23 November 2026

IOTC CIRCULAR

2026-54

Dear Madam / Sir

OBJECTION FROM THE REPUBLIC OF YEMEN TO IOTC RESOLUTION 26/01

Please find attached a communication from the Republic of Yemen regarding its objection, in accordance with Article IX (5) of the IOTC Agreement, to:

- Resolution 26/01 *On establishing interim catch limits for yellowfin tuna in the IOTC Area of Competence* [download here]

which was adopted at the 30th Session of the IOTC.

An extension period of 60 days has already been applied to the entry into force of Resolution 26/01 and thus it entered into force on the 18 November 2026 as communicated in Circular 2026-53 - click here.

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.

The IOTC Secretariat is circulating this objection in accordance with paragraph 7 above, but note this objection has arrived **after the deadline** specified in IOTC Circulars 2026-23 – click here, 2026-31 – click here, 2026-32 – click here and 2026-52 – click here.

I would like to note that the IOTC Agreement does not authorise the Secretariat to take into account the exceptional circumstances of individual Members when considering objections submitted after the specified deadlines, and as such we are unable, under the provisions of the IOTC Agreement, to take this objection into consideration regarding Resolution 26/01.

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

Yours sincerely



Paul de Bruyn
Executive Secretary

Attachment:

- letter from Yemen

Republic of Yemen
Ministry of Agriculture, Irrigation and Fish Wealth
Minister's Office

بسم الله الرحمن الرحيم

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وزارة الزراعة والري والثروة السمكية
مكتب الوزير

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التاريخ: ١٩ / ١١ / ٢٠٢٦
عدد المرفقات: ( )

Date: _____ التاريخ :

Date: 19 November 2026

The Executive Secretary
Indian Ocean Tuna Commission
Abis Centre, Providence
PO Box 1011, Victoria, Seychelles
By email: iotc-secretariat@fao.org

Subject: Objection by the Republic of Yemen to IOTC Resolution 26/01 On establishing interim catch limits for yellowfin tuna in the IOTC Area of Competence, pursuant to Article IX, paragraph 5, of the IOTC Agreement

Dear Dr. Paul de Bruyn,

The Republic of Yemen presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and has the honour to refer to Resolution 26/01 On establishing interim catch limits for yellowfin tuna in the IOTC Area of Competence, adopted at the 30th Session of the Commission, and to IOTC Circulars 2026-32 of 30 July 2026 and 2026-52 of 18 November 2026, which notified Members of objections to that Resolution and of the extended period for objection ending on 18 November 2026.

Pursuant to Article IX, paragraph 5, of the Agreement for the Establishment of the Indian Ocean Tuna Commission, the Republic of Yemen hereby formally notifies the Commission of its objection to Resolution 26/01 in its entirety.

Yemen is aware that this communication is transmitted after 18 November 2026. Owing to the security situation in the country and its effect on the functioning of national institutions, Yemen was not in a position to complete its internal assessment of the Resolution and transmit its position within the period. It is a general principle of international law that the wrongfulness of an act of a State is precluded by *force majeure*, i.e. where the act is due to "the occurrence of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation" (see Article 23 of the Articles on Responsibility of States for Internationally Wrongful Acts, annexed to UN General Assembly resolution 56/83 of 12 December 2001). The circumstances which prevented Yemen from submitting its objection by 18 November 2026 were due to conditions beyond the control of Yemen and constituted a situation of *force majeure*. Yemen therefore respectfully requests that its objection be exceptionally registered as valid.

For reasons of urgency, the reasons for this objection cannot be outlined in detail in this letter, and Yemen reserves its right to submit a more detailed statement at a later stage. First, and most importantly, Yemen notes that while Resolution 26/01 grants other Members an allocated catch limit identical or larger than their baseline allocation under Resolution 21/01, Yemen's catch limit in the table in paragraph 4 amounts to 20,500 t, whereas Yemen's baseline allocation under Resolution 21/01 is 26,262 t. This means that Yemen is the only Member with a pre-existing baseline allocation whose allocation was reduced. Given the importance of yellowfin tuna for Yemen's fishing fleet, which is entirely of artisanal and small-scale nature, and its importance food security during the present humanitarian crisis, Yemen cannot accept a reduction of its baseline allocation while several the Members have received an increase for their industrial fleets. Hopefully, this disparity, which may have been an oversight, can be addressed in the future through an amendment of Resolution 26/01.

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Republic of Yemen
Ministry of Agriculture, Irrigation and Fish Wealth
Minister's Office

بسم الله الرحمن الرحيم

الجمهورية اليمنية
وزارة الزراعة والري والثروة السمكية
مكتب الوزير

Date: ..... التاريخ :

No. ..... الرقم :

Second, based on the documents and data prepared by the Secretariat the application of Resolution 26/01 will result in a catch limit of 0 t for Yemen in 2027, meaning that Yemen's artisanal fishing fleet fishing within Yemen's waters, which makes up more than 98% of Yemen's fleet, would essentially be prohibited from fishing, resulting in serious economic harm and food insecurity in a time at which Yemen's economy and population are already struggling. This cannot be reconciled with Article XVI of the IOTC Agreement, pursuant to which the IOTC Agreement shall not prejudice the sovereign rights of coastal States in their EEZ, as well as Article 24(c) of the UN Fish Stocks Agreement, which requires that conservation and management measures do not transfer a disproportionate burden of conservation action onto developing States.

Third, Yemen has concerns about potential inconsistencies in the catch data and estimates that form the basis of its allocated catch limit and over-catch paybacks, that some over-catch has potentially been double counted in the Secretariat's calculations, and that paragraph 10 of Resolution 26/01 may have been applied incorrectly. Yemen reserves its right to make further comments on these issues once it has had time to fully investigate them, including in the event that the objection is not considered valid.

Yemen would like to stress that this objection is not an objection to the conservation of yellowfin tuna. Rather, it is an exercise of its lawful right to object under Article IX, paragraph 5 of the IOTC Agreement. Yemen notes that India, Somalia and the Sultanate of Oman have also objected to the Resolution. At the same time, Yemen is aware that the right to object should only be used in exceptional circumstances to protect key interests of a member. For the reasons outlined in this letter, Yemen considers that, regretfully, such circumstances exist with respect to Resolution 26/01.

Please rest assured that Yemen remains committed to the objectives of the IOTC Agreement and the conservation of yellowfin tuna and has recently taken concrete steps to re-engage with the Commission: It took part in the 30th Session, submitted its Report of Implementation on 19 March 2026, and will present its first National Report to the Scientific Committee at its next Session in San Sebastian, Spain. Yemen will continue to work with the Secretariat to validate its catch series and improve its data collection and stands ready to engage constructively with all Members towards a fair and science-based management framework for yellowfin tuna.

Please accept, Executive Secretary, the assurances of our highest consideration.

Yours sincerely,

Major General Salem Abdullah Al-Sa'adi
Minister of Agriculture, Irrigation, and Fisheries Wealth
Republic of Yemen

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