

Original: French

**STATEMENT OF THE KINGDOM OF MOROCCO ON
PROPOSED AMENDMENTS TO THE ICCAT CONVENTION**

References

- Document PLE_107/16: Report of the Fourth Meeting of the Working Group on Convention Amendment
- Document PLE_122/16: ICCAT Convention Amendment Process
- Document PLE_123/16: Letter from the ICCAT Chair to the FAO on amendments proposed to the Convention
- Document PLE_128/16: Response from the Director General of FAO

The Kingdom of Morocco would like to express its position concerning proposed amendments to the Convention of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and which focuses particularly on two important issues, *i.e.* the change of Depository and the Dispute settlement.

The Depository

As regards the change of Depository, the Kingdom of Morocco would like to express to the Commission its continuous commitment to prioritise the procedures and uses of the United Nations system.

Moreover, the Moroccan delegation would like FAO to continue to be the Depository of the ICCAT Convention and rejects all proposed changes of Depository.

The system of the United Nations in which we frame our actions and which sponsors our Organisation, offers us a guarantee to function harmoniously as regards international law.

Indeed, to date, the United Nations regime has allowed to function normally, guaranteeing the rights of different ICCAT members and, in particular, African States and other developing countries.

The Dispute Settlement

Concerning the dispute settlement, foreseen in Article 8 bis and Annex 1 of document PLE_107/16, the Kingdom of Morocco does not object to point 1 regarding the amicable negotiation as a first step. Indeed the amicable negotiation allows an internal arrangement for ICCAT and saves time and financial resources. It allows to preserve the good relationships among Parties and develop internal expertise in ICCAT.

In this regard, the Kingdom of Morocco encourages to develop, within ICCAT, a process of amicable negotiation dedicated to this issue. Point 2 of the draft Article 8 bis does not raise any observations.

As regards point 3 of the same Article, it would be desirable to add, after the possibility to appeal to an International Court in accordance with the provisions of another international convention, the following expression "in which the Parties to the dispute are members".

Concerning point 4 of the same Article, the Kingdom of Morocco recommends prioritizing the choice to appeal to an International Arbitration Court *at the request of the two Parties to the dispute and not at the request of one of the Parties.*

Further to the review of the Annex relating to the dispute settlement, the following is recommended:

Concerning point 2 relating to the place of arbitration, add the following expression:

2..... **with the agreement of the Parties to the dispute; that the arbitrators choose.**

3.....

4.....

5. The provision that would allow a third Party to the dispute to intervene in the proceedings subject to the consent of the arbitral body *is not recommended*. Indeed, States must remain in control of the situation and not be the arbitrators.

Moreover, such a proposal risks privileging some Parties who have the necessary means and expertise to intervene in conflicts between Parties.

This intervention can only take place if the Parties to the dispute reach an agreement in advance. Besides, this intervention should be limited to providing advice and not covering the procedures.

Likewise, this paragraph 5 must be redrafted as follows:

5. The Parties to the dispute having had resort to arbitration may request, where appropriate, the advice of a Member State not party to the dispute.