

## APPENDIX F

### **RULES OF PROCEDURE OF THE INDIAN OCEAN TUNA COMMISSION**

#### **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.

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.

Organization: the Food and Agriculture Organization of the United Nations (FAO).

Conference: the Conference of the Organization.

Council: the Council of the Organization.

Director-General: the Director-General of the Organization.

Observer Nations: Members of FAO which are not members of the Commission attending sessions of the Commission as observers in accordance with Article VII, paragraph 1 of the Agreement.

Observer Associate Members: Associate Members of FAO which are not members of the Commission attending sessions of the Commission as observers in accordance with Article VII, paragraph 1 of the Agreement.

Observer Non-member States of FAO: Non-member States of FAO 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 Nation, Observer Associate Member, Observer Non-member State of FAO, Observer Intergovernmental Organization or Observer Non-governmental Organization.

## **RULE II: SESSIONS OF THE COMMISSION**

1. In accordance with Article VI.4 of the Agreement, the regular sessions of the Commission shall be held once a year. They shall be convened by the Chairperson of the Commission.
2. In pursuance with Article VI.5 of the Agreement, during intervals between regular sessions, the Chairperson of the Commission may convene special sessions of the Commission, if so requested by at least one third of its members.
3. The date of the sessions shall be determined by the Commission in consultation with the Director-General. 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, in consultation with the Director-General.
4. Should a session of the Commission be held in a place which is not the seat of the Commission, the Director-General, in accordance with the provisions of Rule XXXVII.4 of the General Rules of the Organization, should, before that session be convened, be assured that the Government hosting the session is willing to grant to all delegates, alternates, experts, advisers, observers and members of the Secretariat of the Commission and of the Secretariat of the Organization and other persons entitled to attend such session, the privileges and immunities that are necessary for the independent exercise of their functions in connection with the session.
5. Invitations to a regular Session of the Commission shall be prepared by the Secretary and issued by the Chairperson of the Commission not less than 90 days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than 30 days in advance of the date fixed for the opening of the session.

## **RULE III: CREDENTIALS**

At each session the Secretary shall receive the credentials of delegations. Such credentials shall conform to the standard form set by the Secretary. Upon examination thereof, the Secretary shall report to the Commission for the necessary action.

## **RULE IV: AGENDA**

1. A provisional agenda for each regular session of the Commission shall be drawn up by the Secretary and sent to the Members following the approval of the Chairperson. The provisional agenda will also be sent to the Observer Nations and Observer Associate Members, which attended the previous regular session of the Commission or have requested to attend the next session. It shall be sent not less than sixty days before the date of the session, together with the reports and documents available in connection with the session.
2. For Observer Non-member States of FAO, Observer Intergovernmental Organizations or Observer Non-governmental Organizations, such information shall be sent if a decision to invite them to attend the session of the Commission has already been taken. In accordance with Rule XIII.10, invitations will also be sent to intergovernmental organizations or institutions having concluded with the Commission, under Article XV of the Agreement, an agreement formally providing for the participation of these organizations and institutions in Commission sessions.
3. The Secretary shall send a provisional agenda with comments, including any proposal by members, not less than thirty days before the session.

4. The provisional agenda of the regular sessions shall include:
  - a) election of the Chairperson and of the Vice-chairpersons as provided for under Article VI.6 of the Agreement, as appropriate;
  - b) adoption of the agenda;
  - c) reports and recommendations of the sub-commissions, the Scientific Committee, the committees, working parties and other subsidiary bodies which might be established;
  - d) proposals relating to the conservation and management measures pursuant to Article IX of the Agreement;
  - e) reports on research and development activities in respect of stocks and fisheries covered by this Agreement in accordance with Article V.2(b);
  - f) report and recommendations by the Secretary on the annual accounts of the Commission and all the activities of the Secretariat;
  - g) consideration of the proposed Programme of Work and Budget of the Commission for the ensuing financial period;
  - h) items approved at the previous session;
  - i) proposals for amendments to the Agreement, the Rules of Procedure and the Financial Regulations of the Commission as appropriate;
  - j) applications for membership in accordance with Article IV.2 of the Agreement as appropriate;
  - k) items referred to the Commission by the Conference, the Council or the Director-General.
5. The provisional agenda may also include:
  - a) items proposed by the Scientific Committee and the other subsidiary bodies;
  - b) items proposed by a Member.
6. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

