

REVIEW OF OBJECTIONS RECEIVED UNDER ARTICLE IX.5 OF THE IOTC AGREEMENT

PREPARED BY: IOTC SECRETARIAT, 19 MARCH 2015

PURPOSE

To provide the Commission with an opportunity to review the '**Objections**' received at previous Sessions of the Commission that remain in effect, and consider how such a review process should be carried out.

BACKGROUND

Article IX (paragraphs 5, 6 and 7) of the IOTC Agreement refers to the '**Objections**' procedure for Conservation and Management Measures adopted by the Commission. Specifically:

Para. 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.

Para. 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.

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

History of Objections received:

2013: At the 17th Session of the Commission, pursuant to Article IX.5 of the IOTC Agreement, the IOTC received the 1st formal objection from a Member (India) of the Commission, for four (4) Conservation and Management Measures adopted during the 17th Session of the Commission, as follows:

- **Resolution 13/02** *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence* (This Resolution superseded two previous Resolutions, 01/02 and 07/02)
- **Resolution 13/03** *On the recording of catch and effort by fishing vessels in the IOTC area of competence* (This Resolution superseded Resolution: 12/03)
- **Resolution 13/06** *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries* (This was a new Resolution)
- **Resolution 13/07** *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information* (This Resolution superseded Resolution 12/07)

This meant that none of these four (4) new Resolutions were legally binding on India. However, the previous versions of these Resolutions (if any), remained binding on India, as follows:

- **Resolution 12/03** *On the recording of catch and effort by fishing vessels in the IOTC area of competence*

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- **Resolution 12/07** *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*
 - **Resolution 07/02** *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area*
 - **Resolution 01/02** *Relating to control of fishing activities*
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2014: At the 18th Session of the Commission, the following Conservation and Management Measures were adopted which superseded the previously objected to CMMs, with no further Objections received:

- **Resolution 14/04** *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence. (superseded Resolution 13/02)*
 - o **NOTE:** Resolution 01/02 and Resolution 07/02 were superseded by Resolution 13/02 in 2013 and Resolution 14/04 in 2014. As no Objections were received on 14/04 it is now binding on all Members.
 - **Resolution 14/05** *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*
 - o **NOTE:** Resolution 12/07 was superseded by Resolution 13/07 in 2013 and Resolution 14/05 in 2014. As no Objections were received on 14/05 it is now binding on all Members.
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2015: Noting the above sequence, the following two active Resolutions remain non-binding India:

- **Resolution 13/06** *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries*
 - **Resolution 13/07** *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*
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DISCUSSION

Although paragraph 7 of Article IX of the IOTC Agreement indicates that each Member may withdraw its **Objection**, via notification to the IOTC Secretariat, there is no clear review process for the Commission to review/discuss previous objections received. As such, the Commission may wish to review existing objections to Conservation and Management Measures, and consider developing a formal annual review and potential withdrawal process for Members to follow.

On 9 July 2014, the IOTC Secretariat communicated via letter IOTC Ref: 5416 ([Appendix I](#)) that the Objection received by India came into effect on 14 November 2013.

On 2 October 2014, the IOTC Secretariat communicated via letter IOTC Ref: 5551 ([Appendix II](#)) the FAO legal advice which indicated 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). At the coming into force of the Resolutions 14/05 and 14/04, India's objection may become redundant, as India has not objected to the revisions of Resolutions 13/07 and 13/02, but to the revisions of Resolutions 07/02 and 12/07.

No further communication has been received on the matter and thus, Resolutions 14/04 and 14/05 are binding on India.

RECOMMENDATION/S

That the Commission

- 1) **NOTE** paper IOTC-2015-S19-07 which provided the Commission with an opportunity to review the '*Objections*' received at previous Sessions of the Commission, and consider how such a review process should be carried out;
- 2) **CONSIDER** discussing and developing a process to annually review any objections received under Article IX of the IOTC Agreement.

