

13 January 2022

## IOTC CIRCULAR 2022-04

Dear Madam / Sir

### REGARDING THE INTERPRETATION OF RESOLUTION 21/01 IN RELATION TO THE YELLOWFIN TUNA ALLOCATED CATCH LIMITS FOR 2022

I refer you to the annexed communication from Seychelles that queries the interpretation of paragraph 14a of [Resolution 21/01](#) *On an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence*. in relation to the estimated allocated catch limits for 2022 that were posted in [IOTC Circular 2021-78](#). Seychelles has a similar issue with paragraph 13b of Resolution 19/01, the preceding yellowfin rebuilding resolution.

Seychelles is querying the interpretation of paragraph 14a text which determines the deduction of over-catch for a given fleet of a CPC when it occurs.

Resolution 21/01 Paragraph 14 states:

*If over catch of an annual limit for a given CPC listed in paragraph 5 to 13 occurs, catch limits for that CPC shall be reduced as follows:*

*a: for over-catch of limits set forth in Resolution 19/01, in 2020 and/or 2021, 100% of that over-catch shall be deducted from following two years limit,*

Resolution 19/01 Paragraph 13b states:

*If over-catch of an annual limit for a given fleet of a CPC listed in paragraph 5 to 10 occurs, catch limits for that fleet shall be reduced as follows:*

*b. For 2020 and following years, 100% of that over-catch shall be deducted from the following two years limit; unless*

I note that the 2022 yellowfin catch limit estimates were based on 100% of an over-catch being deducted from the limits each year, for two years following. Also, that the procedures (and therefore interpretation) used to produce the 2022 catch limits were reviewed by both the Working Party of Data Collection and Statistics and the Scientific Committee in December 2021, and subsequently, in accordance with Para 25 of Res 21/01, appended to the Scientific Committee's report.

However, Seychelles is of the opinion that this interpretation does not reflect the aim of this provision as adopted by the Commission. Instead, Seychelles believes that the Commission aimed at reducing the impact of a payback on a given CPC by allowing the 100% over-catch to be split over a two year limit.

#### Distribution

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As there appears to be some uncertainty in the way Res21/01 para 14a and Res19/01 para 13b can be interpreted, I believe that further deliberation by the Commission on these elements is required.

I propose the following steps to resolve the issues:

1. CPCs are invited to submit comments on their interpretations of Res21/01 para 14a and Res19/01 para 13b, in writing to [iotc-secretariat@fao.org](mailto:iotc-secretariat@fao.org) by 31 January
2. The Working Party on the Implementation of Conservation and Management Measures (WPICMM) that is meeting 16-18 February will discuss the matter and provide guidance to the Compliance Committee, who will in turn provide advice to the Commission. The comments received from CPCs will be compiled in a document and provided to the WPICMM as soon as possible after 1 February.
3. The matter will be concluded by the Commission at S26 in May.

In the meantime, please recall the 2022 yellowfin catch limits posted in Circular 2022-01 are provisional given that catch data for 2021 are yet to be submitted; however, the tables should continue to serve as a guide to CPCs on their catch limits until there is clarity on the above-mentioned paragraphs.

Yours sincerely



Ms Jung-re Riley Kim  
Chairperson

**Attachment:**

- letter from Seychelles



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*Please address all correspondence to the Principal Secretary for Fisheries*

Our ref: PSF/IOTC/2022/01  
Date: 5<sup>th</sup> January 2022

Ms. Jung-re Riley Kim  
Chairperson  
Indian Ocean Tuna Commission

Dear Madam Chairperson,

**Subject: Circular 2021-78 on Allocation limits for yellowfin tuna in 2022**

We take note of Circular 2021-78 on allocation limits for yellowfin tuna in 2022 which was issued on 31<sup>st</sup> December 2021 by the Executive Secretary of the Indian Ocean Tuna Commission.

We also take note, that the limits provided in the table of the respective Circular are provisional.

However, Seychelles has great concern with regards to the interpretation of paragraph 14(a) of Resolution 21/01 and paragraph 13(b) of Resolution 19/01 respectively by the IOTC Secretariat on the determination of catch limits for 2022, especially with regards to the Secretariat's interpretation and implementation of the deduction for over-catch.

Based on the referenced Circular and the methodology used by the IOTC Secretariat as detailed in Working Paper IOTC-2021-WPDCS17-28-Res\_21-01\_estimates\_Rev1 for determining the deduction of over-catch for a given fleet of a CPC when it occurs, the IOTC Secretariat's interpretation of the phrase "...100% of that over-catch shall be deducted from following two years limit" does not reflect the aim of this provision as adopted by the Commission according to Seychelles' understanding and interpretation of the same.

Whilst with the above quoted wordings, the Commission aimed at reducing the impact of a payback on a given CPC by allowing the 100% over-catch to be split over a two year limit, the IOTC Secretariat's interpretation is contrary to the above, implementing a double penalty system. Seychelles has queried with the Maldives, who were the proponent of the said paragraphs, for which our interpretation and understanding are similar.

The consequence of this misinterpretation by the IOTC Secretariat Madam Chairperson, would be very severe to Seychelles and to our economy, especially more so now in the current pandemic we are all facing, and we are sure that this interpretation of the IOTC Secretariat will also affect negatively other CPCs finding themselves unjustly faced with the same situation.

As such, Seychelles is requesting that this letter is circulated to the Commission for an agreement on the interpretation of the provisions in paragraph 14(a) of Resolution 21/01 and paragraph 13(b) of Resolution 19/01 on the basis that the over-catch that happens in 2020 and following years shall be 100% (in total) deducted from the following two years limit, rather than being deducted twice from the following two years limit, and that the Secretariat issue a revision to the respective Circular, thereafter.

We thank you Madam Chairperson for your usual cooperation and understanding.

Yours Sincerely,

Roy Clarisse (Mr)  
Principal Secretary for Fisheries  
Seychelles Commissioner to IOTC