

REVIEW OF OBJECTIONS RECEIVED UNDER ARTICLE IX.5 OF THE IOTC AGREEMENT

PREPARED BY: IOTC SECRETARIAT, 28 APRIL 2014

PURPOSE

To provide the Commission with an opportunity to review the 'Objections' received following the last Session of the Commission and how this review process should be carried out.

BACKGROUND

Article IX (paragraphs 5, 6 and 7) of the IOTC Agreement refers to the 'Objections' procedure for Conservation and Management Measures adopted by the Commission. Specifically:

Para. 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.

Para. 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.

Para. 7. The Secretary shall notify each Member of the Commission immediately upon receipt of each objection or withdrawal of objection.

At the 17th Session of the Commission, pursuant to Article IX.5 of the IOTC Agreement, the IOTC Secretariat received the first formal objection from a Member of the Commission, for the following Conservation and Management Measures adopted at the 17th Session of the Commission:

- Resolution 13/02 *Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence*
- Resolution 13/03 *On the recording of catch and effort by fishing vessels in the IOTC area of competence*
- Resolution 13/06 *On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries*
- Resolution 13/07 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*

DISCUSSION

Although paragraph 7 of Article IX of the IOTC Agreement indicates that each Member may withdraw its objection, via notification to the Secretariat, there is no clear review process for the Commission to review/discuss previous objections received. As such, the Commission may wish to review existing objections to Conservation and Management Measures, and consider developing a formal annual review and potential withdrawal process for Members to follow.

RECOMMENDATION/S

That the Commission **CONSIDER** discussing and developing a process to annually review any objections received under Article IX of the IOTC Agreement.