9 July 2014

IOTC Ref: 5416

Joint Secretary
Government of India
Ministry of Agriculture
Department of Animal Husbandry, Dairy & Fisheries

Attn: Fisheries Development Commissioner (B. Vishnu Bhat)

Email: jsfy@nic.in, fyic-ahd@nic.in, bhatbvishnu@gmail.com

Dear Sir,

Subject: Objection to IOTC Resolutions by India and Feedback.

I refer to our conversation on the margins of the 18th Session of the IOTC concerning your letter of 25th November 2013 and paragraph 118 of the 18th Session Report relating to India's feedback to the IOTC Secretariat on its objection to Resolutions 13/02, 13/03, 13/06 and 13/07.

I would like to confirm that the objection expressed by Government of India to Resolutions 13/02, 13/03, 13/06 and 13/07 became effective on 14th November 2013. Please refer to Circulars 2013-87 and 2013-102 (attached) on the entry into force of Resolutions adopted at the 17th Session. Please note the highlighted parts for ease of reference.

As regards to the request of the Commission (Para 118), this is in line with Article IX (5) of the IOTC Agreement whereby a Member of the Commission may also redraw its objection at anytime and be bound by the measure immediately if the measure is already in effect or at such time it may come into effect and that is why the Commission reviews any objections and request a feedback from the Member.

If you would like to have further clarifications, please do not hesitate to contact this office.

Please accept, Sir, the renewed assurances of my highest consideration.

Yours faithfully,



Rondolph PAYET
Executive Secretary

18 November 2013/ 18 November 2013

IOTC CIRCULAR 2013–102 / CIRCULAIRE CTOI 2013–102

Dear Sir/Madam,

SUBJECT: ENTRY INTO EFFECT OF THE CONSERVATION AND MANAGEMENT MEASURES ADOPTED AT THE 17TH SESSION OF THE IOTC

In reference to the Conservation and Management Measures adopted by the Commission at its 17th Session, with formal notification given to all CPCs on the 17th May 2013 via IOTC Circular 2013–49, and subsequently IOTC Circulars 2013–81 and 2013–87, I ask that you please take note of the following:

Pursuant to Article IX.5 of the IOTC Agreement, the IOTC Secretariat received an objection from India (dated 13 September 2013), for the following Conservation and Management Measures adopted at the 17th Session of the Commission:

- Resolution 13/02 *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence*
- Resolution 13/03 *On the recording of catch and effort by fishing vessels in the IOTC area of competence*
- Resolution 13/06 *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries*
- Resolution 13/07 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*

According to Article IX.5 of the Agreement, an extension period of 60 days (until 13 November 2013) was applied before the 4 IOTC Resolutions 13/02, 13/03, 13/06 and 13/07, were to come into force (14 November 2013), unless more than one-third of the Members also objected (Article IX.6).

As of 14 November 2013, no further objections from Members have been received by the IOTC Secretariat.

Pursuant to Article IX of the IOTC Agreement, the following 4 Conservation and Management Measures, adopted by the Commission at its 17th Session entered into effect on Thursday 14 November 2013:

- Resolution 13/02 *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence*
- Resolution 13/03 *On the recording of catch and effort by fishing vessels in the IOTC area of competence*
- Resolution 13/06 *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries*
- Resolution 13/07 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*

Please note that three out of the four Resolutions above, superseded previous Resolutions. 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.1). **Therefore, the following Resolutions remain in force in relation to India:**

Distribution / Destinataires

IOTC Members / Membres de la CTOI: Australia, Belize, 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, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Vanuatu, Yemen.

Cooperating non-Contracting Parties / Parties coopérantes non-contractantes: Senegal, South Africa.

