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**PROPOSED AMENDMENTS TO THE IOTC AGREEMENT**  
**Prepared by: IOTC Secretariat**

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1. On December 22<sup>nd</sup> 2006, and according to the procedure adopted by the Members at the Third Special Session in Goa, India, the Chair of the Commission sent to the Director-General of FAO, the letter reproduced below.
2. The communication included the proposed amendments (also attached below) to the Agreement for the Establishment of the Indian Ocean Tuna Commission as agreed by the Members.
3. This document contains the same information communicated in IOTC Circular 01/07, dispatched on January 19<sup>th</sup> 2007.



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Seychelles,  
22 December 2006  
IOTC Ref: 3328

Mr Jacques Diouf  
Director-General  
Food and Agriculture Organization  
Rome

**Subject : Proposed Amendments to the Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC)**

Dear Sir,

I wish to refer you to the Report of the Third Special Session of the Indian Ocean Tuna Commission, held in Goa, India on 17-19 May 2006, and in particular to point 4, paragraph 16 (a) and Appendix IV (English version). In that regard, I have the honour to inform you of the unanimous decision taken by the Members of the Commission to propose changes to the Agreement for the Establishment of the IOTC, in order to achieve a more effective and efficient organisation.

In accordance with the provisions of Article XX of the Agreement for the Establishment of the IOTC and in conformity with the instructions of the Members and on their behalf, I would like to request, as Chairperson of the IOTC, that the attached proposal, that was agreed upon unanimously by the Members present at the Special Session, be circulated to all the Members of IOTC,

These proposed amendments will be formally adopted at the Eleventh Session of the Commission to take place on 14-17 May 2007.

Yours sincerely,

*"signed"*

John Spencer  
Chairperson of the IOTC

Annex : Proposed Amendments

CC : MM Nomura (ADG), Pulvenis (FIP)

FAO- REP MDG - SEY

## PROPOSED AMENDMENTS TO THE IOTC AGREEMENT

### The Commission,

In conformity with Article XX, paragraphs 1 and 4, of the Agreement for the Establishment of the Indian Ocean Tuna Commission,

Agrees to amend the Agreement for the Establishment of the Indian Ocean Tuna Commission as follows:

- 1) In the last paragraph of the Preamble, the word “Considering” is replaced by the words “Previously considering”.
- 2) The following is inserted as the last paragraph of the Preamble:

“Now conscious that since the establishment of the Indian Ocean Tuna Commission, and taking account of the evolution of the fishing activities in the Area of competence of the Commission, it is appropriate to change the relationship between the Indian Ocean Tuna Commission and the Food and Agriculture Organization of the United Nations, to make the Indian Ocean Tuna Commission more efficient and effective in accomplishing its conservation and management objectives,”
- 3) In Article I, the words “within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”)” are deleted.
- 4) In Article IV paragraph 1, the word “FAO” is replaced by the words “the Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”)”.
- 5) In Article V paragraph 2 (e), the word “autonomous” is deleted.
- 6) Article V paragraph 2 (f) is deleted.
- 7) In Article VI paragraph 3, the words “or with the Constitution of FAO” are deleted.
- 8) In Article VI paragraph 7 is replaced by the following:

“The Commission may adopt and amend, as required, the Financial Regulations of the Commission by a two-thirds majority of its Members.”
- 9) Article VI paragraph 8 is replaced by the following:

“To establish a working relationship between the Commission and FAO, the Commission shall enter into negotiations with this Organization with a view to concluding a cooperation agreement. Such agreement should provide, *inter alia*, for the Director-General of FAO (hereinafter referred to as the “Director-General”) to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.”
- 10) Article VII paragraph 1 is deleted.
- 11) Article VII paragraph 2 is replaced by the following:

“States which, while not Members of the Commission, 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 as observers.”
- 12) Article VIII paragraph 1 is replaced by the following:

“The Executive Secretary of the Commission (hereinafter referred to as the “Executive Secretary”) shall be appointed by the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission. The staff of the Commission shall be appointed by the Executive Secretary and shall be under the Executive Secretary’s direct supervision. The Executive Secretary and staff of the Commission shall be appointed under terms and conditions as determined by the Commission.”

13) Article VIII paragraph 2 is replaced by the following:

“The Executive Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Executive Secretary shall also act as Executive Secretary to other subsidiary bodies established by the Commission, as required.”

13) Article VIII paragraph 3 is replaced by the following:

“The expenses of the Commission shall be paid out of its budget.”

14) In Article IX paragraphs 3, 4 and 7 the word “Secretary” is replaced by “Executive Secretary” wherever occurring.

15) Article XII paragraph 6 is replaced by the following:

“The establishment by the Commission of any sub-commission which requires funding by the Commission, and of any committee, working party or other subsidiary body shall be subject to the availability of the necessary funds in the approved budget of the Commission. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission shall have before it a report from the Executive Secretary on the administrative and financial implications.”

16) In Article XIII paragraphs 1 and 2 the word “autonomous” is deleted.

17) Article XIII paragraph 4 is deleted.

18) In Article XIII paragraph 5 the words “with the concurrence of the Director-General” are deleted.

19) Article XIII paragraph 7 is replaced by the following:

“Contributions and donations and other forms of assistance received shall be administered by the Executive Secretary in conformity with the Financial Regulations of the Commission.”

20) In Article XIV, the words “, after consultation with the Director-General,” are deleted.

21) The following Article is inserted after Article XIV:

**“Article XIV bis**

“The Commission may enter into agreements with Members of the Commission concerning privileges and immunities necessary for the functioning of the Commission.”

22) In Article XVII paragraph 3, the words “, all Members of FAO” are deleted.

23) Article XX paragraph 2 is replaced by the following:

“Proposals for amendments may be made by any Member of the Commission and shall be addressed to both the Executive Secretary and the Director-General, not later than 120 days before the Session

of the Commission at which the proposal is to be considered. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments.”

24) Article XX paragraph 3 is deleted.

25) In Article XX paragraph 4, the words “, subject to paragraph 3 above” are deleted.

26) In Article XX paragraph 5, the words “, subject to paragraph 3 above,” are deleted.

27) In Article XX paragraph 7, the words “, all members and Associate Members of FAO” are deleted.

28) In Article XXI paragraph 1, the words “and the members and Associate Members of FAO” are deleted.

29) Article XXI paragraph 3 is deleted.

30) In Article XXIV subparagraph (a), the words “and Associate Member of FAO and to such non-Member States as may become party to this Agreement” are replaced by the words “of the Commission”.

31) Article XXIV subparagraph (c) is replaced by the following:

“(c) inform each Member of the Commission of:

(i) any application for membership in the Commission;

(ii) proposals for the amendment of this Agreement or of the Annexes thereto.”

32) In Article XXIV subparagraph (d), the words “and Associate Member of FAO and any non-Member States as may become party to this Agreement” are replaced by the words “of the Commission”.