

10<sup>th</sup> June 2010

## IOTC CIRCULAR 2010/40

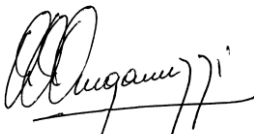
### **SUBJECT: COMMUNICATION FROM THE SULTANATE OF OMAN CONCERNING IOTC CIRCULAR 2010/38**

At the request of the Sultanate of Oman, I would like to invite you to review the attached letter.

I would also like to take this opportunity to remind you that, in accordance with paragraph 19 of IOTC Resolution 09/03, your conclusion to either remove the vessel, or keep the vessel, on the IOTC IUU Vessels List should be submitted to the Executive Secretary within 30 days of the date following the notification of the request to remove the vessel for the IOTC IUU Vessels List. As you may recall, the notification was made through IOTC Circular 2010/35 on 14<sup>th</sup> May, 2010.

For those Contracting Parties that have not yet communicated their conclusion on this issue, I look forward to receive your soonest advice.

Yours sincerely,



Alejandro Anganuzzi  
Executive Secretary

#### **Attachments**

- 1. Letter from the Sultanate of Oman

#### **Distribution**

**IOTC Members:** Australia, Belize, China, Eritrea, European Union, India, Indonesia, Iran, Japan, Kenya, Korea, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

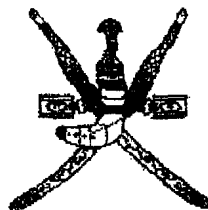
**IOTC Chairperson.**

**IOTC Compliance Committee Chairperson**

**Copy:** Maldives, South Africa, Uruguay, FAO

This message has been transmitted by email only

**Sultanate of Oman**  
**Ministry of Fisheries Wealth**



سُلْطَنَةُ عُضْمَانِ  
وَزَارَةُ الثَّرْوَةِ السَّمَكِيَّةِ

No. : 2146

Date: 18/6/1431

Date: 1/6/2010

..... : الرقم

..... : التاريخ

..... : الموافق

Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission

Dear Sir,

**SUBJECT: Clarifications sought by Japan concerning the request for the deletion of RWAD 1 from the IOTC IUU Vessels List**

With reference to the above subject, we wish to clarify that there was an agreement by all CPCs at the Seventh Session of the Compliance Committee and at the Fourteenth Session of the Commission that the vessel RWAD 1 should be placed under a conditional probation - The Committee agreed to put this vessel under probation for a period of three months, within which Oman should provide evidence about the origin of the catches onboard. In addition, the Committee requested Oman to request the vessel Rwad 1 to stop fishing until a final decision is taken about this issue (para. 79 of the *Report of the Seventh Session of the Compliance Committee*). The Committee requested that the Commission considers listing the vessel Rwad 1 in the IOTC IUU List if Oman fails to implement the measures requested within the next three months (para. 80 of the *Report of the Seventh Session of the Compliance Committee*).

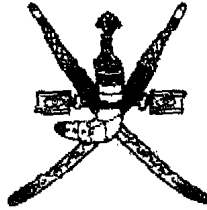
The Commission decided to apply another approach, which was not consistent with the recommendation of the Compliance Committee; that is, to place the vessel on the list and adding a footnote to indicate that the vessel is on a three month probation pending the provision of information requested from Oman (para. 25 of the *Report of the Fourteenth Session of the Commission*).

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**Sultanate of Oman**  
**Ministry of Fisheries Wealth**



سلطنة عمان  
وزارة الثروة السمكية

No. : 2146

Date: 18/6/1431

Date: 11/6/2010

الرقم :

التاريخ :

الموافق :

Therefore, the agreement was for Oman to provide two pieces of information within the three month period, which Oman has complied with. However, we are now surprised to learn that Japan is asking for additional information, which was not part of the agreement reached in the Busan meetings. If the documents that have been provided by Oman give rise to additional questions/concerns, they should not be the reason for keeping the vessel on the list, as Oman has fulfilled its obligations. We would like to draw attention to the fact that the justificatory arguments presented here do not by any means represent the deviation of Oman's obligations to the IOTC missions, but about the principles that should govern the decision in this particular case.

We are not ruling out the questions/points raised by Japan as being invalid or unimportant for an appraisal of actions of this kind. However, the first two points raised by Japan relate to the vessel when it was not operating under the flag of Oman. As mentioned in our previous response to the Commission that the process of change in ownership of the vessel started in August 2009 and the authority has no evidence that would demonstrate any business connections between the current and previous owners since the vessel was reflagged to Oman. The unintentional lateness in listing the vessel Rwad1 on the IOTC record was mainly due to that fact that a significant restructuring process, including the re-assignment of personnel took place in the authority during 2009 and, therefore, the decision of this kind that involves various sections of the authority was affected.

Oman wishes to reiterate its commitment to implement IOTC management measures, in particular those relating with IUU activities and, as such, we would be happy to work with Japan or any other interested Member of the Commission to resolve any concerns that they may have on the RWAD 1 (ex-MARINE 88), but not in the context of introducing new conditions for the removal of the vessel from the IOTC IUU Vessels List. If, however, Japan or any other Member of the IOTC wishes to reopen the debate on the RWAD 1, we would respectfully request that this is done in the next meeting of the Compliance Committee and through the procedure set out in IOTC Resolution 09/03.

We shall be grateful if you could circulate this letter to all the CPCs.

Sincerely yours,

4/ Ibrahim Said Al-Busaidi  
Director General Of Fisheries Development