Chairperson IOTC / Président de la CTOI

Copy to / Copie à: FAO Headquarters, FAO Representatives to CPCs, NGO

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- Resolution 07/02 *Concerning the Establishment of an IOTC Record of Vessels Authorised to Operate in the IOTC Area*, Resolution 01/02 *Relating to Control of fishing vessels*
- Resolution 12/03 *On the Record of Catch and Effort by Fishing vessels in the IOTC Area of Competence*
- Resolution 12/07 *Concerning a Record of Licensed Foreign Vessels Fishing for IOTC Species in the Area of Competence and Access Agreement Information*
- Resolution 01/02 *Relating To Control Of Fishing Activities*

In addition to the CMMs listed above, please be reminded that the following Resolution which was also adopted at the 17th Session of the Commission will enter into effect on 1 January 2014:

- Resolution 13/11 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence*

The updated *Compendium of Active Conservation and Management Measures for the Indian Ocean Tuna Commission* may be downloaded from the IOTC website at the following link, dated 14 November 2013:

<http://iotc.org/files/CMM/IOTC%20-%20Compendium%20of%20ACTIVE%20CMMs%2014%20November%202013.pdf>
[1.7 MB]

**SUJET: ENTRÉE EN VIGUEUR DES MESURES DE CONSERVATION ET DE GESTION
ADOPTÉES AU COURS DE LA 17^E SESSION DE LA CTOI**

Madame / Monsieur,

En référence aux Mesures de conservation et de gestion (MCG) adoptées par la Commission au cours de sa 17^e Session et notifiées formellement à toutes les CPC le 17 mai 2013 (Circulaire CTOI 2013-49, puis Circulaire CTOI 2013-49 et Circulaire CTOI 2013-87), je vous prie de prendre note de ce qui suit :

Au titre de l'Article IX.5 de l'Accord CTOI, veuillez noter que le Secrétariat de la CTOI a reçu de l'Inde une objection au sujet des mesures de conservation et de gestion suivantes, adoptées au cours de la 17^e session de la Commission.

- Résolution 13/02 *Concernant le registre CTOI des navires autorisés à opérer dans la zone de compétence de la CTOI*
- Résolution 13/03 *Concernant l'enregistrement des captures et de l'effort par les navires de pêche dans la zone de compétence de la CTOI*
- Résolution 13/06 *Sur un cadre scientifique et de gestion pour la conservation des requins capturés en association avec des pêcheries gérées par la CTOI*
- Résolution 13/07 *Sur un registre des navires étrangers autorisés pêchant les espèces sous mandat de la CTOI dans la zone de compétence de la CTOI et sur les informations relatives aux accords d'accès*

Au titre de l'Article IX de l'Accord portant création de la CTOI, un délai supplémentaire de 60 jours (jusqu'au 13 novembre 2013) a été accordé avant que les résolutions de la CTOI 13/02, 13/03, 13/06 et 13/07 n'entrent en vigueur (soit jusqu'au 14 novembre 2013), à moins qu'au moins un tiers des membres n'y objectent également (Article IX.6).

À la date du 14 novembre 2013, aucune autre objection de la part des membres n'a été reçue au Secrétariat de la CTOI.

Au titre de l'Article IX de l'Accord CTOI, les quatre mesures de conservation et de gestion suivantes, adoptées au cours de la 17^e session de la Commission, sont entrées en vigueur le jeudi 14 novembre 2013 :

- Résolution 13/02 *Concernant le registre CTOI des navires autorisés à opérer dans la zone de compétence de la CTOI*
- Résolution 13/03 *Concernant l'enregistrement des captures et de l'effort par les navires de pêche dans la zone de compétence de la CTOI*
- Résolution 13/06 *Sur un cadre scientifique et de gestion pour la conservation des requins capturés en association avec des pêcheries gérées par la CTOI*

- Résolution 13/07 *Sur un registre des navires étrangers autorisés pêchant les espèces sous mandat de la CTOI dans la zone de compétence de la CTOI et sur les informations relatives aux accords d'accès*

Veillez noter que trois des quatre résolutions remplacent des résolutions précédemment adoptées. Les résolutions adoptées par la Commission sont considérées comme des instruments à part entière, qui entrent en vigueur selon les dispositions applicables de l'Accord CTOI (Article IX.1). **Ainsi, les résolutions suivantes restent en vigueur pour l'Inde :**

