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WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)
NINETEENTH SESSION
Bridgetown, Barbados, 6-8 September 2023
Feedback from the International Commission for the Conservation of Atlantic Tunas (ICCAT)

"Both ICCAT and WECAFC have already determined that increased collaboration, through information exchange and non-binding initiatives, would be mutually beneficial. The goal of this exercise is to promote regional cooperation and coordination for improved governance in fisheries in the area of competence of WECAFC, not to develop and engage in new binding or formal arrangements. In our view, the letter approved by ICCAT at the 2022 annual meeting is the most efficient way to strengthen communication and cooperation between ICCAT and WECAFC on issues of mutual concern. We note that it clearly encompasses only activities that are strictly voluntary and non-binding in nature.

Our view, which was shared by the Commission more generally last year, is that non-binding letters of cooperation like these can be exchanged under the umbrella of ICCAT's existing joint agreement with FAO. ICCAT intended for this exchange of letters to take place in lieu of an MOU with WECAFC in light of the existing ICCAT-FAO Agreement. So, we are perplexed by the extensive edits in both form and substance provided by FAO, including adding a significant chapeau and detailed operative provisions that were not contemplated in ICCAT's original letter. We also do not understand the rationale for the edits that imply that a new MOU or other formal agreement must be concluded in the future. A less formal, non-binding approach would help to avoid an undue administrative burden on the ICCAT and WECAFC Secretariats.

With the above in mind, we suggest the following changes could be made to the proposed letter to make it acceptable:

- Delete paragraph 1 and all references to the future development of an MOU or other agreement.
- We have no objections to changing the title to Letter of Intent in lieu of Letter of Agreement, as long as this change does not obligate ICCAT and FAO on behalf of WECAFC to conclude such an agreement. If that is the case, however, then we suggest an alternate option, such as Letter of Cooperation.
- To ensure timely communication between ICCAT and WECAFC, clarify the text concerning exchanges of information to specify that such information exchange can occur directly between ICCAT and WECAFC while ensuring FAO is copied on such correspondence.
- Remove or rephase any binding language in the non-binding letter of intent and make adjustments to ensure the letter is clear that information can flow between the two organizations and not just from ICCAT to WECAFC."