



TECHNICAL AND COMPLIANCE COMMITTEE
Nineteenth Regular Session
20 – 26 September 2023
Pohnpei, Federated States of Micronesia

MEMORANDA OF UNDERSTANDING MATTERS

WCPFC-TCC19-2023-24
6 September 2023

Paper by the Secretariat

Purpose

1. The purpose of this paper is to request the Technical and Compliance Committee's consideration of two matters related to cooperation between the WCPFC and two other Pacific-based regional fisheries management organisations. These matters are:
 - a. A draft Memorandum of Understanding (MoU) on cooperation between WCPFC and the North Pacific Fisheries Commission ([NPFC](#)) for consideration and recommendation to WCPFC20 in Rarotonga; and
 - b. The renewal of a MoU between the WCPFC and the South Pacific Fisheries Management Organisation ([SPRFMO](#)) that expired on 6 August 2023.

SC19 consideration

2. Relevant papers related to the draft MoU with NPFC and renewal of the MoU with SPRFMO were presented by the Secretariat to SC19 ([SC19-GN-WP-04](#) and [SC19-GN-WP05](#) respectively). For ease of reference, copies of the SC19 papers are enclosed as Attachment 1 and Attachment 2 to this paper. The Secretariat also advised SC19 that the MOU with NPFC would be signed by the Commission Chair, consistent with WCPFC's usual practice.
3. SC19 supported the recommendation of each paper.

Additional points of note for TCC

4. The Secretariat has collaborated over several years with NPFC and SPRFMO in recognition that although the species focus of our respective Conventions differs, there is an overlap in the geographic scope of our Convention Areas and the area of application of our CMMs. WCPFC shares with both NPFC and SPRFMO a similar need for scientific understanding of the marine ecosystem and activities, such as IUU fishing and transshipment, that might occur in the overlap area.

5. Since 2020, collaboration between Fisheries Secretariat Compliance counterparts has occurred under the umbrella of the Pan Pacific Fisheries Compliance Network (CCAMLR, CCSBT, IATTC, NPAFC, NPFC, SPRFMO and WCPFC), which aims to collaborate and share information about changes to each RFMOs respective IUU vessel lists, and noting that some vessels that are listed on the WCPFC Record of Fishing Vessels (RFV) may be listed on other Pan-Pacific RFMOs.
6. In the spirit of the proposed MoU between WCPFC and NPFC, the Secretariat in the past has hosted an administrative officer from NPFC, and the WCPFC's former IT Manager has similarly been hosted at NPFC Secretariat for a short period. This year in September, the Secretariat is providing an opportunity for NPFC's Compliance Manager, Ms Judy Dwyer, to be hosted at the Secretariat for a period of before and during TCC19. The intention of this arrangement is to facilitate an opportunity for learning about compliance considerations in the Pacific as well as sharing of each Secretariat practices and processes.

Recommendation

7. TCC19 is invited to consider:
 - a. Recommending to the Commission the conclusion of an MOU between WCPFC and NPFC on the basis of the attached text (in Attachment 1), and
 - b. Recommending to the Commission the renewal of the MoU with SPRFMO, with an amendment to remove the current three-year term limit while retaining the provision that either Organisation may discontinue the MoU by giving six months' prior written notice to the other Organisation (refer to Attachment 2).



**SCIENTIFIC COMMITTEE
NINETEENTH REGULAR SESSION**

Koror, Palau
16 – 24 August 2023

Memorandum of Understanding (MOU) between WCPFC and NPFC

WCPFC-SC19-2023/GN-WP-04

Paper by the Secretariat

Purpose

1. The purpose of this paper is to provide the Scientific Committee with a draft Memorandum of Understanding (MOU) on cooperation between WCPFC and the North Pacific Fisheries Commission (NPFC) for its consideration and recommendation to WCPFC20 in Rarotonga.

Background

2. Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations, especially those with related objectives. To this end, WCPFC has a number of MOUs which provide for cooperation between WCPFC and other RFMOs, including the Inter-American Tropical Tuna Commission (IATTC), Indian Ocean Tuna Commission (IOTC), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the South Pacific Regional Fisheries Organisation (SPRFMO).