- Résolution 07/02 *Concernant l'établissement d'un registre CTOI des navires autorisés à opérer dans la zone CTOI*
- Résolution 12/03 *Concernant l'enregistrement des captures et de l'effort par les navires de pêche dans la zone de compétence de la CTOI*
- Résolution 12/07 *Sur un registre des navires étrangers autorisés pêchant les espèces sous mandat de la CTOI dans la zone de compétence de la CTOI et sur les informations relatives aux accords d'accès*
- Résolution 01/02 *Relative aux contrôles des activités de pêche*

En plus des MCG mentionnées ci-dessus, nous vous rappelons que la résolution suivante, qui fut également adoptée lors de la 17^e session de la Commission, entrera en vigueur le 1^{er} janvier 2014 :

- Résolution 13/11 *Sur une interdiction des rejets de patudo, de listao, d'albacore (et une recommandation pour les espèces non-cibles) capturés par les senneurs dans la zone de compétence de la CTOI*

La version mise à jour du *Recueil des Mesures de conservation et de gestion actives de la Commission des thons de l'océan Indien* (datée du 14 novembre 2013), peut être téléchargée sur le site Web de la CTOI à l'adresse suivante :

<http://iotc.org/files/CMM/CTOI%20-%20Recueil%20des%20MCG%20ACTIVES%2014%20novembre%202013.pdf> [3.0 Mo]

Yours sincerely / Cordialement,



Rondolph Payet
Executive Secretary / Secrétaire exécutif

Attachments / Pièces jointes:

- Nil / aucune

27 September 2013/ 27 septembre 2013

IOTC CIRCULAR 2013–87 / CIRCULAIRE CTOI 2013–87

Dear Sir/Madam,

SUBJECT: ENTRY INTO EFFECT OF THE CONSERVATION AND MANAGEMENT MEASURES ADOPTED AT THE 17TH SESSION OF THE IOTC

In reference to the Conservation and Management Measures adopted by the Commission at its 17th Session, with formal notification given to all CPCs on the 17th May 2013 via IOTC Circular 2013–49, I ask that you please take note of the following:

Pursuant to Article IX.4 of the IOTC Agreement, the following Conservation and Management Measures, adopted by the Commission at its 17th Session entered into effect on Saturday 14 September 2013:

- Resolution 13/01 *On the removal of obsolete Conservation and Management Measures*
- Resolution 13/04 *On the conservation of cetaceans*
- Resolution 13/05 *On the conservation of whale sharks (Rhincodon typus)*
- Resolution 13/08 *Procedures on a fish aggregating devices (FADs) management plan, including more detailed specification of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species*
- Resolution 13/09 *On the conservation of albacore caught in the IOTC area of competence*
- Resolution 13/10 *On interim target and limit reference points and a decision framework*

In addition to the CMMs listed above, the following Resolution which was also adopted at the 17th Session of the Commission will enter into effect on 1 January 2014:

- Resolution 13/11 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence*

Pursuant to Article IX.5 of the IOTC Agreement, please also note that the IOTC Secretariat received an objection for the following Conservation and Management Measures adopted at the 17th Session of the Commission:

- Resolution 13/02 *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence*
- Resolution 13/03 *On the recording of catch and effort by fishing vessels in the IOTC area of competence*
- Resolution 13/06 *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries*
- Resolution 13/07 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*

According to the Article IX of the Agreement, and given the objection by India, an extension period of 60 days (until November 13 2013) now applies before the 4 IOTC Resolutions 13/02, 13/03, 13/06 and 13/07, come into force, unless more than one-third of the members also object.

Please note that three out of the four Resolutions supersede previous Resolutions. 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 - 1). Therefore, Resolution 07/02 *Concerning the Establishment of an IOTC Record of Vessels Authorised to Operate in the IOTC Area*, Resolution 01/02 *Relating to Control of fishing vessels*,

Resolution 12/03 *On the Record of Catch and Effort by Fishing vessels in the IOTC Area of Competence*, and Resolution 12/07 *Concerning a Record of Licensed Foreign Vessels Fishing for IOTC Species in the Area of Competence and Access Agreement Information* are still in force vis-à-vis India and any other members of the Commission which may equally object to the four Resolutions within the extended period of 60 days.