## **RULE V: THE SECRETARIAT**

1. The Secretariat shall consist of the Secretary and such staff appointed by him/her and under his/her supervision.
2. The Secretary of the Commission shall be appointed by the Director-General with the approval of the Commission, in accordance with the procedure set out by the Commission at its First Special Session and annexed hereto.
3. The Secretary shall be appointed for a term of three years renewable for two further terms of three years each.
4. The Secretary will remain in function until a successor has taken up duties.
5. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. In the exercise of his functions, the Secretary will have direct relations with all Members of the Commission as well as with the FAO Secretariat at all levels.

6. The duties of the Secretary shall include:
  - a) communication of information received from Members;
  - b) receipt, collection, circulation, drafting and presentation of documents, reports, papers and resolutions for the sessions of the Commission, the sub-commissions, the Scientific Committee and other subsidiary bodies;
  - c) maintaining records of the proceedings;
  - d) facilitating the collection of data necessary to accomplish the objectives of the Commission;
  - e) administering and reporting to the Commission on the financial and staffing resources of the Commission.
  - f) performance of such other duties as the Commission may assign;
7. Copies of all communications concerning the affairs of the Commission shall be sent to the Secretary by the Members for purposes of information and record.

#### **RULE VI: MEETINGS OF THE COMMISSION**

1. In accordance with Article VII of the Agreement, meetings of the Commission shall be open to Observers. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

2. The meetings of the Scientific Committee, the sub-commissions, the committees, working parties and other subsidiary bodies, which may be established, shall be open to Delegations only unless otherwise decided by the Commission.

#### **RULE VII: ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS**

1. Pursuant to Article VI.6 of the Agreement, the Commission shall, at the end of its regular session in each alternate year or sooner if an office falls vacant, elect its Chairperson and no more than two Vice-Chairpersons, who shall hold office until their successors are elected.

2. Nominees must be delegates or alternates attending the meeting. The Chairperson and Vice-Chairpersons shall not be eligible for re-election if they have held the positions for two consecutive terms preceding the elections to fill these positions.

#### **RULE VIII: FUNCTIONS OF THE CHAIRPERSON AND VICE-CHAIRPERSONS**

1. The Chairperson shall exercise the functions conferred on him/her in the Agreement and in these rules and in particular shall:

- a) declare the opening and closing of each plenary meeting of the Commission;
- b) direct the discussions at such meetings and ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions;
- c) rule on points of order;
- d) subject to these Rules, have control over the proceedings of the meeting.

2. In the absence of the Chairperson or at his/her request, the functions of the Chairperson shall be exercised by one of the Vice-Chairpersons.
3. The Chairperson or the Vice-Chairperson acting as Chairperson has a right to vote if he is acting as only representative of his country.
4. In the interval between two sessions of the Commission, the Chairperson shall exercise the functions assigned to him/her by the Agreement or the Rules of Procedure, as well as any function entrusted to him/her by the Commission.

#### **RULE IX: VOTING ARRANGEMENTS AND PROCEEDINGS**

1. Except as provided for in paragraph 4 of this Rule, votes at meetings of the Commission shall be by show of hands unless a member requests that the vote be taken by a roll call or secret ballot, and that this request is seconded.
2. A vote by roll call shall be taken by calling the names of the members of the Commission entitled to vote in the English alphabetical order, beginning with the member which has been chosen by lot.
3. A record of any roll call vote or postal vote shall show the vote cast by each delegate and any abstention.
4. Unless the Commission decides otherwise, voting on matters relating to individuals, including the election of officers of the Commission and, if applicable, the recommendation regarding the name of the Secretary to be forwarded to the Director-General for appointment, shall be by secret ballot.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If the votes are equally divided on the second ballot, as many ballots as necessary will be held to determine the elected candidate.
6. Votes cast means votes "in favour" and "against".
7. If the Commission is equally divided when a vote is taken on a question other than an election and the recommendation regarding the name of the Secretary to be forwarded to the Director-General for appointment, a second vote and a third vote may be taken at the current session at the request of the proposer. If the Commission remains equally divided, the proposal shall not be further considered at the current session.
8. Voting arrangements and other related matters not specifically provided for in the Agreement or in these Rules shall be governed *mutatis mutandis* by the provisions of the General Rules of the Organization.