3. The North Pacific Fisheries Commission (NPFC) has a geographical scope which overlaps with that of WCPFC. The NPFC Commission has recognised the potential value of cooperation with neighbouring and overlapping RFMOs, including WCPFC, and collaboration with WCPFC is considered a priority. Although NPFC and WCPFC have different priority stocks, they face a similar need for scientific understanding of the marine ecosystem and activities, such as IUU fishing and transshipment, that might occur in the overlap area.

Preparation of draft MOU and submission to SC19

4. Discussions were initiated several years ago between the Secretariats of NPFC and WCPFC on potential collaboration. These were postponed as a result of limited bandwidth in both organisations due to COVID-19 but were reinvigorated this year. The text of the MOU between WCPFC and SPRFMO signed in August 2020 was used as the model for a draft MOU on cooperation between WCPFC and NPFC. This was considered at the NPFC Commission meeting in March 2023, which tasked the NPFC Executive Secretary with coordinating the execution of the MOU with the WCPFC Executive Director.

5. The draft text is attached. The draft suggests that the MOU be signed by the respective Executive Directors of the organisations, whereas WCPFC's practice is to have its MOUs signed by the respective Chairs. The WCPFC Secretariat suggests that the usual WCPFC practice should be followed.

6. The objective of the MOU is to facilitate, where appropriate, consultation, cooperation and collaboration between WCPFC and NPFC in order to advance their respective objectives, particularly with respect to matters of common interest such as exchange of scientific information, monitoring and control, and administration and structure of observer programmes. Data sharing is to be consistent with the respective confidentiality rules of the organisations.

7. Following approval by the WCPFC Commission, the draft text of the MOU will be submitted to NPFC for finalisation and execution.

Recommendation

<p>8. SC19 is invited to recommend to the Commission the conclusion of an MOU between WCPFC and NPFC on the basis of the attached text.</p>



Memorandum of Understanding between the North Pacific Fisheries Commission (NPFC) and the Western and Central Pacific Fisheries Commission (WCPFC)

The North Pacific Fisheries Commission (hereafter NPFC) and the Western and Central Pacific Fisheries Commission (hereafter WCPFC):

Acknowledging that the objective of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean is to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur;

Acknowledging also that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

Recognising that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations;

Recognising further that Article 21 of the NPFC Convention calls upon the NPFC to take into account the conservation and management measures or recommendations adopted by regional fisheries management organizations and arrangements and other relevant intergovernmental organizations that have competence in relation to areas adjacent to the NPFC Convention;

Conscious of the fact that there is a geographical area overlap within the Convention Areas of both the NPFC and the WCPFC;

Noting that provisions of both the NPFC and the WCPF Conventions address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

Desiring to put in place a mechanism to promote and facilitate cooperation between WCPFC and NPFC;

Therefore, NPFC and WCPFC record the following understandings:

1. OBJECTIVE OF THIS MEMORANDUM

The objective of this MoU is to facilitate, where appropriate, cooperation between NPFC and WCPFC ('the Organisations') in order to advance their respective objectives, particularly with respect to stocks or species which are within the competence or mutual interest of both Organisations.

2. AREAS OF COOPERATION

The Organisations will establish and maintain consultation, cooperation and collaboration in respect of matters of common interest to both organisations, including but not limited to, the following areas:

- i. exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each organization;
- ii. exchange data and scientific information in support of the work and objectives of both Organisations, consistent with the confidentiality rules, information sharing policies and internal data security procedures of each Organisation including, but not limited to, information on:
 - a) vessels authorised to fish in accordance with conservation and management measures adopted under the NPFC and WCPFC Conventions;
 - b) at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment in accordance with conservation and management measures adopted under the NPFC and WCPFC Conventions, on a necessity basis; and,
 - c) vessels identified as having engaged in illegal, unreported and unregulated (IUU) fishing activity and the IUU Vessel Lists established by each Organisation.
- iii. collaborate, where appropriate, on research efforts relating to species and stocks of mutual interest, including non-target, associated and dependent species;
- iv. cooperate where appropriate, on the implementation of conservation and management measures adopted under the NPFC Convention and under the WCPFC Convention;
- v. share best practices in areas of mutual interest, including but not limited to:
 - a) monitoring, control and surveillance policies and systems, including with respect to Vessel Monitoring Systems;
 - b) administration, auditing, training and structure of observer programmes; and
 - c) Compliance Monitoring Schemes, and information management systems.
- vi. exchange on expertise gained, lessons learned and use of best practices between the Organisations' Secretariats in their areas of activity.
- vii. consistent with each Organisation's rules of procedure, grant reciprocal observer status to representatives of the respective Organisations in relevant meetings of each Organisation, including those of each Organisation's subsidiary bodies;

3. CONSULTATIVE PROCESS

To facilitate effective development, implementation and enhancement of cooperation, the Organisations may establish a consultative process between their respective Secretariats that includes telephone, email and any other means of communication. The consultative process may also proceed in the margins of meetings at which both Organisations' Secretariats are represented by appropriate staff.

