

**REPORT OF THE FOURTH MEETING OF THE VIRTUAL WORKING GROUP ON REVIEW OF RULES OF PROCEDURE (VWG-RRP) OF THE COMMISSION***(Online 13 July 2022)***1. Opening of the meeting**

On 13 July, 2022, the Commission Chair, Ernesto Penas, convened the fourth meeting of the VWG-RRP, which was held online from 12:00 to 14:30. The Secretariat served as rapporteur. The participants' list is attached as **Appendix 1**.

In his opening remarks, the Chair reiterated the need to make progress toward finalising discussions on the Chair's non-paper and the importance of allowing sufficient time for all CPCs to react before the annual meeting. He noted that 5 or 6 CPCs sent comments on the first version of the paper, which he tried to incorporate into a revised document. He also noted that additional comments had been received from the United States and the EU following the circulation of the second draft of the non-paper. The Chair explained that the reason he did not make a third version of the document was to give all CPCs an equal opportunity to comment during the meeting and to avoid the process being dominated by a few CPCs. The Chair indicated, however, that he tried to include the substantial issues raised by the EU and United States during the second comment round in a table included on the OwnCloud site (Comments\_non\_paper\_2\_TRI).

The Chair said he wanted to focus initially on the substantive issues in the text that were in square brackets, seeking agreement on dates/deadlines first, and then going back to the last comments received to get a better understanding and, where needed, clarification as to whether they are substantive or merely editorial.

The United States acknowledged the challenges associated with developing proposals via correspondence, stressing that it had entered the process with an open mind and had offered feedback on the non-paper in good faith with a view to improving the document. The United States further noted that some of its earlier input had not been reflected in either the revised Chair's text or the table of additional comments circulated prior to the meeting. The U.S. representative noted that, as improvements to the non-paper were considered at this meeting, it would be helpful to understand why some of these earlier comments had been set aside. The Chair emphasised that he welcomed the excellent contributions of the United States and was not suggesting anyone was trying to take advantage of the process. He stressed that his intent was simply to ensure all CPCs have an opportunity to provide their input.

Regarding the fate of the non-paper, the United States noted that the intention as discussed at the last Meeting of the Virtual Working Group on Review of Rules of Procedure of the Commission (online, 28 March 2022) was to develop guidelines but if there is interest in developing something more formal, that would further impact the U.S. input on the content and phrasing of the document. The Chair indicated that this question was open to further discussion and that, at minimum, it should be a guidance document. He agreed that if it is to have a more formal status, for instance with the legal implications that would be associated with Rules of Procedure, particular care should be taken with the wording. Finally, he noted that there are advantages and disadvantages of the formal approach, mainly concerning flexibility.

In concluding on this point, the Chair proposed that the Group should first agree on a text and then see what to decide on the fate of the paper; he is not seeking to finalise the text here in this meeting. He added that the idea would be to submit the non-paper to the Commission at the annual meeting for a decision on how to move forward.

**2. Discussions*****Election of Officers***

Starting with the process and procedures for the election of officers and, specifically, the timelines set forth in point (c) of Section 3.1 for the solicitation of nominations from Contracting Parties, the Chair proposed that the Secretariat start the process six months in advance of the annual meeting where an election will take place and set a deadline for CPC responses of at least three months before that annual meeting, to give all CPs enough time to react despite any constraints they may have.

Some CPCs were of the view that if nominations are requested a very long time before the annual meeting, these requests may be forgotten; to address this, some suggested maintaining the proposed 6 month solicitation deadline but with reminders sent by the Secretariat at appropriate intervals. For the deadline to submit nominations, a proposal of two months was also discussed given the concern that a 3 month deadline conflicted with the vacation season for many CPCs.

The Chair offered the compromise of six months for the solicitation of the nominations and two months before the annual meeting as the deadline to make nominations, noting that the latter gives more flexibility to the CPCs. It will allow the Chair to consult the CPCs again, if needed.

The United States asked how firm the language in this section should be, noting that there could be value in having some flexibility built into the text. For instance, the text setting the deadline for initiating the nomination process has no flexibility for the Secretariat and might benefit from adding “approximately” six months or “at least” six months. Further, the text on the submission of nominees says “at least 2 months.” If read strictly, this language sets a strict deadline that if missed would mean a CPC could not make a nomination even if they were only one day late in making a submission. Some CPCs agreed with the idea of allowing a modest amount of flexibility with these deadlines. The Chair specified that the overall procedure acknowledges that there should be balance in the slate of officers and that the process is not expected to be perfect. Given that, there must be some flexibility to nominate individuals after the deadline. That said, the Chair noted that he would hesitate to put too much flexibility in the text itself to ensure the rules are clear and that there is as much discipline as possible in the process.

As for point (g) of Section 3.1, the Group agreed that the deadline for the Chair to present a proposed slate of officers to the Commission for consideration would be “as soon as possible, and at least a week before the annual meeting.”

