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**FIRST MEETING  
OF THE  
TECHNICAL AND COMPLIANCE COMMITTEE  
OF THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF  
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL  
PACIFIC OCEAN, POHNPEI, FEDERATED STATES OF MICRONESIA,  
5-9 DECEMBER 2005**

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WCPFC/TCC1/19 Rev. 1  
22<sup>nd</sup> November 2005

**Cooperation with Other Organizations**

Prepared by the Secretariat

**Introduction**

1. Article 22 of the Convention requires the Commission to collaborate with other relevant intergovernmental organizations particularly those with related objectives and which can contribute to the attainment of the objective of the Convention. The UN Food and Agriculture Organization (FAO), the Commission for the Conservation of Antarctic Marine Living Resources (CCALMR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC), the Indian Ocean Tuna Commission (IOTC), the Secretariat of the Pacific Community (SPC) and the Pacific Islands Forum Fisheries Agency (FFA) are identified as organizations, among others, that the Commission may enter into relationship agreements with for the purposes of collaboration, cooperation, consultation and avoiding duplication.

2. Article 22 further provides that organizations with which the Commission has established an arrangement or agreement may designate representatives to attend meetings of the Commission as observers in accordance with the Rules of Procedure of the Commission. The procedures for obtaining the views of such organizations, in appropriate cases, will be established by the Commission.

**Developments during 2005**

3. The delayed establishment of the Secretariat, in October 2005, meant that relations with other organizations were not progressed as envisaged during the year. Nevertheless, positive developments occurred in respect of:

*The Secretariat of the Pacific Community*

4. In accordance with Article 13 of the Convention, the Commission negotiated a Memorandum of Understanding (MoU) with the Secretariat of the Pacific Community relating to collaboration between the two organizations and the provision of scientific advice and information to the Commission. A copy of the MoU is appended at Attachment A. A subsidiary agreement, relating to the financial arrangement to support the MoU, will be finalized on adoption of a budget for the Commission for 2006 by the Second Annual Session, 12-16 December 2005.

5. SPC will be represented at both the Technical and Compliance Committee and the Second Annual Session.

*The UN Food and Agriculture Organization*

6. A formal invitation was extended to FAO on October 23<sup>rd</sup> to participate in the Second Annual Session of the Commission as an observer. An apology was received from Mr Nomura, Assistant Director General, Fisheries Department, on 7<sup>th</sup> November advising that, although the Organization would not be represented at the 2005 Annual Session, it would make best efforts to participate in the 2006 Annual Session. In the meantime, Mr Nomura looked forward to opportunities to advance the relationship between the Commission and FAO during 2006.

*The Inter-American Tropical Tuna Commission*

7. The Final Report of the Preparatory Conference (WCPFC/PrepCon/48) notes that the Seventh Session of the Participatory Conference had decided to “*appoint a small group to work with IATTC to develop guidelines to give full effect to Article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures and to promote consistent management measures throughout the migratory range of stocks that occur in areas covered by the two Conventions*”.

8. The Inaugural Session of the Commission in December 2004 noted this recommendation, among others at paragraphs 86 and 87 of the Final Report of the Preparatory Conference, but provide no further advice on how the recommendation was to be operationalized.

9. It will be recalled that the Scientific Committee, at its meeting in August, provided recommendations in respect of three important areas for cooperation with IATTC. The recommendations cover:

- Exchange of data;
- Shark stock assessments; and
- Collaboration on Pacific-wide stock assessments including through a possible Pacific-wide tagging proposal.

It is also noted that the Informal Discussions towards the Establishment of the WCPFC Northern Committee held in Tokyo in mid-September 2005 suggested collaboration between IATTC and the Commission on shared interests in the North Pacific.

10. Consistent with the recommendation of the Seventh Session and decision of the First Annual Session, IATTC is among those organizations for which the development of a formal arrangement for collaboration, consultation, cooperation and avoidance of duplication will be a priority early in 2006.

11. A formal invitation was extended to IATTC to participate in the Second Annual Session of the Commission as an observer. This was accepted and, as a result, presents an opportunity for outlining a mutually agreeable programme of work that can be implemented in 2006 to formalize the arrangement between IATTC and the Commission.

*The Pacific Islands Forum Fisheries Agency*

12. A formal invitation was extended to FFA to participate in the Second Annual Session of the Commission, as an observer, on October 23<sup>rd</sup>. FFA will be present at the Technical and Compliance Committee and the Second Annual Session providing support to delegations from FFA member countries. This presents an opportunity for outlining a mutually agreeable programme of work that can be implemented in 2006 to formalize the arrangement between FFA and the Commission.