#### **RULE X: THE SCIENTIFIC COMMITTEE**

1. Unless otherwise decided by the Commission, this Rule will govern the procedures to be applied to the Scientific Committee.
2. Pursuant to Article XII.1 of the Agreement, the Commission shall establish a permanent Scientific Committee. The Scientific Committee will act as advisory body to the Commission.

3. The Scientific Committee shall be constituted of scientists; each Member of the Commission shall have the right to appoint a representative and an alternate, if needed, both with suitable scientific qualifications, who may be accompanied by experts and advisers.
4. The Commission may invite experts, in their individual capacity, to enhance and broaden the expertise of the Scientific Committee and of its working parties.
5. The Members of the Commission shall finance the participation of their representatives, alternates, experts and advisers to the Scientific Committee meetings, as well as to its working parties. They will also finance the out of session work, within the framework of the Scientific Committee, of these representatives, alternates, experts and advisers. The Commission may finance the participation of the experts invited in their individual capacity to participate in its meetings or in the working parties meetings.
6. The Scientific Committee shall elect, preferably by consensus, a Chairperson and a Vice-Chairperson from among its members for two years. The Chairperson and the Vice-Chairperson shall be eligible for re-election for another two-year term.
7. The Chairperson of the Scientific Committee shall have, during the Scientific Committee meetings, the same powers and duties as the Chairperson of the Commission has in relation to meetings of the Commission itself.
8. The Chairperson of the Scientific Committee shall, in consultation with the Chairperson of the Commission and the Director-General, convene sessions of the Scientific Committee. In the interval between two sessions of the Scientific Committee he/she will also exercise any function entrusted to him/her by the Committee.
9. Pursuant to Article VIII.2 of the Agreement the Secretary of the Commission shall act as Secretary to the Scientific Committee.
10. The Scientific Committee shall:
  - a) recommend policies and procedures for the collection, processing, dissemination and analysis of fishery data;
  - b) facilitate the exchange and critical review among scientists of information on research and operation of fisheries of relevance to the Commission;
  - c) develop and coordinate cooperative research programmes involving Members of the Commission in support of fisheries management;
  - d) assess and report to the Commission on the status of stocks of relevance to the Commission and the likely effects of further fishing and of different fishing patterns and intensities;
  - e) formulate and report to the sub-commission, as appropriate, on recommendations concerning conservation, fisheries management and research, including consensus, majority and minority views;
  - f) consider any matter referred to by the Commission;
  - g) to carry out other technical activities of relevance to the Commission
11. The Scientific Committee will carry out its work at annual meetings held before those of the Commission. With the approval of the Commission, the Chairperson of the Scientific Committee may

convene special meetings between its annual meetings. In consultation with the Secretariat of the Commission, the Chairperson of the Scientific Committee may initiate and direct some work to be carried out by the Scientific Committee through correspondence.

12. The Chairperson of the Scientific Committee, in consultation with the Secretariat of the Commission, may also convene working parties of scientists for the purpose of stock assessment, preparation of management advice and any other research in support of fisheries management. They shall be constituted of scientists who are directly involved in and/or who may significantly contribute to the proposed work of the working parties. These scientists may also include scientists from non-Members of the Commission that are eligible to become Members and experts in their individual capacity.

13. The procedures of the Scientific Committee and of its working parties shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

#### **RULE XI: THE SUB-COMMISSIONS**

1. Pursuant to Article XII.2 of the Agreement, the Commission may establish sub-commissions to deal with one or more of the stocks covered by the Agreement.

2. Sub-commissions shall be open to Members of the Commission which are coastal States lying on the migratory path of the stocks concerned in the sub-commission or are States whose vessels participate in the fisheries of these stocks.

3. Pursuant to Article XII.4 a sub-commission provides a forum for consultation and cooperation on matters related to the management of the stocks concerned and in particular:

- a) to keep under review the stocks concerned and to gather scientific and other relevant information relating to the stocks concerned;
- b) to assess and analyse the conditions and trends of the stocks concerned;
- c) to examine management options and recommend to the Commission appropriate management measures;
- d) to coordinate research and studies of the stocks;
- e) to report to the Commission on its findings;
- f) to consider any matter referred to it by the Commission.