The updated *Compendium of Active Conservation and Management Measures for the Indian Ocean Tuna Commission* may be downloaded from the IOTC website at the following link, dated 15 September 2013:

<http://iotc.org/files/CMM/IOTC%20-%20Compendium%20of%20ACTIVE%20CMMs%2015%20September%202013.pdf> [1.7 MB]

As in previous years, the IOTC Secretariat has reviewed the Conservation and Management Measures adopted at the 17th Session of the Commission and made minor corrections. These corrections are necessary to:

1. Ensure consistency in the use of terminologies that have been applied to previously adopted Conservation and Management Measures;
2. Ensure that references within the Conservation and Management Measures are correct; and
3. Eliminate grammatical and typographical errors.

The changes are of an editorial nature and have no effect on the intentions of the Conservation and Management Measures.

**SUJET: ENTRÉE EN VIGUEUR DES MESURES DE CONSERVATION ET DE GESTION
ADOPTÉES AU COURS DE LA 17^E SESSION DE LA CTOI**

Madame / Monsieur,

En référence aux Mesures de conservation et de gestion (MCG) adoptées par la Commission au cours de sa 17^e Session et annoncées le 17 mai 2013 (Circulaire CTOI 2013–49), je vous prie de prendre note de ce qui suit :

Au titre de l'Article IX.4 de l'Accord CTOI, les mesures de conservation et de gestion suivantes adoptées par la Commission au cours de sa 17^e Session sont entrées en vigueur le samedi 14 septembre 2013 :

- Résolution 13/01 *Sur la suppression des mesures de conservation et de gestion obsolètes*
- Résolution 13/04 *Sur la conservation des cétacés*
- Résolution 13/05 *Sur la conservation des requins-baleines (Rhincodon typus)*
- Résolution 13/08 *Procédures pour un plan de gestion des dispositifs de concentration de poissons (DCP), incluant des spécifications plus détaillées sur la déclaration des données des coups de pêche sur DCP et l'élaboration d'une meilleure conception des DCP pour réduire les maillages des espèces non-cibles*
- Résolution 13/09 *Sur la conservation du germon capturé dans la zone de compétence de la CTOI*
- Résolution 13/10 *Sur des points de référence cibles et limites provisoires et sur un cadre de décision*

En plus des Mesures de conservation et de gestion ci-dessus, la résolution suivante, qui a également été adoptée au cours de la 17^e session de la Commission, entrera en vigueur le 1^{er} janvier 2014 :

- Résolution 13/11 *Sur une interdiction des rejets de patudo, de listao, d'albacore (et une recommandation pour les espèces non-cibles) capturés par les senneurs dans la zone de compétence de la CTOI*

Au titre de l'Article IX.5 de l'Accord CTOI, veuillez noter que des objections ont été reçues par le Secrétariat de la CTOI au sujet des mesures de conservation et de gestion suivantes, adoptées au cours de la 17^e session de la Commission.

- Résolution 13/02 *Concernant le registre CTOI des navires autorisés à opérer dans la zone de compétence de la CTOI*
- Résolution 13/03 *Concernant l'enregistrement des captures et de l'effort par les navires de pêche dans la zone de compétence de la CTOI*

- Résolution 13/06 *Sur un cadre scientifique et de gestion pour la conservation des requins capturés en association avec des pêcheries gérées par la CTOI*
- Résolution 13/07 *Sur un registre des navires étrangers autorisés pêchant les espèces sous mandat de la CTOI dans la zone de compétence de la CTOI et sur les informations relatives aux accords d'accès*

Au titre de l'Article IX de l'Accord portant création de la CTOI et du fait des objections émises par l'Inde, un délai supplémentaire de 60 jours (jusqu'au 13 novembre 2013) s'applique maintenant avant que les résolutions de la CTOI 13/02, 13/03, 13/06 et 13/07 n'entrent en vigueur, à moins qu'au moins un tiers des membres n'y objectent également.