Regarding point (h) of Section 3.1, the Group agreed that, in principle, no new nominations could be made during the meeting but also agreed to introduce some flexibility regarding circumstances “that require otherwise.”

The process for filling an officer position if the sitting Chair cannot act was raised. The Group noted that this could happen at any time but that this situation was outside the primary question that the Group was mandated to address. It was further recalled that the current rules of procedure give the responsibility to subsidiary bodies to elect their own Chair. In the case of panels, the Chair resides with a country rather than an individual, and the country is expected to provide another person to serve as Chair unless they notify the Commission that they cannot meet that responsibility. The Commission Chair can make the necessary consultations, if required, aiming to help identify a temporary officer before the meeting to compensate for temporary absences. In light of this discussion, the Chair proposed that the Group recommend to the Commission that the rules to replace a missing officer be further discussed, taking into account the current rules of procedure and the need for capable chairs.

### ***Presentation of proposals***

The second main point of the non-paper discussed was the presentation of proposals (Section 3.2). The Group discussed the proposed deadlines in brackets. There was a quick consensus on the proposals, which do not require scientific advice from the SCRS to maintain the deadline of one month as it currently is for their submission to the Secretariat.

As for those proposals that do require scientific advice from the SCRS, many interventions recalled that the current one-week deadline is already a tight time frame because of when the SCRS advice becomes available and the necessary internal coordination in their CPCs. Although some CPCs proposed to keep that one-week deadline to avoid having to work with new proposals when the meeting starts, others were of the view that there should be a final deadline that is at the end of the first day of the annual meeting and that discretion should be provided to the Chair, in consultation with the Chairs of subsidiary bodies, to accept new proposals, whether requiring scientific advice or not, beyond the first day of the meeting, if needed. As an illustration, the Group was reminded of the case where an albacore measure was expiring and no CPC realized it until the last day of the meeting during the plenary. Thus, it was noted that general language is required in the text to accommodate such events, in addition to text that clarifies that the Commission Chair should consult with relevant Chairs of subsidiary bodies to determine whether a new proposal can be tabled

after the respective deadlines. The United States indicated it would provide edits to the non-paper, in particular to Section 3.2, as there was not enough time during the meeting to finalize revisions to improve its organization and incorporate all relevant comments.

The Chair indicated that he would be happy to take the responsibility of determining if and when proposals could be submitted after a deadline, but would like to make sure that all CPCs trust him to do so as such decisions involve a delicate balance and should not be seen as business as usual.

### **3. Next steps**

After noting that some progress had been made during this meeting, the Chair informed that he would convene a meeting, probably in September, with a view to solving the remaining issues in order to submit a text that is agreed upon to the Commission. To this end, he further invited the participants with specific contributions and solutions to the issues discussed to send them as soon as possible after this meeting to him and the Secretariat on the attached version revised during the meeting, Second Revision of Non-Paper of the Virtual Working Group on Review of Rules of Procedure (VWG-RRP) (**Appendix 2**). He would then prepare a new version of the non-paper to be discussed in the September meeting.

The Chair thanked the participants for their extremely useful and constructive contributions and adjourned the meeting.

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**Appendix 2**

**Second Revision of Non-Paper**  
**of the Virtual Working Group on Review of Rules of Procedure (VWG-RRP)**  
*(Online, 28 March 2022)*

*(Presented by the ICCAT Chair)*

1. The Virtual Working Group on Review of Rules of Procedure (VWG-RRP) met virtually on 28 March 2022, primarily to advance the discussion on two topics: the election of Officers and the presentation of proposal for recommendations and resolutions by the Commission.
2. Contracting Parties agreed that consensus constitutes the best way to decide on the above matters. It was recognized that this consensus had, as a fundamental requirement, the need to ensure that all delegations be consulted on issues and given sufficient time to evaluate the written proposals. This is of particular importance for Contracting Parties with small delegations and/or low linguistic diversity. For that purpose, enough time should be provided to allow for sufficient review of presented proposals. For that purpose, last-minute new proposals must be avoided [as much as possible]. It was also agreed that any change to current practice should not imply any increase in bureaucracy and, if possible, should not require formal changes in the Rules of Procedure.
3. With the above in mind, the following principles and processes are suggested:

3.1 For the election of Officers:

Principles:

- a) The election of ICCAT Officers should be done through a transparent process and decisions taken by consensus; voting should only be considered as a last resort.
- b) While personal merit remains decisive, to the extent possible there should be a fair and balanced representation of all interests: large and small delegations, developed and developing States, geographical balance and gender balance. No CPC should hold multiple officer positions; ideally no CPC should be represented in more than one position.

