06 November 2026

IOTC CIRCULAR 2026-44

Dear Madam / Sir

FEEDBACK ON THE PROPOSED AMENDMENTS TO THE IOTC RULES OF PROCEDURE (ROPS) FROM THE FAO LEGAL DEPARTMENT

In 2025, the Commission discussed paper IOTC-2025-S29-08 submitted by Japan on the operation of IOTC's meetings which provided some comments and suggestions to improve the efficiency and the effectiveness of IOTC's meetings.

Paragraph 16 of the Commission Report (IOTC-2025-S29-R) states:

"*16. The Commission **REQUESTED** that a small informal working group, open to any interested party, but involving at a minimum the Commission Chair and Vice-Chairs, and those of the CoC, SCAF and SC as well as other relevant subsidiary bodies, with support from the IOTC Secretariat, undertake a comprehensive review of IOTC meeting operations. This review should include at a minimum, the following topics:*

a. *the current structure of the annual meeting series (CoC, SCAF, TCMP, and Commission meetings);*
b. *the topics raised in paper IOTC-2025-S29-08;*
c. *the annual meeting calendar and meeting formats.*
d. *potential amendments to the IOTC Rules of Procedure that might be required to improve the IOTC's meetings and their structure*."

As such, small informal working group (SWG) met several times prior to the 30th session of the Commission (S30) to discuss this issue and address the Commission's request. Document IOTC-2026-S30-08_Rev2 was submitted by Japan and formed the basis of several revisions to the IOTC Rules of Procedure.

The report of the S30 states:

"*22. The Commission **NOTED** document IOTC-2026-S30-08 on Amending the IOTC Rules of Procedure, Appendix V.*

*23. The Commission **NOTED** three key proposed revisions to the ROPs, presented on behalf of the small working group:*

a. facilitating intersessional adoption of the Commission report to allow more time for negotiations during the meeting;
b. providing for exceptional circumstance submission of working documents to meetings after the submission deadline; and
c. *specifying that where TOR for a WP do not exist, the WP should be guided by the TOR of the SC.*"

Distribution

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In accordance with FAO procedures, the proposed changes to the ROPs were communicated to the FAO Legal Department for their comment and feedback. The response from the FAO Legal team is attached as Annex 1 below.

In response to this communication, the SWG will review the FAO Legal feedback and propose a way forward to the IOTC Commission at its 31st Session in May 2027.

Yours sincerely



Paul de Bruyn
Executive Secretary

Attachment:

- Feedback letter from FAO Legal Department

Feedback from FAO Legal Department

Dear Paul,
Thank you very much for your time to discuss this matter further, and please accept our apologies for the delay in reverting to you as I was away and only returned this morning. It was very helpful to understand the rationales for the proposed amendments to the IOTC Rules of Procedure, and the specific concerns of IOTC Members that these amendments were intended to address. It was also most useful to have your inputs on the amendments, and on potential alternative solutions (e.g. adjustments to working methods, the development of practical/operational guidance, further discussion with IOTC Members etc.).
We agreed that you would revert to the IOTC Members to explore their willingness to reconsider the proposed amendments, taking into account potential alternative solutions. To facilitate this, we also agreed that LEG would provide you with some feedback/alternative wording, which is as follows:

- Regarding the proposed amendment to Rule XV, paragraph 1, we would underline that there is a clear legal distinction between the adoption of a report – which must be done during a session – and its publication, which may be done after a session has already concluded. The proposed inter-sessional adoption is inconsistent with the Basic Texts, and, subsidiarily, with Rule XV itself (see Rule XV (3)). Accordingly, we would recommend consideration of potential alternative and non-legal solutions, i.e. changes to working methods rather than to the Rules. These solutions could be driven by the IOTC Chairperson and Secretariat and could include, for example, the following:
- the Secretariat preparing draft conclusions for each item in real-time and putting these to the IOTC Members immediately after the deliberations during the session;
- flexible and strategic re-ordering of items based on how the session is unfolding and what is anticipated to more or less time;
- pausing deliberations on an item that is becoming 'stuck' and returning to this later; and
- creating small "working groups" or "friends of the Chair" to facilitate the development of consensus text for items which are anticipated to – or have become – "stuck" etc. etc.

The foregoing solutions would be akin to the procedures followed in the Council and the Conference, and would help the IOTC Chairperson and Secretary to avoid being placed in a difficult position by ensuring that clarity and certainty is achieved during a session, so that IOTC Members all leave knowing exactly what they have agreed.
In addition, you may wish to consult the Secretariats of other Article XIV Bodies, particularly those which approve any resolutions and recommendations that are binding on Members akin to IOTC CMMs, to see if they have any lessons learned or guidance that may assist.

- Concerning the proposed amendments to Appendix IV, paragraph 9, these introduce a subjective element to objective deadlines, which could create procedural confusion, reduce certainty and place the IOTC Chairperson in an invidious position. The proposed amendments also set out a procedure which is rather complex, considering that the intention seems to be, as we understand, to reduce a deadline of 15 days prior to the start of a Scientific Committee/working party to 10 days. Provided this understanding is correct, we wonder whether this intention could not be better served by clearer, objective wording, such as the following alternative options:

- Option 1: All documents submitted to the Scientific Committee or its working parties shall be submitted to the IOTC Secretariat no later than 10 days prior to the start of the respective Scientific Committee or working party meeting. Any documents submitted less than 10 days prior, shall be considered for information purposes only.

- Option 2: All documents submitted to the Scientific Committee or its working parties should normally be submitted to the IOTC Secretariat 15 days prior to the start of the respective Scientific Committee or working party meeting, and shall not be submitted less than 10 days prior to the start of said meeting. Any documents submitted less than 10 days prior, shall be considered for information purposes only.

- Option 3: All documents submitted to the Scientific Committee or its working parties shall be submitted to the IOTC Secretariat no later than 15 days prior to the start of the respective Scientific Committee or working party meeting. Any document submitted less than 15 days prior may be considered, unless three (3) or more CPCs or delegates, as appropriate, provide written objection to the Chairperson and Vice-Chairperson(s) prior to the start of the meeting.

- As for the proposed amendments to Appendices VII and IX, these are not typical for subsidiary bodies of Statutory Bodies (e.g. those of the FAO/WHO Codex Alimentarius Commission or the International Plant Protection Convention etc.). In addition, it is not entirely clear how the *mutatis mutandis* application of procedures of the Scientific Committee, which themselves are procedures of the Commission applied *mutatis mutandis*, would work in practice and what specific procedures the IOTC Members have in mind (and what these are intended to address). However, if the IOTC considers that practical/operational guidance for the concerned working parties may be helpful, the Secretariat may wish to explore doing so. This could be done independent of the Rules of Procedure, which could allow flexibility (i.e. the Rules would not need to be amended each time the guidance would).

We hope this is helpful and remain available to further assist you with this matter.
In addition, as mentioned when we spoke, please let us know in advance when you anticipate future amendments to the Rules of Procedure, as this is something that we can help you with. Thank you and best regards