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

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PURPOSE

To inform the Commission about the current objections to IOTC Conservation and Management Measures that have been received in accordance with Article IX.5 of the IOTC Agreement .

BACKGROUND

Article IX (paragraphs 5, 6 and 7) of the IOTC Agreement refers to the 'Objections' procedure for Conservation and Management Measures (CMMs) 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.

Advice of the FAO Legal Office on this issue was 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), and, therefore, the previous version of the objected Resolution, where applicable, would be binding on the party making the objection. The same would apply to a Resolution, which supersede the objected Resolution, if an objection is not registered.

The history of objections received is provided in Table 1 below.

RECOMMENDATION/S

That the Commission

- a) **NOTE** paper IOTC-2022-S26-07, which informs the Commission about the current objections to IOTC Conservation and Management Measures that have been received in accordance with Article IX.5 of the IOTC Agreement.

Table 1. History of objections by Members to IOTC Resolutions

Resolution	History of objections	Comments
Resolution 13/02 <i>Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence</i>	India	Res 13/02 was superseded by Res 19/04. India is currently legally bound to Res 19/04.
Resolution 13/03 <i>On the recording of catch and effort by fishing vessels in the IOTC area of competence</i>	India	Res 13/03 was superseded by Res 15/01. India is currently legally bound to Res 15/01.
Resolution 13/06 <i>On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries</i>	India	Res 13/06 is not binding on India.
Resolution 13/07 <i>Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information.</i>	India	Res 13/07 was superseded by Res 14/05. India is currently legally bound to Res 14/05.
Resolution 16/02 <i>On harvest control rules for skipjack tuna in the IOTC area of competence.</i>	Australia	Res 16/02 was superseded by Res 21/03. Australia has also objected to Res 21/03.
Resolution 17/07 <i>On the prohibition to use large-scale driftnets in the IOTC Area.</i>	Pakistan	Res 17/07 superseded Res 12/12. While (the new variant) Res 17/07 is non-binding on Pakistan, Res 12/12 remains binding for Pakistan,
Resolution 19/01 <i>On an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence.</i>	India	Res19/01 superseded Res 18/01, and Res 19/01 was superseded by Res21/01. Res 19/01 is not binding on India. India is currently legally bound by the preceding Res 18/01.
Resolution 21/01 <i>On an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence.</i>	India, Indonesia, Iran, Madagascar, Oman and Somalia	Res 21/01 superseded Res 19/01. Res 21/01 is not binding on 6 Members. Indonesia, Iran, Madagascar, Oman and Somalia are currently legally bound by (the preceding) Res 19/01. India is currently legally bound by the preceding Res 18/01.
Resolution 21/03 <i>On Harvest Control Rules for Skipjack Tuna in the IOTC Area of Competence</i>	Australia, Oman	Res 21/03 superseded Res 16/02. While both Res 16/02 and 21/03 are not binding on Australia, Res 16/02 remains binding on Oman.