4. A majority of the members of a sub-commission shall constitute a quorum.

5. Recommendations and proposals of the sub-commissions can be adopted by simple majority. However, the preference would be to take the decision by consensus. Each member of the sub-commission will have the right to have its opinion included in the report.

6. The procedures of the sub-commissions established in accordance with paragraph 2 of Article XII of the Agreement shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

#### **RULE XII: THE OTHER SUBSIDIARY BODIES OF THE COMMISSION**

1. Pursuant to Article XII.5 the Commission may also establish such committees, working parties or other subsidiary bodies as may be necessary for the purposes of the Agreement.

2.The procedures of subsidiary bodies of the Commission established in accordance with paragraph 5 of Article XII of the Agreement shall be governed *mutatis mutandis* by the Rules of procedure of the Commission.

### **RULE XIII: PARTICIPATION BY OBSERVERS**

1.The Director-General or a representative designated by him, shall have the right to participate without vote in all meetings of the Commission, of the Scientific Committee and of any other subsidiary body of the Commission.

2.Members and Associate Members of the Organization that are not Members of the Commission are, upon their request, invited to be represented by an observer at sessions of the Commission.

3.States which are not Members of the Commission, nor Members of the Organization, 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 and to the principles relating to the granting of observer status to Nations adopted by the Conference, be invited to attend sessions of the Commission in an observer capacity.

4.The Commission may, on their request, invite intergovernmental organizations having special competence in the field of activity of the Commission, to attend such of its meetings as the Commission may specify.

5.The Commission may invite, upon request, non-governmental organizations having special competence in the field of activity of the Commission to attend such of its meetings as the Commission may specify. The list of the NGOs wishing to be invited will be submitted beforehand by the Secretary to the Members of the Commission. If one of the Members of the Commission objects giving in writing its reasons within 30 days, the matter will then be subject to decision of the Commission out of session by written procedure.

6.The Commission, on proposal of its Secretary, may decide to request a contribution towards the additional administrative costs arising from the attendance of observers at its Sessions, subject to reciprocity in the case of intergovernmental organizations.

7.Participation of regional economic integration organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as by the rules on the relations with international regional economic integration organizations adopted by the Conference or the Council.

8.Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission. Observer nations and Observer Associate Members may submit memoranda and participate without vote in the discussions. Observer Non-Member States of FAO as well as Observer intergovernmental organizations or Observer non-governmental organizations may be invited by the Commission to submit memoranda and deliver oral statements.

9.The Commission may invite consultants or experts, in their individual capacity, to attend the meetings or participate in the work of the Commission as well as the Scientific Committee and the other subsidiary bodies of the Commission.

10.In accordance with Article XV of the Agreement, the Commission may enter into agreements with other intergovernmental organizations and institutions, especially those active in the fisheries sector,



which might contribute to the work and further the objectives of the Commission. Such agreements may provide that these organizations or institutions may be represented as observers in the sessions of the Commission. Observers from these organizations or institutions will be authorized to submit memoranda and, as appropriate, to participate in the discussions of the Commission, the Scientific Committee and the other subsidiary bodies of the Commission, without voting right.

#### **RULE XIV: RECORDS, REPORTS AND RECOMMENDATIONS**

1. A report shall be adopted at the end of each session of the Commission; the report of the session shall be published together with such technical papers and other documents, as the Commission may wish to publish.
2. The report adopted shall embody the Commission's decisions and recommendations, including, when requested, a statement of minority views.
3. 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 transmitted to the Director-General. The Secretary shall circulate them to the Members of the Commission, to all FAO Members and Associate Members, to non-members of the Commission, non-members of FAO, 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.
4. Decisions and recommendations which might have policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council for action.
5. Subject to the provisions of the preceding paragraph, the Chairperson may request the Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of decisions and recommendations made by the Commission.

