
PROPOSAL TO AMEND APPENDIX I OF THE IOTC RULES OF PROCEDURE

PREPARED BY: AUSTRALIA

ABOUT THIS REVISION

Document IOTC-2022-S26-04 was revised to incorporate advice from the FAO Legal Office on the proposed changes to Appendix I of the IOTC Rules of Procedure. The Legal Office advised that it would be more appropriate not to limit the role of the Alternate to “vote” but to any decision required in relation with the session. An amendment to the text proposed in document S26-04 is highlighted in yellow.

In accordance with Rule XVIII of the *IOTC Rules of Procedure (2014)* (ROP), Australia has submitted the below proposal to amend Appendix I of the ROP - the template Letter of Credentials. The objective of the Australian proposal is to ensure that Appendix I of the ROP is consistent with the IOTC Agreement.

Article VI.1 of the IOTC Agreement provides that:

‘1. Each Member of the Commission shall be represented at sessions of the Commission by a single delegate who may be accompanied by an alternate and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but may not vote, except in the case of an alternate who is duly authorized to substitute for the delegate.’

In accordance with this Article only the Head of Delegation (HOD), or alternatively the duly authorized Alternative (ALT) may vote. However, the current template Letter of Credentials implies in paragraph 2 that the HOD can delegate authority to *any member* of the delegation to take *any action or decision required* in relation to the Session, which would include voting.

Noting that the Rules of Procedure cannot supersede the terms of the Agreement, Australia proposes to amend the template Letter of Credentials to authorise only the HOD or alternatively the ALT to vote at IOTC Sessions.

Based on initial feedback received from some delegations, Australia proposes amendments to Appendix I of the ROP as outlined below – the proposed new text is in purple.

INDIAN OCEAN TUNA COMMISSION: RULES OF PROCEDURE (2014)
[...]
APPENDIX I
LETTER OF CREDENTIALS

Dear IOTC Executive Secretary,

Upon instructions of [the Head of state, the head of government, the minister for foreign affairs or the minister concerned] I wish to inform you that [name of IOTC Contracting Party (Member)] will participate in the [...Number...] Session of the Indian Ocean Tuna Commission (IOTC) [and/or any Committee of the Commission] and will be represented by the following delegation (or by [Title and Name] if the delegation is constituted by one person):

[Title and Name] – Head of delegation

[Title and Name] – Alternate

[Title and Name] – Expert

[Title and Name] – Adviser

The delegation is authorised to fully take part in the proceedings of the Session on behalf of the Government (or Authority concerned for Regional Economic Integration Organisation e.g. EU) of [name of IOTC Member] in accordance with Article VI.1 of the *Agreement for the Establishment of the Indian Ocean Tuna Commission*.

[Title and Name], Head of Delegation or, in his/her absence, the aAlternate or any other member of the Delegation designated in this Letter of Credentials by him/her, is authorised to take any decision required in relation with this Session, including to vote fully take part in the proceedings of the Session and take, on behalf of the Government (or Authority concerned for Regional Economic Integration Organisation e.g. EU) of [name of IOTC Member] at this Session. any action or any decision required in relation with this Session.

.....Signature.....

[on behalf of, Head of state, the head of government, the minister for foreign affairs or the minister concerned]