Process and procedures:

- c) The Commission Chair, with the assistance of the Secretariat, will solicit nominations from Contracting Parties at least 6 months in advance to the annual meeting where an election will take place, setting a deadline for submission of nominees of at least 2 months before the annual meeting takes place. In soliciting nominations, the Secretariat will advise the Commission on which current ICCAT Officers are eligible for re-appointment, and, of those, which would be available to serve if re-elected.
- d) Only Contracting Parties can make nominations, and, for first-time candidates, nominations will be accompanied by a brief CV to assess their suitability for the job. The initial list of candidates will be circulated to the Commission for information.
- e) If the initial list of candidates does not provide the balance as above, the ICCAT Chair, with the assistance of the Secretariat, shall seek additional suitable candidates from the under-represented groups. Any changes to the initial list of candidates resulting from this part of the process will be circulated to the Commission for information.

- f) On the basis of the list developed pursuant to the above process, the Commission Chair will work with the Contracting Parties in advance to the annual meeting, including to resolve situations where more than one nomination is received for a position, with a view to developing a proposed slate of Officers that can be agreed at the annual ICCAT meeting. On the basis of the list developed pursuant to the above process, the Chair may seek the assistance of the Vice Chairs to carry out these consultations. Contracting Parties should also consult with one another as needed during this period to try to resolve any differences of view.
- g) In light of these consultations, the Chair will present a proposed slate of Officers to the Commission as soon as possible and at least 1 week before the annual meeting for consideration.
- h) [No new nominations for officer positions can be made during the ICCAT annual meeting itself unless circumstances exist that require otherwise, such as a lack of nominees for a particular position].
- i) Notwithstanding the effort to implement a transparent process to reach consensus on a slate of Officers in advance of an ICCAT annual meeting, each ICCAT subsidiary body and the Commission will, consistent with ICCAT's terms of reference, go through the process of formally electing their Chairs during their respective meetings.

### 3.2 For the presentation of proposals:

- a) Proposals which do not require scientific advice from SCRS should be submitted to the Secretariat at least one month prior to the annual meeting and circulated to all Contracting Parties in the three languages.
- b) Proposals requiring current year scientific advice from the SCRS will be submitted to the Secretariat [1/2 weeks/4 weeks] in advance to the annual meeting and will be circulated to all CPCs by the Secretariat in the three languages of the Commission. [The Chair may make exceptions to this rule if urgently required on the best interest of the Commission and admit new proposals until the end of day #1 of the annual meeting.]
- c) CPCs shall make every effort not to submit new proposals during the annual meeting. The final deadline for submitting new proposals during such meeting will be that set prior to the meeting and, therefore, CPCs should work toward finding consensus on the original proposals already tabled.  
  
[...]
- d) The modified proposals during the annual meeting will be made available in the three languages of the Commission.
- e) [If consensus cannot be reached on a proposal because of the opposition of a very small minority of the Parties, these Parties will provide sufficient explanation of the reason for the opposition, so possible compromise solutions can be identified].
- f) In both cases, CPCs tabling proposals for Commission consideration should make every effort to develop them as early as possible so they can be shared with all CPCs. CPCs that provide input on the proposals of others should strive to offer constructive comments and provide them in a timely manner. If Parties are consulted well in advance of decision making, they shall also provide their views on time and shall not present last-minute difficulties. Sponsors of proposals should give appropriate consideration to the input received on their draft proposals in a timely manner and shall not present last-minute difficulties.



#### 4. Rapporteurs

The VWG-RRP also discussed the problem of finding rapporteurs to cover ICCAT's needs both for intersessional meetings and during the annual meeting. It was agreed that the Commission should seek to enlarge the pool of possible rapporteurs, to avoid the need to mobilize the human resources of the Secretariat for that purpose. In light of this the following process and procedures are:

- a) In order to facilitate planning, Contracting Parties will be requested to identify, early in each year, those intersessional meetings or annual meeting sessions for which they could offer a rapporteur. All Parties will be invited to present candidates to ensure sufficient diversity of candidates and fairness and equity across Contracting Parties. The request will be repeated in advance of any meeting where a rapporteur has not already been identified, and the Chairs of any such meetings should consult with CPCs to find a rapporteur, as needed.
- b) The Commission will organize, as necessary, assistant rapporteurs, who will accompany the rapporteur and develop hands-on experience on the job, to enlarge the pool of people available to do the task.
- c) While it is ideal to identify a rapporteur who can work in the same language as the Chair of the respective body, rapporteurs will be welcome to work in any of the three languages of the Commission. The Secretariat will provide them with the necessary assistance and will give priority to translation when written in a language other than the language of the Chair of the respective body.
- d) As a last resort, the Secretariat will explore the market for professional rapporteurs from outside the Commission [only for meetings of the SCRS] and inform the Parties prior to the meeting in case the number of candidates is far too small for the needs of the Commission meeting. This may need further discussion in the Standing Committee on Finance and Administration (STACFAD) and the Commission to ensure the availability of funds.

#### 5. The question of the interpretation of the meetings in the three ICCAT official languages was also raised:

- a) Currently, not all meetings have interpretation in the three official ICCAT languages. The Commission discussed this question in its last Annual meeting; although some scenarios presenting priorities of interpretation with budget costs were dealt with, the Commission did not take any new decision on this issue. A way out is to be found.