



16 September 2026

IOTC CIRCULAR 2026-39

Dear Madam / Sir

REGARDING THE EXERCISE OF RIGHTS UNDER ARTICLE IX (5) OF THE IOTC AGREEMENT

Attached please find a letter from Somalia in response to Circular 2026-36 on the above-mentioned subject

Yours sincerely

Paul de Bruyn
Executive Secretary

Attachments:

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

This message has been transmitted by email only



FEDERAL GOVERNMENT OF SOMALIA
MINISTRY OF FISHERIES AND BLUE ECONOMY
OFFICE OF THE DIRECTOR GENERAL

REF: MFBE/ODG/0162/26

Date: 15/09/2026

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

Subject: Regarding the Exercise of Rights under Article IX (5) of the IOTC Agreement

Dear Executive Secretary,

The Federal Republic of Somalia takes note of the communication from the Government of Japan circulated through IOTC Circular 2026-36 regarding objections to measures adopted at the 30th Session of the Commission.

Somalia welcomes Japan's recognition that the right of Members to object is expressly provided for under the IOTC Agreement and should be respected. Somalia also reaffirms its commitment to cooperation, effective conservation, optimum utilization, and the sustainable development of fisheries in accordance with Article V of the Agreement.

Somalia respectfully recalls that Article IX (5) provides that a Member which has objected to a conservation and management measure shall not be bound by that measure. Article X (1) correspondingly requires Members to implement conservation and management measures that become binding upon them. The Agreement therefore distinguishes between failure to implement a binding measure and the lawful exercise of a treaty procedure whose express legal consequence is that the objected measure does not bind the objecting Member. The objection procedure is an agreed part of the IOTC institutional framework. Its legal effect is not dependent upon whether the measure concerned was adopted by consensus or by vote. The exercise of Article IX (5) cannot, by itself, constitute non-compliance or establish a failure to cooperate.

Somalia recognizes the considerable work undertaken by CPCs during the 30th Session. In the case of Resolution 26/01, the Commission's report records that the measure was adopted by vote, with 21 votes in favour, 1 against and 4 abstentions. The report also records the right to object to Resolutions 26/01 and 26/02 in accordance with the IOTC Agreement. The effectiveness and credibility of the Commission depend upon respect for the Agreement as a whole. This includes the conservation and development objectives of Article V, its functions concerning equitable participation and the interests of developing coastal States, the objection procedure under Article IX, the implementation obligations under Article X and the protection of coastal State sovereign rights under Article XVI.

Somalia's objections were submitted following careful consideration, in good faith and for the reasons communicated in IOTC Circular 2026-32. They do not represent a rejection of cooperation or conservation. Somalia will continue to implement all IOTC measures legally binding upon it and remains prepared to work constructively with Japan and all other Members toward revised measures that are effective, equitable and capable of sustainable implementation.

Somalia therefore maintains its objections and respectfully requests that the lawful exercise of rights expressly provided under the Agreement not, by itself, be treated as conduct that undermines the Commission. Respect for the treaty framework in its entirety is essential to the legitimacy, effectiveness, and credibility of the IOTC.

Somalia kindly requests the Secretariat to circulate this communication to all CPCs.

Yours sincerely,



H.E. Abdi Dirshe

Director General/Head of Somalia delegation to IOTC