*The Commission for the Conservation of Antarctic Marine Living Resources*

13. During September and October numerous productive exchanges occurred between the Commission and CCAMLR. These exchanges (somewhat disrupted by poor internet connections) were mainly related to the preparation of the background papers for the First Regular Session of the Technical and Compliance Committee and CCAMLR's experience in relation to vessel monitoring systems and high seas boarding and inspection. CCAMLR formally extended an invitation to the Commission to observe the annual session of CCAMLR in mid-October. Preparations for the December meetings of WCPFC prevented this occurring.

14. A formal invitation was extended to CCAMLR to participate in the Second Annual Session of the Commission, as an observer, on October 23<sup>rd</sup>. Efforts to strengthen the relationship between the two Commissions will be explored, as the opportunity arises, early in 2006.

*The Indian Ocean Tuna Commission*

15. A formal invitation was extended to IOTC to participate in the Second Annual Session of the Commission, as an observer, on October 23<sup>rd</sup>. Efforts to strengthen the relationship between the two Commissions will be explored, as the opportunity arises, early in 2006.

*The Commission for the Conservation of Southern Bluefin Tuna*

16. The Secretariat met with the CCSBT in Canberra in October to discuss the establishment of an understanding that formally recognizes CCSBT as the appropriate body to develop and implement southern bluefin tuna conservation and management measures, as recommended at the Seventh Session of the Participatory Conference.

17. As a result of the October meeting, both Secretariats have jointly developed a draft Memorandum of Understanding (Attachment B). It is suggested that, if endorsed by the Commission at its Second Session, that the draft Memorandum of Understanding, amended as necessary, be forwarded to the CCSBT with a proposal that it be considered for adoption, at the earliest opportunity, by Members of the CCSBT.

18. A formal invitation was extended to CCSBT to participate in the Second Annual Session of the Commission, as an observer, on October 23<sup>rd</sup>. Unfortunately, due to other commitments, the CCSBT sent apologies that it will be unable to participate in the December meetings but that it looked forward to working closely with the Secretariat in the future.

*The International Convention for the Conservation of Atlantic Tunas*

19. In July the Commission received a formal invitation to observe the ICCAT Annual Session in November. Because a Secretariat was not been established at that time, and because of the anticipated heavy demands on a Secretariat during November to prepare for the Commission's December meetings, the Commission sent its apologies that it could not be represented at the 2005 Session.

20. A formal invitation was extended to ICCAT to participate in the Second Annual Session of the Commission, as an observer, on October 23<sup>rd</sup>. Efforts to strengthen the relationship between the Commission and ICCAT will be explored, as the opportunity arises, early in 2006.

**Advice from the Commission**

21. The Secretariat seeks advice from the Commission in relation to:

- the priorities and processes for promoting cooperation between the Commission and other organizations, particularly those listed at Article 22;

- the proposed arrangements with SPC and CCSBT; and
- the development of any procedures that may be required in order to obtain the views of organizations with which the Commission has formalized relations (Article 22 (6)).

**Memorandum of Understanding  
between  
the Commission for the Conservation and Management of Highly Migratory Fish  
Stocks in the Western and Central Pacific Ocean  
and the Secretariat of the Pacific Community**

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the Western and Central Pacific Fisheries Commission” or “the Commission”) and the Secretariat of the Pacific Community (hereinafter referred to as “the SPC”):

**Recognising** that the Commission is required to, *inter alia*:

- adopt measures to ensure long-term sustainability of highly migratory fish stocks in its Convention Area and promote the objective of their optimum utilisation;
- ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States in the Convention Area, particularly small island developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional, or global;
- assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
- adopt measures to minimise waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, both fish and non-fish species (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- protect biodiversity in the marine environment;
- take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- collect and share, in a timely manner, complete and accurate data concerning fishing activities on, *inter alia*, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programs;
- establish a committee (the Scientific Committee) to ensure that the Commission obtains for its consideration the best scientific information available through review

of research results, encouraging and promoting cooperation in scientific research and assessing status of target or non-target stocks of interest;

- establish a committee (the Technical and Compliance Committee), that is required to collaborate with the Scientific Committee in providing advice and making recommendations to the Commission on conservation and management measures; and
- establish a committee (the Northern Committee) to make recommendations on the implementation of such conservation and management measures as may be adopted by the Commission for the area north of the 20° parallel of north latitude and on the formulation of such measures in respect of stocks which occur mostly in this area;

**Noting** also that the Commission:

- may engage the services of scientific experts to provide information and advice on the fishery resources covered by its Convention and related matters that may be relevant to the conservation and management of those resources;
- may enter into administrative and financial arrangements to utilise scientific services for this purpose; and
- in order to carry out its functions in a cost-effective manner, shall, to the greatest extent possible, utilise the services of existing regional organisations and shall consult, as appropriate, with any other fisheries management, technical or scientific organisation with expertise in matters related to the work of the Commission;

**Recognising** that the SPC, through the work of its Oceanic Fisheries Programme (hereinafter referred to as “the OFP”), seeks to:

