

## DRAFT AMENDMENTS TO THE IOTC RULES OF PROCEDURE

As circulated by the Chairperson 17 March 2006

The Contracting Parties,

In conformity with Rule XVI,

Agree to amend the Rules of Procedure of the Indian Ocean Tuna Commission as follows:

1) Rule I is replaced by the following:

“Rule I: Definitions

For the purpose of these rules, the following definitions apply:

**Agreement**: the Agreement for the Establishment of the Indian Ocean Tuna Commission, approved by the FAO Council at its Hundred-and-Fifth Session in November 1993, and entered into force on 27 March 1996, as amended.

**Commission**: the Indian Ocean Tuna Commission.

**Scientific Committee**: the permanent committee provided for in Article XII.1 of the Agreement.

**Delegate**: the representative of a Member as specified in Article VI.1 of the Agreement.

**Delegation**: the delegate and his alternate, experts and advisers.

**Members**: Members of the Commission.

**Secretary**: the Secretary of the Commission.

**Observer States**: States which are not members of the Commission, but are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, attending sessions of the Commission as observers in accordance with Article VII, paragraph 2 of the Agreement.

**Observer Intergovernmental Organizations**: Intergovernmental Organizations attending sessions of the Commission as observers in accordance with Article VII, paragraph 3 of the Agreement.

**Observer Non-governmental Organizations**: Non-governmental Organizations attending sessions of the Commission as observers in accordance with Article VII, paragraph 3 of the Agreement.

**Observer**: the representative of an Observer State, Observer Intergovernmental Organization or Observer Non-governmental Organization.”

- 2) Rule II paragraph 3 is replaced by the following:

“The date of the sessions shall be determined by the Commission. Regular sessions and special sessions of the Commission shall normally be held at the seat of the Commission. Sessions may, however, be convened elsewhere in pursuance of a decision taken by the Commission.
- 3) In Rule II paragraph 4 the words “the Director General, in accordance with the provisions of Rule XXXVII of the General Rules of the Organisation” are replaced by the word “Commission”.
- 4) In Rule IV paragraph 1 the words “Observer Nations and Observer Associate Members” are replaced by the words “Observer States”.
- 5) In Rule IV paragraph 2 the words “Observer Non Member States of FAO” are replaced by the words “Observer States”.
- 6) Rule IV paragraph 4 k) is deleted.
- 7) Rule V paragraph 2 is replaced by the following:

“The Secretary of the Commission shall be appointed by the Commission, in accordance with the procedure determined by the Commission.”
- 8) In Rule V paragraph 5 the words “as well as with the FAO Secretariat at all levels” are deleted.
- 9) In Rule IX paragraph 4 the words “and, if applicable, the recommendation regarding the name of the Secretary to be forwarded to the Director General for appointment” are deleted.
- 10) Rule IX paragraph 7 is replaced by the following:

“If the Commission is equally divided when a vote is taken on a question other than an election for the position of the Secretary, a second vote and a third vote may be taken at the current session at the request of the proposer. Except for the election of the Secretary, if the Commission remains equally divided, the proposal shall not be further considered at the current session.”
- 11) Rule IX paragraph 8 is deleted.
- 12) In Rule X paragraph 8 the words “and the Director General” are deleted.
- 13) Rule XIII paragraph 1 and 2 are deleted.
- 14) Rule XIII paragraph 3 is replaced by the following:

“States which are not Members of the Commission, but that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, may, upon request and subject to the concurrence of the Commission through its chairperson, be invited to attend sessions of the Commission in an observer capacity.”
- 15) Rule XIII paragraph 7 is replaced by the following:

“The Commission may establish guidelines, criteria or conditions governing the participation of regional economic integration organizations which are not Members of the Commission.”
- 16) Rule XIII paragraph 8 is replaced by the following:

“Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission. Observer States as well as Observer intergovernmental organizations or Observer non-governmental organizations within the area defined in Article II of the Agreement or are States whose vessels engage in fishing in the area for stocks covered by the Agreement as well as to other

States and international organizations that were represented at the previous session may participate in the plenary sessions on such conditions as the Commission may determine.”

- 17) Rule XIV paragraph 3 replaced by the following:

“At the closure of each session, the report as well as the decisions and recommendations, together with the schedule for their implementation by the Members of the Commission, shall be circulated by the Secretary to the Members. The Secretary shall also circulate them to, to non-members of the Commission, which are coastal States situated wholly or partly within the area defined in Article II of the Agreement or are States whose vessels engage in fishing in the area for stocks covered by the Agreement as well as to other States and international organizations that were represented at the session.”

- 18) Rule XIV paragraph 4 is deleted.

- 19) Rule XV paragraph 1 is replaced by the following:

“As provided for in Article XX.2 of the Agreement, proposals for the amendment of the Agreement may be made by any Member of the Commission and shall be addressed to the Chairperson of the Commission and to the Secretary not later than 120 days before the session of the Commission at which the proposal is to be considered. The Secretary shall immediately inform all Members of the Commission of all proposals for amendments.”