



30 April 2024

IOTC CIRCULAR 2024-22

Dear Madam / Sir

A COMMUNICATION FROM SOMALIA REGARDING THE ALLOCATION REGIME

Please find attached a communication from Somalia.

Yours sincerely

Paul de Bruyn
Executive Secretary

Attachment:

- letter from Somalia

Distribution

IOTC Contracting Parties: Australia, Bangladesh, China, Comoros, 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



Ref: MoFBE/OM/0769 /04/2024

Date: 23/04/2024

Dr. Paul de Bruyn
IOTC Executive Secretary
PO Box 1011
Victoria, SEYCHELLES

Re: Formal Objection to the IOTC Draft Allocation Regime Version 7 (V7)

Dear IOTC Executive Secretary,

I would like to extend my congratulations on your recent appointment as Executive Secretary of the Indian Ocean Tuna Commission (IOTC). I wish you great success in your new role in the coming months and years.

The Ministry of Fisheries and Blue Economy of the Federal Republic of Somalia formally objects certain aspects of the proposed Draft Allocation Regime Version 7 (V7) as outlined in the referenced document. We wish to address critical concerns that affect our nation's sovereign rights and economic interests in the Indian Ocean, specifically relating to the tuna resource allocation.

Somalia is situated along one of the most significant tuna routes and possesses one of the most productive fishing grounds globally. It is worth noting that scientific assessments suggest Somalia's EEZ has the potential to yield 650,000 metric tons of marine fisheries, with a significant population of tuna species annually. This underscores its prominence within the IOTC's area of competence. Such significant capacity should be a foundational consideration in revising allocation quotas to ensure an equitable and sustainable approach to resource management in the region.

However, the IOTC has failed to justly and equitably recognize and incorporate the historical and ongoing challenges faced by Somalia into its allocation regime, particularly during the long period of civil unrest from 1991 to 2012. Throughout this period, the lack of a functional government led to unregulated and unauthorized exploitation of our marine resources by foreign entities. This undermined our economic base by billions of dollars and infringed upon our sovereign rights, as recognized under UNCLOS Articles 56 and 62, which affirm our exclusive rights over natural resources and economic activities in our exclusive economic zone.

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Furthermore, the criteria used in the IOTC Draft Allocation Regime (V7), specifically the 'Catch-Based Allocation' detailed in Article 6.8(1) a(i-iii) b, (2) and (3), a, b, c (i-vi), and further elaborated in clauses (d) through (e), present internal inconsistencies. This article mandates the EXCLUSION of all Illegal, Unreported, and Unregulated (IUU) fishing activities from the historical catch records of the EEZs of Contracting Parties and Cooperating Non-Contracting Parties (CPCs). However, this exclusion is not applied uniformly. Notably, the IOTC has included estimated catches, inclusive of IUU fishing, in Somalia's historical data from 2000 to 2018, despite these being illegal fishing. This inclusion contradicts the regime's own rules. Before November 2018, when Somalia began legally granting access to its EEZ to foreign fleets, all declared catches by CPCs to the IOTC from Somalia's EEZ should be considered as illegal fishing. This highlights a significant discrepancy in the application of the IOTC's regulations over time.

In this regard, Somalia has taken the following steps:

1. Somalia is currently developing its national fisheries database and will provide its nominal catch data to the IOTC as soon as possible.
2. Somalia strongly rejects any claim to historical catch data that was extracted from or derived from declared catches to the IOTC by CPCs in Somalia's EEZ between 1990 and 2018 as Somalia's historical catch.

Lastly, Somalia urgently requests the Commission's attention to these inconsistencies and disparities. We anticipate actively participating in the upcoming discussions and are committed to working collaboratively towards an allocation that is both equitable and just, and that protects the rights to intergenerational resources owned by coastal states. It is crucial that any allocation regime respects the rights of coastal states and acknowledges their sovereignty over these resources in accordance with UNCLOS Articles 56 and 62, giving special consideration to historical catches attributed to states in unique or recovering circumstances, such as Somalia.

Somalia avails itself of the opportunity to renew its engagement with the IOTC and offers its highest assurances of cooperation and dedication to the Commission's objectives.

Yours sincerely,

H.E Minister Ahmed Hassan Adan
Ministry of Fisheries and Blue Economy
Federal Republic of Somalia



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