Veillez noter que trois des quatre résolutions remplacent des résolutions précédemment adoptées. Les résolutions adoptées par la Commission sont considérées comme des instruments à part entière, qui entrent en vigueur selon les dispositions applicables de l'Accord CTOI (Article IX-1). Ainsi, la Résolution 07/02 *Concernant l'établissement d'un registre CTOI des navires autorisés à opérer dans la zone CTOI*, la Résolution 01/02 *Relative aux contrôles des activités de pêche*, la Résolution 12/03 *Concernant l'enregistrement des captures et de l'effort par les navires de pêche dans la zone de compétence de la CTOI* et la Résolution 12/07 *Sur un registre des navires étrangers autorisés pêchant les espèces sous mandat de la CTOI dans la zone de compétence de la CTOI et sur les informations relatives aux accords d'accès* s'appliquent toujours à l'Inde et à tous les autres membres de la Commission qui émettraient éventuellement des objections à une ou plusieurs de ces quatre résolutions durant la nouvelle période de 60 jours.

La version mise à jour du *Recueil des Mesures de conservation et de gestion actives de la Commission des thons de l'océan Indien*, peut être téléchargée sur le site Web de la CTOI à l'adresse suivante :

<http://iotc.org/files/CMM/CTOI%20-%20Recueil%20des%20MCG%20ACTIVES%2015%20septembre%202013.pdf>
[3 Mo]

Comme les années précédentes, le Secrétariat a révisé les résolutions et les recommandations adoptées par la CTOI lors de sa 16^e Session et a effectué des corrections mineures. Ces corrections ont comme objectif de :

1. garantir l'uniformité dans l'utilisation des termes entre ces nouvelles mesures et celles adoptées lors des sessions précédentes ;
2. garantir que les références à des paragraphes ou à des mesures faites au sein d'une même mesure et entre différentes mesures soient correctes ;
3. corriger des erreurs grammaticales et typographiques.

Ces modifications sont de nature éditoriale et n'ont pas d'impact sur l'esprit des Mesures de conservation et de gestion.

Yours sincerely / Cordialement,



Rondolph Payet
Executive Secretary / Secrétaire exécutif

Attachments / Pièces jointes:

- Nil / aucune

2nd October 2014**IOTC Ref: 5551**

Joint Secretary
Government of India
Ministry of Agriculture
Department of Animal Husbandry, Dairy & Fisheries

Email: jsfy@nic.in, fyic-ahd@nic.in, bhatbvishnu@gmail.com

Dear Dr Vundru,

Subject: Objection to IOTC Resolutions by India at the 17th Session and superseding Resolutions adopted at the 18th Session.

As you are aware (c.f. IOTC Circular 60) the seven Conservation and Management Measures adopted at the 18th Session of the IOTC will come into force on the 8th October (6 Resolutions and 1 Recommendation). We have noticed that two of the Resolutions; Resolution 14/04 *Concerning the IOTC record of vessels authorized to operate in the IOTC area of competence* and Resolution 14/05 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information* are variants of Resolution 13/02 and Resolution 13/07, which India objected to following the revision of Resolutions 07/02 and 12/07, respectively.

As you are also aware, 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). At the coming into force of the Resolutions 14/05 and 14/04, India's objection may become redundant, as India has not objected to the revisions of Resolutions 13/07 and 13/02, but to the revisions of Resolutions 07/02 and 12/07.

In this regard, I would like to seek clarifications on, if India will consider itself bound by the "new" Resolutions (14/04 and 14/07) that will come into force on the 8th October, and which will supersede the respective Resolutions (07/02 and 13/02; 12/07 and 13/07).

We would appreciate receiving your consideration on this matter before the 8th October 2014.

Please accept, Sir, the renewed assurances of my highest consideration.

Yours faithfully,



Rondolph PAYET
Executive Secretary

cc: India Permanent Representative FAO: amb.office@indianembassy.it - agri.wing@indianembassy.it