



**TO ENHANCE COOPERATION IN THE INDIAN OCEAN TUNA COMMISSION DECISION MAKING
PROCESS**

SUBMITTED BY: KOREA, Rep of.

About this revision:

To address concerns on language used in paragraph 3 and 4, just simply delete some of the words.

Rev 2 : Additional paragraph regarding the objection. (highlighted in yellow.)

Explanatory Memorandum

In recent years the Commission has witnessed a growing increase of polarization in views of CPCs with regards to some of the crucial issues in the IOTC. Years of discussions to resolve these conundrums have produced progress but not led us to agreement yet.

For the purpose of enhancing and recalling the spirit of cooperation among CPCs, the Republic of Korea hereby proposes that we as the Commission adopt this draft Recommendation in order to help us remind ourselves of the reason why we gather under the name of the Indian Ocean Tuna Commission and what mindset we should adopt in conducting our work provided by the Agreement.

RECOMMENDATION 23/XX**TO ENHANCE COOPERATION IN THE INDIAN OCEAN TUNA COMMISSION DECISION MAKING PROCESS****The Indian Ocean Tuna Commission (IOTC),**

BEARING IN MIND that under Article V of Agreement for the Establishment of the IOTC, the Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks and encouraging sustainable development of fisheries based on such stocks;

NOTING that it is a well-known and established practice for Regional Fisheries Management Organizations (RFMOs) that all decisions must be made by consensus of Member States or Parties;

ACKNOWLEDGING that consensus is also an invaluable aspect of the decision-making process of the IOTC;

ACKNOWLEDGING that any decisions by the Commission should fully take into account different views of Contracting Parties and Cooperating Non-Contracting Parties (CPCs) who must put all their efforts to find room for mutually satisfactory compromise and thus eventually reach consensus, including when adopting conservation and management measures;

GRAVELY CONCERNED by the growing polarization shown in recent years among CPCs regarding some of the issues of great importance;

FURTHER CONCERNED that continuation of this worrying trend has been seriously undermining work of the Commission and that it is being accelerated rather than slowing down;

RECALLING that Article 8 of United Nations Fish Stock Agreement (UNFSA) provides that States should enter into consultations in good faith and without delay, particularly where there is evidence that the straddling fish stocks and highly migratory fish stocks concerned may be under threat of over-exploitation;

Noting that the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fishing provides that States should cooperate in order to prevent disputes and all disputes relating to fishing activities and practices should be resolved in a timely, peaceful and cooperative manner;

DESIRING to strengthen the cooperative spirit which CPCs have all been committed to since the commencement of the IOTC as well as their joining of the Commission to achieve conservation and optimum utilization of tuna and tuna-like species in the Indian Ocean;

RECOMMENDS, in accordance with the provisions of Article IX, paragraph 8 of the IOTC Agreement, that:

1. CPCs are urged to cooperate and consult with each other in good faith and the spirit of cooperation to meet the objectives of the Commission as provided in Article V, paragraph 1 of the IOTC Agreement, recognizing the established global practice of making decisions by consensus at international meetings, including those of RFMOs.
2. CPCs should make every effort to ensure that all decisions and recommendations of the Commission, including adoption of conservation and management measures, are achieved by consensus. CPCs must exhaust all their efforts to this end including through having bilateral and/or multilateral consultations.
3. ~~CPCs are encouraged to refrain from voting, to the extent possible, w~~When consensus cannot be met at a meeting, CPCs are ~~further~~ encouraged to continue their efforts ~~at another venue~~ until they find a point where compromise and agreement by consensus can be made.

3.4. In the event that a CPC objects to a conservation and management measure in accordance with Article IX (5) of the IOTC Agreement, that CPC is encouraged to submit details of the reasoning behind their objection.

4.5. ~~External help and/or assistance including, for example, an external advisor, can be considered when different views or interpretation of CPCs on the IOTC Basic texts and CMMs prevent the Commission from reaching consensus.~~