pertinent intergovernmental organizations, non-governmental organizations with wide representation or ample experience in matters pertaining to the activities of this Working Group, owners or associations of owners of tuna vessels fishing in the eastern Pacific Ocean under the jurisdiction of any of the Parties.
- c. All participants in the Working Group shall have speaking rights, but only the Parties shall participate in decisions.
- d. The Working Group shall hold at least one meeting every year.
- e. The Working Group may propose its own rules of procedure and of confidentiality if necessary for the performance of its duties, subject to the approval of the IATTC and the Meeting of the Parties to the AIDCP.
- f. The Chair of the Working Group shall be elected for a term of two years, and may be reelected to the position for one additional term. At the end of the last meeting of the two-year period, the Working Group shall elect a Chair for the next two-year term.

4. RECOMMENDATIONS AND REPORTS

- a. All recommendations and reports of the Working Group shall be directed to the IATTC and the Meeting of the Parties to the AIDCP, as appropriate. The Working Group shall strive to approve its recommendations and reports by consensus. In the event a consensus is not possible, the Parties to the IATTC Convention may, by consensus among themselves, direct recommendations to the IATTC on matters within its purview, and the Parties to the AIDCP may, by consensus among themselves, direct recommendations to the Meeting of the Parties to the AIDCP on matters within its purview.
- b. The Working Group may approve its recommendations and reports by correspondence, pursuant to a procedure organized by the Director of the IATTC and approved by the Parties.
- c. All recommendations and reports emanating from the Working Group shall take into consideration the fact that the provisions and objectives of the IATTC Convention and the AIDCP are not the same.

5. ADMINISTRATION

The staff of the IATTC shall:

- a. collect and maintain the information necessary for the work of the Working Group;
- b. provide to the Working Group such analyses as the Working Group deems necessary for carrying out its functions;
- c. prepare the reports of the Working Group;
- d. distribute all pertinent information to the members of the Working Group in a timely manner.