



11 April 2023

IOTC CIRCULAR 2023-24

Dear Madam / Sir

A COMMUNICATION FROM INDONESIA REGARDING THE INTERPRETATION OF PROVISIONS IN RESOLUTION 23/02

Please find attached a communication from Indonesia.

Yours sincerely

Christopher O'Brien
Executive Secretary

Attachment:

- 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:** Liberia. **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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Ref: 3/S.Kel/ZEEI/IV/2023

April 6th, 2023

Dr Christopher O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Blend Seychelles Building (2nd floor)
Providence
PO Box 1011
Victoria, Seychelles

Dear Dr O'Brien,

Subject: Statement from Indonesia countering claims made by the European Commission regarding IOTC Resolution 23/02

Having attended the Sixth Special Session of the Indian Ocean Tuna Commission (IOTC) in Mombasa, Kenya, last month, and having studied Resolution 23/02 on drifting fish aggregating devices (FADs) that was adopted by a two-thirds majority at the Special Session, Indonesia is concerned by what we believe to be a critical misinterpretation of the Resolution.

This was highlighted most recently in a statement made by the EU Head of Delegation to the IOTC, during the proceedings of the European Parliament's Committee on Fisheries meeting that took place on 1 March 2023.

Please find below a statement countering this misinterpretation of Resolution 23/02. This statement has been reviewed by a number of the other co-sponsors of Resolution 23/02 who agree with the content and share the same understanding.

Thank you for your consideration, and I would appreciate it if you would circulate this letter to all CPCs.

Sincerely Yours,
On behalf of Director of Fish Resources Management

Putuh Suadela
Deputy Director of Fish Resources Management IEEZ and High Seas

Cc.
Director General of Capture Fisheries

Countering statements made by the European Commission regarding IOTC Resolution 23/02

European Parliament's Committee on Fisheries – 1 March 2023:

Link: https://multimedia.europarl.europa.eu/en/webstreaming/pech-committee-meeting_20230301-1430-COMMITTEE-PECH

16:46:38 – 16:47:35

The second problematic aspect of the resolution which has been adopted last February is the reduction of the number of FADs to a number of 200 FADs and, more importantly, the way in which this limit is counted in a newly established FAD register. As of 2026 indeed, and based on a very unclear wording that will be extremely difficult to implement, each vessel will be able to register no more than 200 FADs, independent[ly] from the[ir] potential loss at sea, and we know that FADs are lost, stolen and destroyed. So, this implies de facto a gradual phasing out of this essential fishing tool for the EU fleet and for all the purse seine fleets. Once again, I need to stress that the EU had supported the idea of a FAD register and we had even suggested an alternative wording to make this instrument implementable. But, once again, the proponents refused to consider the EU proposal.

Rebuttal:

This is a misinterpretation of [Resolution 23/02](#). The European Commission / the Head of Delegation of the EU has wrongly assumed that, once they have been registered, FADs cannot be deleted from the register if they are lost, stolen, or destroyed. Given that FADs are frequently lost, this would indeed mean that the number of FADs per vessel would eventually reach zero.

However, it is abundantly clear from the wording of Resolution 23/02 that this is not the case, and that lost FADs can be deleted from the FAD Register and replaced with new ones, according to the limits set out in the Resolution.

Paragraph 3 of Resolution 23/02 states:

The IOTC Executive Secretary shall maintain a register for all DFADs deployed in the IOTC area of competence (DFAD Register). The IOTC Executive Secretary shall provide detailed guidelines and a dedicated technological tool. The DFAD Register shall be effective as of 1 January 2024.

Paragraph 4 of Resolution 23/02 states:

CPCs shall submit electronically to the IOTC Executive Secretary, for each of their flag purse seine vessels that is authorised to operate in the IOTC area of competence, after acquisition and before deployment, the following information for inclusion in the DFAD Register:

- a) unique DFAD reference number;*
- b) unique instrumented buoy reference number that will allow the identification of its owner attached to the DFAD;*
- c) name of the purse seine vessel to which the DFAD is assigned;*
- d) name of the buoy owner;*
- e) unique IOTC Vessel Register number of the purse seine vessel that is assigned to the instrumented buoy;*
- f) flag State of the purse seine vessel that is assigned to the instrumented buoy;*

- g) manufacturer of the instrumented buoy;
- h) model name of the instrumented buoy.

Paragraph 5 of Resolution 23/02 states, in part [emphasis added]:

*The maximum number of instrumented buoys that may be registered on the DFAD Register to any purse seine vessel, **at any one time**, shall not exceed 250 as of 1 January 2024 and 200 as of 1 January 2026 (DFAD Limits). The maximum number of instrumented buoys that may be **acquired annually** for each purse seine vessel shall not exceed 300.*

Paragraph 8 of Resolution 23/02 states [emphasis added]:

*CPCs shall promptly notify, after the establishment of their initial DFAD Register record, the IOTC Executive Secretary of any **addition to, any deletion from and/or any modification of the information mentioned in paragraph 4 as included in the DFAD Register at any time such changes occur.***

Paragraph 5 is unambiguous: purse seine vessels may have 250 instrumented buoys (reduced to 200 in 2026) registered on the IOTC FAD Register **at any one time**. The use of the words “at any one time” clearly eliminates the possibility of this limit being interpreted as a limit “for all time”, as the Head of Delegation of the EU seems to have done. Similarly, Paragraph 8 clearly allows for **deletions** and **additions** to be made to the FAD Register at any time.

Finally, Paragraph 5 allows 300 new instrumented buoys per purse seine vessel to be acquired annually. What would be the purpose of allowing such a large number of buoys to be purchased **each year** if no new buoys could ever be added to the Register? This line was clearly added to allow purse seine vessels to purchase new instrumented buoys each year to replace those lost at sea, as per the limits outlined in Paragraph 5.

To use a conservative example: if a new purse seine vessel entered the Indian Ocean in 2025, it would be able to purchase 300 instrumented buoys, register and deploy 250 of them at once, and then, as buoys get lost, replace 50 of them – deleting lost buoys and adding new ones to the FAD Register over the course of the year. At the start of the following year, a new set of 300 instrumented buoys could then be purchased, regardless of how many are still deployed by that purse seine vessel at the time. If anything, this allows purse seine vessels to stockpile new buoys year on year – a far cry from having to phase them out.

When studied together, it is clear that Paragraphs 3,4,5 and 8 unambiguously allow purse seine vessels to add, remove and replace buoys on the FAD Register at any time, thus eliminating any possibility of FADs being “phased out” from Indian Ocean purse seine fisheries, as the Head of Delegation of the EU has repeatedly suggested.