#### **RULE XV: AMENDMENTS TO THE AGREEMENT**

1. 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 or by the Director-General. Proposals made by a Member of the Commission shall be addressed to both the Chairperson of the Commission and the Director-General and those made by the Director-General shall be addressed to the Chairperson of the Commission, 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.
2. No action on a proposal of amendment to the Agreement shall be taken by the Commission at any session unless it has been included in the provisional Agenda of the session.

#### **RULE XVI: AMENDMENT OF RULES**

Amendments or additions to these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission at any plenary meeting of the Commission provided that copies of the proposals for amendment or addition have been distributed or circulated to the delegations at least 60 days before the session of the Commission.

**RULE XVII: OFFICIAL LANGUAGES**

The official languages of the Commission shall be English and French.

## **Annex**

### **Procedure for Appointment of the Secretary of the Commission**

- (a) The Director-General will issue a vacancy announcement in conformity with the rules and regulations of FAO. The vacancy announcement will incorporate the terms of reference and qualifications agreed upon by the Commission;
- (b) The applications received by the Director-General will be assessed by the FAO Fisheries Department. The Department will evaluate all candidates against the qualifications agreed upon by the Commission, draw up a list of no more than 12 candidates and not less than six candidates and submit that list and evaluation sheets, including those of the candidates not retained, to all Members of the Commission;
- (c) The Members of the Commission will review the candidatures and indicate within 30 days their ranking of the candidates in order of preference to the Director-General. The Director-General will compile the results and report them to the Commission at its next session.
- (d) The Commission will review the candidatures and forward its recommendation to the Director-General for the appointment of the Secretary in accordance with Article VIII.1 of the Agreement.

### **Qualifications and benefits**

- (a) The incumbent should have university level qualifications, preferably at post-graduate level, in fisheries biology, fisheries science, fisheries economics or related field. He/she should have at least ten years experience in fisheries management, policy formulation, preferably including bilateral and international relations. He/she should have the ability to exercise a high degree of professional initiative. The incumbent should also be conversant with the preparation of budgets, documents and the organization of international meetings. He/she should have working knowledge, level C, of either English or French. Preference will be given to candidates who have working knowledge in both languages.
- (b) Other essential requirements include competence in the selection of staff; demonstrated ability to supervise professional matters in subject field; and familiarity with the use of word processing, spread sheets and database management systems.
- (c) Desirable requirements include: a high degree of adaptability and ability to cooperate effectively with people of different nationalities and of various social and cultural backgrounds and education levels.
- (d) The Secretary will be graded at the P-5 level based on the United Nations salary scheme for professional and high categories. He/she will in addition, be entitled to a variable element for post adjustment, pension, insurance, etc. The Secretary is appointed under the same terms and conditions as staff members of FAO.

### Terms of reference

Pursuant to Article VIII.2 of the Agreement, the Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. He/she shall also act as Secretary to the subsidiary bodies established by the Commission, as required.

The incumbent will have overall responsibility for planning, coordination and administration of the Commission in accordance with the Agreement and the decisions of the Commission.

He/she shall, for administrative purposes, be responsible to the Director-General of FAO and be technically supervised by its Fisheries Department.

He/she will in particular:

- (a) receive and transmit the Commission's official communications;
- (b) maintain high level contacts with appropriate government officials, fishery institutions and international organizations concerned with tuna fisheries to facilitate consultation and cooperation between them on information collection and analysis;
- (c) maintain an active and effective network of national focal points for routine communication of progress and results of the activities of the Commission;
- (d) prepare and implement work programmes, prepare budgets and ensure timely reporting to the Commission;
- (e) authorize disbursement of funds in accordance with the Commission's budget;
- (f) account for the funds of the Commission;
- (g) stimulate interest among Members of the Commission and potential donors in the activities of the Commission and in possible financing or in implementing of pilot projects and complementary activities;
- (h) promote, facilitate and monitor the development of databases for resource assessment and biological and socio-economic research to provide a sound basis for conservation management;
- (i) coordinate the Members' programmes of research when required;
- (j) organize sessions of the Commission and its subsidiary bodies and other related *ad hoc* meetings;
- (k) prepare background papers and a report on the Commission's activities and the programme of work for submission to the Commission at the regular sessions, and arrange the subsequent publication of the report and the proceedings of the Commission as well as its subsidiary bodies and related *ad hoc* meetings;
- (l) perform other related duties as required.