

15 October 2021

IOTC CIRCULAR 2021-64

Dear Madam / Sir

OBJECTION FROM AUSTRALIA TO IOTC RESOLUTION 21/03

Please find attached a communication from Australia regarding its objection, in accordance to Article IX (5) of the IOTC Agreement, to [IOTC Resolution 21/03](#) *On harvest control rules for skipjack tuna in the IOTC area of competence*, which was adopted at the 25th Session of the IOTC.

According to this Article, an extension period of 60 days (until 17 December 2021) now applies before Resolution 21/03 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 Australia

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



SENATOR THE HON JONNO DUNIAM

Assistant Minister for Forestry and Fisheries
Assistant Minister for Industry Development
Deputy Manager of Government Business in the Senate
Liberal Senator for Tasmania

Ref: MS21-003407

Ms Riley Kim
Chairperson
Indian Ocean Tuna Commission
c/- Indian Ocean Tuna Commission Secretariat
PO Box 1011
VICTORIA SEYCHELLES

Dear Ms Kim

I refer to the Indian Ocean Tuna Commission Resolution 21/03 *On harvest control rules for skipjack tuna in the IOTC area of competence*, adopted at the 25th Annual Session of the Commission.

Australia supports the development and use of precautionary harvest control rules for key target species. We recognise the important contribution rules of this nature make to the sustainable management of highly migratory tuna resources through the use of the harvest strategy approach.

In 2016, Australia objected to Resolution 16/02 *On harvest control rules for skipjack tuna in the IOTC area of competence* due to the concerns about the mechanism in subparagraph 11(a) and (b) being interpreted as implementing set catch limits based solely on catch history. If triggered, this would have unduly limited the development prospects of many coastal states. Australia's long-standing position in the Commission's allocation negotiations has been that catch history should not be the only mechanism used in allocating shares. Any scheme of allocation must be consistent with the sovereign rights of coastal states in respect of the resources in their exclusive economic zones.

As this text has not changed and still uses catch history as a basis for allocation, I hereby notify the Commission of Australia's objection to Resolution 21/03, in accordance with Article IX.5 of the Agreement. Australia will continue to support the harvest control rule contained in Resolution 21/03, as an example of precautionary and sustainable fishery management.

Parliament House, Canberra ACT 2600 Telephone (02) 6277 3346 Email: assistantminister.duniam@awe.gov.au

I note paragraph 11 refers to an allocation scheme to be agreed by the Commission and encourage our ongoing joint efforts to progress those negotiations. Australia is looking forward to the next meeting of the Technical Committee on Allocation Criteria in November 2021 to further work towards the adoption of an allocation scheme. We will continue to work with members on the development of a scheme that respects the importance of fishery resources to coastal states and the rights of coastal states that flow from international law.

I would be grateful if you would circulate this letter to all Commissioners on my behalf.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jonathan Lewis'. The signature is fluid and cursive, with a large initial 'J' and 'L'. Below the signature, the name 'Jonno Duniam' is printed in a small, black, sans-serif font.

Jonno Duniam