

AGREEMENT BETWEEN THE FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS AND THE INDIAN OCEAN TUNA COMMISSION (DRAFT)

Prepared by: Secretariat

Preamble

Whereas the Constitution of the Food and Agriculture Organization of the United Nations (hereinafter referred to as FAO) provides that the Organization may enter into agreements with other intergovernmental organizations with related activities in order to define methods of cooperation; and

Whereas the Agreement for the Establishment of the Indian Ocean Tuna Commission (hereinafter referred as IOTC) provides for making appropriate arrangements therefore with other intergovernmental organizations and institutions which might contribute to the work and further the objectives of the Commission.

FAO and the Indian Ocean Tuna Commission (IOTC) have agreed as follows:

Article 1 - Purpose of the Agreement

The purpose of the Agreement is to ensure cooperation between FAO and IOTC by consultation, coordination of effort, mutual assistance and joint action in fields of common interest in accordance with the objectives and principles of FAO and IOTC, in particular in regard to the collection and analysis of statistics, stock assessment and the formulation of conservation and management measures relating to tunas and tuna-like fishes of the Indian Ocean.

Article 2 - Reciprocal representation

1. IOTC shall be invited to send Observers to sessions of the FAO Committee on Fisheries and its subsidiary bodies, and to sessions of the Conference and Council and other meetings of FAO when they deal with matters relating to conservation and management of the living resources of the sea.
2. FAO shall be invited to send a representative to all meetings of IOTC and its subsidiary bodies. Such representative, who may be accompanied by experts and advisers, shall not have the right to vote.

Article 3 - Exchange of information and documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, FAO and ICCAT shall arrange for the fullest exchange of information and documents concerning matters of common interest.
2. The Director-General of FAO and the Executive Secretary of IOTC, or their authorized representatives, shall, upon the request of either Party, consult with each other regarding the provision by either Party of such special information as may be of interest to the other Party.

Article 4 - Cooperation and consultation

FAO and IOTC agree that with a view to facilitating the effective attainment of the objectives set forth in the Constitution of FAO and the Agreement for the Establishment of IOTC, they will act in close cooperation with each other and will consult each other regularly in regard to matters of common interest. In particular, each Party shall inform the other at an early stage of any plans for the development of its activities whenever this is required to secure effective coordination and to avoid duplication of effort.

Article 5 - Technical cooperation

1. Whenever desirable, IOTC and FAO may each seek other's technical cooperation with a view to promoting the development of activities in the fields of mutual concern.
2. Every effort shall be made to meet any request for technical cooperation. Any such technical cooperation shall be provided in a manner to be agreed between the Parties.

Article 6 - Joint action

1. IOTC and FAO may, through their competent organs, conclude special agreements or arrangements for joint action with a view to attaining objectives of common interest.
2. These agreements or arrangements shall define the manner and extent of participation by each Party and shall specify the financial commitment, if any, that each is to assume.
3. IOTC and FAO may set up joint committees or working parties to consider matters of mutual interest.

Article 7 - Proposals for the inclusion of agenda items

Subject to such preliminary consultation as may be necessary, IOTC may propose the inclusion of items on a provisional agenda of the FAO Committee on Fisheries or of its subsidiary bodies. FAO may propose the inclusion of items on the provisional agenda of the meetings of IOTC and of its subsidiary bodies. Proposals for the inclusion of items shall be accompanied by an explanatory memorandum.

Article 8 - Entry into Force

This Agreement shall come into force on its approval by IOTC and by the FAO Council, subject to confirmation by the FAO Conference.

Article 9 - Modification and denunciation

1. This Agreement may be amended by mutual consent of the Parties.
2. Either of the Parties may terminate this Agreement by giving six months' written notice to the other Party.