



07 August 2023

## IOTC CIRCULAR 2023-49

Dear Madam / Sir

### OBJECTION FROM THE REPUBLIC OF KOREA TO IOTC RESOLUTION 23/02

Please find attached a communication from the Republic of Korea 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 objection from the Republic of Korea is now the twelfth 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

Paul de Bruyn  
Executive Secretary

#### Attachment:

- letter from the Republic of Korea

#### 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



Mr. Paul De Bruyn  
Executive Secretary  
Indian Ocean Tuna Commission

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

On behalf of the Ministry of Oceans and Fisheries of the Republic of Korea, I would like to exercise the right to object to Resolution 23/02 *On the Management of drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence*.

Resolution 23/02 introduces some new measures, including 72 days of a DFAD Closure, the real-time DFAD Monitoring System and a sharp decrease of the maximum number of instrumented buoys. The Republic of Korea believes that we, as the Commission, should fully take into account implementability and best scientific evidence available when adopting and amending the Resolutions. It is regrettable that we failed to do so while adopting Resolution 23/02.

As you are well aware, the Republic of Korea has voluntarily reduced the number of its purse seiners from 5 to 2 in order to join the efforts to recover the deteriorating yellowfin tuna stock in the Indian Ocean. Resolution 23/02 will affect and change the fishing patterns of CPCs with purse seine fleets. However, a much greater scale of impact will be imposed on the ones with small purse seine fleets such as Korea. So, the Republic of Korea expresses its heartfelt regret that sufficient time could not be given to the Commission for its deeper consideration on the details of Resolution 23/02 at the 6<sup>th</sup> Special Session and the 27<sup>th</sup> Session of the Commission.

Conservation efforts for the fisheries resources should be jointly made by all CPCs. The Republic of Korea fully supports the objectives of Resolution 23/02, which is to make sure conservation and sustainable use of the fisheries resources, but the objectives can never be achieved with only one CPC with purse seiners implementing the Resolution, when all other purse seine operating CPCs have already objected to the Resolution and therefore will not be bound by it. We hope that all the Resolutions adopted by the Commission, including the Resolution on DFADs, should be implemented by all CPCs, and the Republic of Korea is more than happy and ready to cooperate for the purpose.

We would like to remind the Commission that it was Korea who proposed at the 27<sup>th</sup> meeting to amend Resolution 15/09 *On Fish Aggregating Devices (FADs) Working Group* for further clarity on the role of the working group. As a result, review of area closures and set limits is now included in the terms of reference of the FAD working group. The Republic of Korea will continue discussing the DFAD measures with other CPCs and believes that, with our minds open for cooperation, our next round of discussions at the 28<sup>th</sup> Session in 2024 will lead us to adoption of a Resolution on DFADs to which all CPCs can agree and implement.

The Republic of Korea does not oppose to introduction of new measures on DFADs. We indeed submitted a relevant proposal at the 27<sup>th</sup> session of the IOTC in May this year. Korea engaged in open discussions with other CPCs with maximum flexibility. This demonstrates Korea's full commitment to improving the management of DFADs. In addition, despite its concern regarding insufficient scientific advice and inadequate discussions, Korea withheld objecting to the Resolution till the very last minute out of respect for the Commission's decision. However, now that all other major purse seining CPCs have objected to the Resolution, Resolution 23/02 has lost its practicality. Under the circumstances, Korea is left with no choice but to object, since otherwise, it would suffer a disproportionate burden as the smallest purse seine operating CPC with next to none conservation benefits.

In lieu of this objection, Korea will make its own plan for managing DFADs and report to the Commission the status of its implementation every year until the Commission successfully adopts a new Resolution on DFADs.

Therefore, in accordance with Article IX(5) of the IOTC Agreement, the Republic of Korea objects to Resolution 23/02 *On the Management of drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence* and hopes that we will be having constructive discussions on DFADs next year.

Sincerely,



Heo, Man-wook  
Director General  
International Cooperation Bureau  
Ministry of Oceans and Fisheries  
Republic of Korea