

Original: English

LETTER FROM THE ICCAT CHAIR TO THE DIRECTOR GENERAL OF FAO

27 September 2016

The Hon. José Graziano da Silva
Director-General
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome
Italy

Dear Director-General Graziano,

I refer to my earlier letter to you of 9 February 2016 in my capacity as Chair of the International Commission for the Conservation of Atlantic Tunas (ICCAT) in which I drew to your attention the desire of the members of ICCAT to amend their underlying treaty in a number of ways, specifically to update it and to bring it into line with twenty first century international fisheries management practices. I am still awaiting a response to that letter. This delay is having the effect of stalling progress of the Convention amendment process.

One key issue being considered in the Convention amendment process is to make provisions for the involvement of fishing entities in ICCAT. In the third paragraph of my previous letter, I listed organisations which have included fishing entities in their work. I also drew attention to the UN Fish Stocks Agreement (1995) and the FAO Code of Conduct for Responsible Fisheries (1995) which make specific reference to fishing entities.

As I explained in my previous letter, the transfer of the depositary was requested by China as a precondition for the participation of fishing entities in an amended ICCAT Convention. The issue of participation of fishing entities in ICCAT has led to concerns about whether you as Director-General of FAO should continue to be the depositary of the amended Convention in view of the possible difficulty this might cause China. One proposal being considered is the transfer of the depositary from FAO Director-General to another ICCAT Contracting party. This proposal has raised concern about whether this will affect the future cooperation and relationship between ICCAT and FAO and its members.

On the issue of ICCAT-FAO relations, I wish to reiterate that the proposed transfer of the depositary in the present circumstance is unequivocally not intended to diminish the exceptionally important and highly valuable relationship ICCAT and its members have enjoyed with FAO since the inception of ICCAT. Despite this view, some ICCAT Contracting Parties who are also FAO members are concerned that a transfer of depositary functions in an amended ICCAT Convention would affect their relations with FAO. To reassure these ICCAT Contracting Parties, it would be very helpful and very much appreciated if in your reply, you can confirm that a change of depositary would not affect other FAO relations with the concerned parties.

In my view, under the international law, the choice of depositary is fundamentally a matter for the Parties to the ICCAT Convention. If you share this view, I would be grateful if your reply to this letter can also confirm this point of international law because it would facilitate the Convention amendment process.

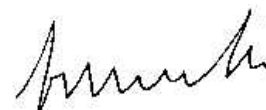
I understand that one reason for your delay in responding to my letter of 9 February 2016 was that you first wished to ascertain the view of China on the matter. I was recently advised by an official of China that their Deputy Permanent Representative to FAO met with your officials in August 2016 and explained China’s position. Therefore, I assume that you now have all the necessary information to reply to my letter of 9 February 2016.

It would be greatly appreciated if you could advise of your views on the proposal to transfer the depository at your earliest convenience in order to facilitate our consideration of this important subject at the forthcoming Special meeting of ICAAT in Vilamoura (Portugal) from 14 to 21 November 2016. Under Article XI of the ICCAT Convention, you are entitled to appoint a representative to participate in meetings of ICCAT.

I wish to take this opportunity to invite you to appoint a representative to the forthcoming meeting of ICCAT.

If at all possible, I would be grateful for a reply to this letter, including your views on the proposal to transfer the depository, by 7 November 2016 to provide sufficient time to communicate your reply to ICCAT members in advance of the Special Meeting.

Sincerely,



Martin Tsamenyi
Commission Chair