

04 September 2019

IOTC CIRCULAR 2019-35

Dear Madam / Sir

OBJECTION FROM INDIA TO IOTC RESOLUTION 19/01 ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE IOTC AREA OF COMPETENCE

Please find attached a communication from India (Annex 1) regarding its objection, in accordance to Article IX (5) of the IOTC Agreement, to IOTC Resolution 19/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of competence*, which was adopted at the 23rd Session of the IOTC.

The Resolutions adopted at S23 ([click here](#)) are to enter into force on 29 October 2019, with the exception of Resolution 19/01 due to the objection that has been received. According to the Article IX of the IOTC Agreement an extension period of 60 days (until 28 December 2019) now applies before Resolution 19/01 comes into force, unless more than one-third of the Members also object.

The relevant paragraphs (5, 6 and 7) of Article IX on the objection process are reproduced in Annex 2 for easy reference.

Advice of the FAO Legal Office on objections is that IOTC Resolutions adopted by the Commission are considered as self-standing instruments, which enter into force according to the relevant provision of the IOTC Agreement (Article IX, para. 1), and, therefore, a previous version of the objected Resolution, where applicable, would be binding on the party making the objection. The same would apply to a Resolution, which supersedes the objected Resolution, if an objection is not registered.

Noting this advice, Resolution 18/01 *On an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence* remains binding for India.

Yours sincerely



Christopher O'Brien
Executive Secretary

Attachments:

- Annex 1: Communication from India
- Annex 2: Excerpt from Article IX of the IOTC Agreement

Distribution

IOTC Contracting Parties: Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Yemen. **Cooperating Non-Contracting Parties:** Liberia, Senegal. **Intergovernmental Organisations, Non-Governmental Organisations.** Chairperson IOTC. **Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only

ANNEX 1

Objection from India to Resolution 19/01

No.27016/12/2019-Fy (IC) Pt.
Government of India
Ministry of Fisheries, Animal Husbandry and Dairying
Department of Fisheries

Krishi Bhawan, New Delhi
Dated 30th August, 2019

To,

The Executive Secretary,
Indian Ocean Tuna Commission (IOTC),
Le Chantier Mall (2nd floor)
PO Box 1011
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Seychelles,
Tel: +248 4225494
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Subject: Objection to IOTC Resolution 19/01 under Article IX (5) of the IOTC Agreement-reg.

Ref. (1) IOTC Circular 2019-27 dated 01st July, 2019
(2) IOTC 23rd Session Report

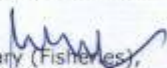
Sir,

I am to refer to IOTC Circular 2019-27 dated 01st July, 2019 communicating the Conservation and Management Measures (CMMs) adopted by the Indian Ocean Tuna Commission (IOTC) in its 23rd Session held at Hyderabad during 17-21 June, 2019. In this regard, the Indian delegation had objected to the 'Resolution 19/01', as also noted in the 'para-48' of the Draft Report of the 23rd Session of IOTC.

2. As per provision under Article IX (5) of the IOTC Agreement, India hereby submits its objection to the application of the 'IOTC Resolution 19/01: On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of competence' to the country. The same may be notified as per the provisions of Article IX, Para 7 to all concerned.

3. This communication is being made with the approval of the Competent Authority in the Department of Fisheries, Ministry of Fisheries, Animal Husbandry & Dairying, Government of India.

Yours faithfully,


Joint Secretary (Fisheries),
Department of Fisheries,
Ministry of Fisheries, Animal Husbandry and Dairying;
Room No. 103, Krishi Bhawan,
New Delhi-110 001

ANNEX 2

The relevant paragraphs (5, 6 and 7) of Article IX of the IOTC Agreement on the objection process.

5. Any Member of the Commission may, within 120 days from the date specified or within such other period as may be specified by the Commission under paragraph 4, object to a conservation and management measure adopted under paragraph 1. A Member of the Commission which has objected to a measure shall not be bound thereby. Any other Member of the Commission may similarly object within a further period of 60 days from the expiry of the 120-day period. A Member of the Commission may also withdraw its objection at any time and become bound by the measure immediately if the measure is already in effect or at such time as it may come into effect under this article.

6. If objections to a measure adopted under paragraph 1 are made by more than one-third of the Members of the Commission, the other Members shall not be bound by that measure; but this shall not preclude any or all of them from giving effect thereto.

7. The Secretary shall notify each Member of the Commission immediately upon receipt of each objection or withdrawal of objection.