

17 March 2023

IOTC CIRCULAR

2023-19

Dear Madam / Sir

OBJECTION FROM SEYCHELLES TO IOTC RESOLUTION 23/02

Please find attached a communication from Seychelles regarding its objection, in accordance to Article IX (5) of the IOTC Agreement, to [Resolution 23-02](#) *On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence*, which was adopted at the 6th Special Session of the IOTC.

Given a previous objection, an extension period of 60 days has already been applied to the date when Resolution 23/02 will come into force. Thus, Resolution 23/02 will come into force on 8 August 2023, unless a total of more than one-third of the members also object, before this time. Seychelles' objection is the fifth to be received.

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

Attachment:

- letter from Seychelles

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:** Liberia. **Intergovernmental Organisations, Non-Governmental Organisations.** Chairperson IOTC. **Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only



Ministry of Fisheries and the Blue Economy

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Please address all correspondence to the Principal Secretary of Fisheries

Our Ref: PSF/IOTC/29

Date: xx March 2023

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

Dear Madam Chairperson

Subject: Objection to IOTC Resolution 23/02 “On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence” in accordance to Article IX(5) of the IOTC Agreement

I refer to the Indian Ocean Tuna Commission Resolution 23/02 “On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence” adopted by secret ballot at the 6th Special Session of the Commission.

Seychelles strongly advocates the implementation of equitable measures for fisheries management, and will always support this principle. We recognise the importance of establishing robust evidence-based conservation and management measures for the sustainable management of highly migratory species in the Indian Ocean, and in doing so will give due consideration to the scientific recommendation and advice for the same.

However, I am writing to express our deep concern about Resolution 23/02. As a country that cares profoundly about the conservation of our ocean and the livelihood of the people who depends on them, we believe that this Resolution is a major setback for both.

As iterated by Seychelles at the 6th Special Session of the Commission, Seychelles has grave concerns about the approached with which this Resolution was adopted, including measures therein that will have dire consequences on the social, welfare and economic stability of our country, noting that the Resolution does not have any scientific basis or recommendation, with clear objectives for which we called for.

Furthermore, the Resolution was adopted without taking into account the cooperative and collaborative approach of the Commission as provided for in the Agreement and other international law.

To that effect, we firmly believe that the approached for the adoption of the said Resolution goes against some of the basic principles of the IOTC Agreement to such as to establish “equitable international economic order, with due regard to the special interests and needs of developing countries”.

Such principles promote fairness, justice, and provides equitable fishing opportunities that does not disproportionately harm and burdened vulnerable economies, such as Small Island Developing States (SIDS) like Seychelles. This Resolution will disproportionately burdened Seychelles, as it will have

severe consequences on the local fish processors and operators, as tuna being the major export and important earner of foreign exchange for the country's economic sustainability. As such this Resolution will put the livelihood and welfare of the local workforce and that of their families dependent on this fishery at great peril especially during this time of world economic difficulties of which SIDS like Seychelles are the most negatively impacted, and this will exacerbate economic inequalities.

It is clear that the intent of the proponents of this Resolution at the 6th Special Session was not to engage in a cooperative spirit of discussion as has prevailed over the many years in the Commission, but rather to force a vote, not for the sustainable management of the tuna fisheries, but to destabilise and sabotage the purse seine fishing industry, which Seychelles is part of and is heavily dependent upon. Such was orchestrated and influenced by and for the commercial interest and benefit of one party. This polemic and divisive manipulation is not healthy for the good governance of the IOTC. Taking decisions not on merit and without due consideration of scientific evidence for the sustainable management of the Indian Ocean tuna stocks will lead to the weakening of the organisation.

It is imperative that IOTC considers the long-term implications of its decisions, and impacts they will have also on the economy and the social well-being of the communities that depends on these resources. This Resolution in question has been taken without due consideration of these important factors. Therefore, I urge the Commission to reconsider Resolution 23/02, and to adopt a more collaborative and evidence based approach in decision-making process. This is vital to ensure the sustainability of our resources and well-being of the people whose livelihood depend on.

As such, I hereby notify the Commission of Seychelles' objection to Resolution 23/02 in accordance with Article IX(5) of the IOTC Agreement.

In doing such, I reaffirm that Seychelles does not oppose FADs fishing management, but believe that such important measures of the Indian Ocean tuna fisheries have to be undertaken with due consideration of scientific evidence. We affirm our commitment to continue to cooperate and collaboratively work with all coastal States and other members of the Commission to develop conservation and management measures that respects the importance of fisheries resources of the Indian Ocean to all States equitably and in a fair manner.

Seychelles once again urgently call on the Commission to take into consideration 'the economic and social aspects of the fisheries based on the stocks covered by this Agreement, bearing in mind, in particular, the interests of developing coastal states' as provided for in Article V(2)(b) of the Agreement, in relation to the objective, function and responsibility of the Commission. We are hopeful that at the upcoming Commission meeting we can collaboratively work towards achieving this important function of the Commission, which so far have been given minimal importance.

Yours sincerely,



Roy Clarisse (Mr.)
Principal Secretary