4. MODIFICATION

This MoU may be modified at any time with the mutual written consent of both Organisations.

5. LEGAL STATUS

This MoU does not create legally binding rights or obligations. Each Organisation should cover their own costs related to the implementation of this MoU.

This MoU does not alter the obligations of members of either Organisation to comply with the conservation and management measures adopted under their respective Conventions.

6. OTHER PROVISIONS

This MoU will commence on the date of the second signature.

Either Organisation may discontinue this MoU by giving six months' prior written notice to the other Organisation.

7. SIGNATURES

Signed on behalf of the North Pacific Fisheries Commission and the Western and Central Pacific Fisheries Commission:

FOR THE NORTH PACIFIC FISHERIES COMMISSION
(NPFC)

FOR THE WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION (WCPC)

Robert Day
Executive Secretary

Rhea Moss-Christian
Executive Director

Place:

Date:

Place:

Date:



**SCIENTIFIC COMMITTEE
NINETEENTH REGULAR SESSION**

Koror, Palau
16 – 24 August 2023

Memorandum of Understanding (MoU) between WCPFC and SPRFMO

WCPFC-SC19-2023/GN-WP-05

Paper by the Secretariat

Purpose

1. The purpose of this paper is to request the Scientific Committee's consideration of the renewal of a Memorandum of Understanding (MoU) between the Western and Central Pacific Fisheries Commission (WCPFC) and the South Pacific Regional Fisheries Management Organisation (SPRFMO) that is due to end on 6 August 2023 (**Attachment A**).

Background

2. Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation, and collaboration with other relevant intergovernmental organizations, especially those with related objectives. To this end, WCPFC has a number of MoUs that provide for cooperation between WCPFC and other RFMOs, including the Inter-American Tropical Tuna Commission (IATTC), Indian Ocean Tuna Commission (IOTC), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). The MoU with the South Pacific Regional Fisheries Organisation (SPRFMO) was signed on 6 August 2020, for a three-year period, with a review of the operation being undertaken by both Organisations to decide whether the MoU should be renewed.

Renewal of Memorandum of Understanding (MoU)

3. The objective of the MoU is to facilitate cooperation between the WCPFC and SPRFMO to advance their respective objectives, particularly with respect to stocks or species which are within the competence or mutual interest of both Organizations. For the past years, both Organisations are on each other's communication distribution lists and regularly exchange meeting reports, and other relevant information, such as IUU vessel lists.

4. Unlike other organisations with which WCPFC has concluded MoUs, the MoU with SPRFMO has a specified effective period of three years, subject to review of the operation of the MoU and a decision as to its renewal. The WCPFC Secretariat has engaged with the SPRFMO Secretariat over the last three years and found these contacts productive. A description of the activities prepared by the SPRFMO Secretariat for the SPRFMO Annual Commission Meeting in February 2023 is contained in SPRFMO [COMM11-Doc 11](#). At its 11th Commission Meeting, SPRFMO supported the renewal of the MOU with WCPFC ([paragraph 116, 11th SPRFMO Commission Meeting Report](#)).

5. The WCPFC Secretariat has reviewed the MoU and supports its renewal. It is noted that the usual approach with respect to WCPFC's existing MOUs is that they have an unlimited duration, with discontinuation made through six- or 12-months' written notice by one party to the other. For reasons of consistency and convenience, WCPFC may wish to align the effective period of the MOU with SPRFMO with that of other MOUs. The current consideration of the renewal of the MOU provides an opportunity for amendment to remove the reference to the three-year period of the MOU, and retain the provision on discontinuance by giving six months' prior written notice to the other Organisation.

Recommendation

6. SC19 is invited to consider recommending to the Commission the renewal of the MoU with SPRFMO, with an amendment to remove the current three-year term limit while retaining the provision that either Organisation may discontinue the MoU by giving six months' prior written notice to the other Organisation.



