

30 June 2021

## IOTC CIRCULAR 2021-35

Dear Madam / Sir

### OBJECTION FROM INDONESIA TO IOTC RESOLUTION 21/01

Please find attached a communication from Indonesia regarding its objection, in accordance to Article IX (5) of the IOTC Agreement, to [IOTC Resolution 21/01](#) *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence*, which was adopted at the 25<sup>th</sup> Session of the IOTC.

According to this Article, an extension period of 60 days (until 17 December 2021) now applies before Resolution 21/01 comes into force, unless one-third of the members also object.

The relevant paragraphs (5, 6 and 7) of Article IX on the ensuing process are reproduced herein for your reference.

*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.*

Yours sincerely



Christopher O'Brien  
Executive Secretary

#### Attachments:

- Letter from Indonesia

#### Distribution

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

This message has been transmitted by email only



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Number : B.8759/DJPT/TU.210.D1/V/2021 28 June 2021  
Subject : Objection to the Adoption of an Interim Plan  
for Rebuilding the Indian Ocean Yellowfin Tuna Stock  
in IOTC Area of Competence

**Dr. Christopher O'Brien**

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IOTC Secretariat  
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Dear Dr. O'Brien,

In regard to the previous 25th Session of IOTC held from 7 to 11th June 2021, I would like to convey my responses on the points related to agenda item 13 for your kind review and considerations:

1. As one of the largest archipelagic states in the region, Indonesia is blessed with vast marine biodiversity. To that end, Indonesia would like to reiterate that fostering sustainable growth for the ocean is always a priority of the government of Indonesia.
2. As shown during the 25th Session, Indonesia was abiding similar views as all other CPCs to support and agree on rebuilding Yellow Fish Tuna (YFT) stock through an interim plan, ensuring sustainability, and accelerating this high-value and economic resource recovery, particularly for developing coastal states, SIDS, and territory.
3. Therefore, as a member of IOTC, Indonesia reiterates our commitment to fully comply with conservation and management measures, including catch data submission. Indonesia is open and welcome any inquiry for further consultations. In regard to this matter, we have been engaged in various intersessional discussions with CPCs and consulted with the IOTC Secretariat to explore a possible way forward on crucial matters, especially the data discrepancy issue.
4. However, as a member of IOTC attending the 25th Session of IOTC, Indonesia has raised an objection to the reference used for the catch adjustment and how that proposal would negatively impact small-scale and artisanal fisheries. Indonesia consistently calls the full compliance of Agreement for the Establishment of the Indian Ocean Tuna Commission (the Agreement) and reiterate that using re-estimated data

as the basis of adjustment of the catch is clearly lacks a legal basis and is tantamount to upset the agreement. By all means, the use of official reported catch is critical and uncompromisable.

5. Based on Paragraph 1 Article XI, the Commission shall decide the scope and form of the statistics for the purposes of the Agreement. Therefore, the use of re-estimated data by the Secretariat without prior consultation with members of the commissions, including Indonesia is highly regrettable.
6. Having said the above, the use of re-estimated data by the Secretariat will consequently reduce our catch limit significantly by more than 40% compared to Resolution 19/01. It will threaten the livelihood of our small-scale and artisanal fisheries. The decision on using the re-estimated data has strongly urged Indonesia to express our disappointment and compelled Indonesia to take the necessary action by declaring an objection to the adoption of the Interim Plan.
7. The government of Indonesia sees the urgent need to exercise our right establishes under Article IX (5) to object to the adoption of the interim plan. Hence any implementation of the resolution on an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence adopted at the 25th Session of the IOTC shall not apply to Indonesia.
8. This letter reflects Indonesia standing positions and is without prejudice to any further positions that Indonesia has stated in the past, both bilaterally and together with other states parties to IOTC.

We would extend much of our appreciation for your prompt response to this matter. Therefore, Indonesia requests that this letter be circulated to all IOTC state parties.

Indonesia avails itself of this opportunity to renew to the Secretariat the assurance of its highest consideration.

Thank you for your cooperation.

Yours Truly,



**Muhammad Zaini**  
Director-General of Capture Fisheries

cc

1. Minister of Marine Affairs and Fisheries;
2. Secretary-General..