



14 April 2023

## IOTC CIRCULAR 2023-28

Dear Madam / Sir

### OBJECTION FROM FRANCE(OT) TO IOTC RESOLUTION 23/02

Please find attached a communication from France(OT) 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 6<sup>th</sup> 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. The France(OT) objection is the seventh 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 France(OT)

#### 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

Paris, 12 April 2023

*The Director-General for Maritime Affairs  
Fisheries and Aquaculture*

Dear Executive Secretary

France, on behalf of its overseas territories, is providing you this letter in reference to the Indian Ocean Tuna Commission Circular 2023-09 regarding the Conservation and Management Measures adopted at its 6th Special Session, held in Mombasa, Kenya from 3 to 5 February 2023.

Pursuant to Article IX (5) of the Agreement for the establishment of the IOTC, France, on behalf of its overseas territories, objects to Resolution 23/02 *On the management of drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence*.

France, on behalf of its overseas territories, considers that the Conservation and Management Measures provided for in this resolution do not take sufficient account of scientific advice.

Furthermore, France, on behalf of its overseas territories, regrets that this resolution has not been the subject of more thorough consultations which would have enabled to reach a decision by consensus, more in line with the spirit of the Commission's work.

Through its objection, France, on behalf of its overseas territories, therefore intends to object to a resolution which sets a precedent considered irrelevant for the proper functioning of the Commission to enable it to meet its objectives pertaining to the conservation of living marine resources.

In accordance with Article IX(7) of the above mentioned agreement, I would be grateful if you could notify the Commission members of this objection.

Please accept, Mr Executive Secretary, the assurances of my highest consideration.

Éric Banel

M. Chris O'Brien  
Executive Secretary  
Indian Ocean Tuna Commission  
Blend Seychelles Building (2<sup>nd</sup> floor)  
Providence  
Victoria, Seychelles