



FAO

PREPARED BY: IOTC SECRETARIAT, 21 JANUARY 2015

REVIEW AREA: *FAO support to IOTC*

GENERAL CRITERION: *FAO*

DETAILED CRITERIA:

Support to IOTC

- Extent to which the FAO supports IOTC activities and fulfilment of the IOTC objectives, notably regarding its institutional and legal obligations.

SUPPORTING INFORMATION

Institutional and Legal Support

The FAO Legal support ensures that the IOTC activities are carried out in accordance with its agreement and that of the FAO (FAO Basic Texts), and in a manner consistent with its status as an intergovernmental organization. The FAO legal office has, on numerous occasions, provided legal advice to the IOTC upon request. The Secretariat has also requested the participation of FAO legal office in IOTC meetings but was advised that the IOTC should pay for their cost of participation (travel and daily subsistence). FAO has however attended voluntarily IOTC Commission meetings, in particular where there is an implication to the FAO legal and institutional framework, e.g. adopting rules of procedures or discussing matters on the IOTC institutional and legal framework.

The FAO considers IOTC as a project from an administrative point of view and this is inconsistent with the functioning of the organisation. Members of the Commission consider that IOTC has a legal entity while FAO is of the view that it is vested with FAO alone. Normally, IOTC should be considered as a legal entity outside of the FAO project structure and is situated within a Headquarters agreement with the Government of Seychelles (article 3).

The Assistant Director General of the Technical Corporation Department signs all IOTC projects, unless delegated to the Executive Secretariat of the IOTC, and that is not automatic.