Memorandum of Understanding between the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC)

The South Pacific Regional Fisheries Management Organisation (hereafter SPRFMO) and the Commission for the Western and Central Pacific Fisheries Commission (hereafter WCPFC):

Acknowledging that the objective of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereafter SPRFMO Convention) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources in the SPRFMO Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources occur;

Acknowledging also that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

Recognising that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations;

Recognising also that Article 31 of the SPRFMO Convention requires the SPRFMO Commission, *inter alia*, to cooperate, as appropriate, with other relevant organisations on matters of mutual interest and to seek to make suitable arrangements for consultation, cooperation and collaboration with such other organisations;

Conscious of the fact that there is a geographical area overlap within the Convention Areas of both the SPRFMO and the WCPFC;

Noting that provisions of both the SPRFMO and the WCPF Conventions address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

Desiring to put in place a mechanism to promote and facilitate cooperation between SPRFMO and WCPFC;

Therefore SPRFMO and WCPFC record the following understandings:

1. OBJECTIVE OF THIS MEMORANDUM OF UNDERSTANDING

The objective of this MoU is to facilitate, where appropriate, cooperation between SPRFMO and WCPFC ('the Organisations') in order to advance their respective objectives, particularly with respect to stocks or species which are within the competence or mutual interest of both Organisations.

2. AREAS OF COOPERATION

The Organisations will establish and maintain consultation, cooperation and collaboration in respect of matters of common interest to both organisations, including but not limited to, the following areas:

- i. exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Organisation;
- ii. exchange data and scientific information in support of the work and objectives of both Organisations, subject to the information sharing policies and data use, access and confidentiality rules of each Organisation, including but not limited to, information on:
 - a) vessels authorised to fish in accordance with conservation and management measures adopted under the SPRFMO and WCPFC Conventions;
 - b) at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment in accordance with conservation and management measures adopted under the SPRFMO and WCPFC Conventions, on a necessity basis; and
 - c) vessels identified as having engaged in illegal, unreported and unregulated (IUU) fishing activity and on the IUU Vessel Lists established by each Organisation;
- iii. collaborate, where appropriate, on research efforts relating to species and stocks of mutual interest, including non-target, associated and dependent species;
- iv. cooperate where appropriate, on the implementation of conservation and management measures adopted under the SPRFMO Convention and under the WCPFC Convention;
- v. share best practices in areas of mutual interest, including but not limited to:
 - a) monitoring, control and surveillance policies and systems, including with respect to Vessel Monitoring Systems;
 - b) administration, auditing, training and structure of observer programmes; and
 - c) Compliance Monitoring Schemes, and information management systems;
- vi. exchange of information between the Secretariats of the Organisations on expertise gained, lessons learned and the use of best practices in their respective activities;
- vii. consistent with each Organisation's rules of procedure, grant reciprocal observer status to representatives of the respective Organisations in relevant meetings of each Organisation, including those of each Organisation's subsidiary bodies.

3. CONSULTATIVE PROCESS

To facilitate effective development, implementation and enhancement of cooperation, the Organisations may establish a consultative process between their respective Secretariats that includes telephone, email and any other means of communication. The consultative process may also proceed in the margins of meetings at which both Organisations' Secretariats are represented by appropriate staff.

4. MODIFICATION

This MoU may be modified at any time by the mutual written consent of both Organisations.

5. LEGAL STATUS

This MoU does not create legally binding rights or obligations. Each Organisation will cover its own costs related to the implementation of this MoU.

This MoU does not alter the obligations of members of either Organisation to comply with the conservation and management measures adopted under their respective Conventions.

6. OTHER PROVISIONS

This MoU will commence on the date of the second signature.

Either Organisation may discontinue this MoU by giving six months' prior written notice to the other Organisation.

This MoU will operate for three (3) years. Before the end of the three year period, the Organisations will separately review the operation of this MoU to decide whether it should be renewed.

7. SIGNATURES

Signed on behalf of the South Pacific Regional Fisheries Management Organisation and the Western and Central Pacific Fisheries Commission:

FOR THE SOUTH PACIFIC REGIONAL FISHERIES
MANAGEMENT ORGANISATION (SPRFMO)

FOR THE WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION (WCPFC)

Mr Luis Molledo
Chair SPRFMO

Dr Josie Tamate
Chair WCPFC

Place:

Place:

Date:

Date: