

IOTC CIRCULAR 2023-51

Dear Sir/Madam,

STATUS OF RESOLUTION 2023-02 ADOPTED BY THE IOTC AT ITS 6TH SPECIAL SESSION

As communicated in [Circular 2023-09](#), Resolution 23-02 *On management of Drifting Fish Aggregating Devices (DFADs)* was adopted by the Commission at its 6th Special Session which was held in Kenya from 3 to 5 February 2023.

The relevant paragraphs (5, 6 and 7) of Article IX (IOTC Agreement) 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.

Subsequent to the adoption of the Resolution, several objections were received which resulted in the application of paragraph 5 (i.e. an extension of 60 days to the date of entry into force of the Resolution). The current date for entry into force is therefore the 8 August 2023.

The individual objections to the Resolution have been communicated in the following Circulars:

- | | |
|---------------------------------------------|-------------------------------------------------|
| 1. 2023-11 (Comoros) | 7. 2023-28 (France(OT)) |
| 2. 2023-12 (Oman) | 8. 2023-35 (Tanzania) |
| 3. 2023-14 (Kenya) | 9. 2023-45 (Mauritius) |
| 4. 2023-19 (Seychelles) | 10. 2023-48 (Thailand) |
| 5. 2023-20 (Philippines) | 11. 2023-49 (Republic of Korea) |
| 6. 2023-26 (European Union) | |

There are currently 11 objections to the Resolution (out of 30 Members) which have been officially communicated to all Members in accordance with paragraph 7. This number exceeds the “one-third of the Members” threshold specified in paragraph 6.

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

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As such the provisions contained in the rest of paragraph 6 are applicable and Resolution 23/02 will not become binding for any Member of the Commission.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'P' and 'B' followed by a long horizontal stroke.

Paul de Bruyn
Executive Secretary