- ensure that regional and national fisheries management authorities in its region of competence have access to high-quality scientific information and advice on the status of, and fishery impacts on, stocks targeted or otherwise impacted by regional oceanic fisheries;
- ensure that regional and national fisheries management authorities within its region of competence have access to accurate and comprehensive scientific data on fisheries targeting the region’s resources of tuna, billfish and other oceanic species including non-target species; and
- improve the understanding of pelagic ecosystems in the western and central Pacific Ocean, with a focus on the western tropical Pacific;

**Noting** also that the OFP, in pursuing these objectives, has, over a long period of time:

- developed and maintained a comprehensive database of catch, effort, size composition and other biological data from the oceanic fisheries of the western and central Pacific Ocean;
- conducted biological and ecological research on the target and non-target species impacted by the fisheries and their ecosystem;

- conducted regular stock assessments and associated analyses for highly migratory stocks of interest;
- provided a forum for the exchange of knowledge of oceanic fisheries in the western and central Pacific Ocean through the precursor to the Scientific Committee, the Standing Committee on Tuna and Billfish, and thus has an established international and regional network of scientific collaborators; and
- assisted SPC member countries that are also Members of the Commission in the management of oceanic fisheries through the implementation of fishery monitoring and data management systems, the provision of scientific advice and the provision of national capacity building;

**Have agreed as follows:**

**General Co-operation**

The Commission and the SPC agree to establish and maintain co-operation in respect of matters of common interest to the two organisations. In particular, the Commission and the SPC will:

- i. encourage reciprocal participation in relevant meetings of each organisation;
- ii. encourage the collaboration of national scientists in the scientific work undertaken by, or on behalf of, the Commission;
- iii. actively and regularly exchange relevant meeting reports, information, project plans, documents, and publications regarding matters of mutual interest, up to the limits allowed by the information-sharing policies agreed by each organisation's members; and
- iv. consult on a regular basis to enhance co-operation and minimise duplication.

**Provision of Scientific Services to the Commission by the SPC OFP**

The SPC OFP will provide scientific services to the Commission, as agreed and detailed in annual<sup>1</sup> Service Agreements, which shall be considered Annexes to this MOU.

Services may include, *inter alia*, the following:

data management services, including, as appropriate, the collection, compilation and dissemination of fisheries data according to agreed principles and procedures established by the Commission, data processing, and database development and maintenance, taking full account of the procedures and policies of both organisations relating to the confidentiality, disclosure and publication of data;

data summaries and analyses that the Commission may routinely require to carry out its functions;

other data summaries and analyses that the Commission may require from time to time;

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<sup>1</sup> The first such Service Agreement shall cover an 18 month period, from 1 July 2005 to 31 December 2006. Service Agreements shall be annual thereafter.

regional stock assessments of key target and non-target species;  
scientific evaluation of potential management options;  
scientific advice in relation to the implementation of the Commission's vessel monitoring system, regional observer programme or other initiatives relating to fishing gear and technology, as appropriate; and  
design and implementation of biological, ecological or stock assessment research programmes requested by the Commission, including collaborative research programmes with other regional fishery management organisations.

### **Provision of Assistance to Commission Members**

In support of Article 30 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, the SPC will provide assistance to its Pacific Island Members to enhance their participation in the work of the Commission. Assistance may include, *inter alia*:

- i. assistance in monitoring the fishing activities of national fleets and foreign fleets fishing within Pacific Island exclusive economic zones;
- ii. assistance in data management, and in particular in satisfying the data reporting obligations to the Commission;
- iii. auditing of national fishery monitoring and data management systems;
- iv. assistance in the interpretation of scientific information being provided to the Commission;
- v. scientific advice for the management of national fisheries consistent with the objectives of the Commission; and
- vi. assistance in the implementation of management measures adopted by the Commission.

### **Financial Support**

The Commission will provide financial support for the provision of scientific services and for the provision of assistance to Commission members as agreed in the Service Agreements.

In respect of scientific services, it is recognised that the SPC OFP, through its regular work programme, already undertakes a considerable portion of the scientific work required by the Commission. Initially, it is expected that the Commission will fund only the work required for the provision of scientific services that is additional to the SPC OFP's regular work programme. However, as the Commission's financial base becomes established, the Commission will assume, over a time-frame and according to a formula to be mutually agreed, a greater responsibility for the full range of scientific services provided by the SPC OFP in support of the work of the Commission.

In respect of assistance to Pacific Island Commission Members, such assistance will normally be provided by SPC funding sources, or from the Commission's Special Requirements Fund, subject to procedures agreed by the Commission governing the use of that Fund. Where assistance is to be funded from the Commission's Special



Requirements Fund, this shall be included in the Service Agreement. In special circumstances, assistance may also be requested for non-Pacific Island Commission Members. Such assistance will be funded by the Commission (in which case it will be detailed in the Service Agreement) or directly by the countries concerned.

### **General Administrative Arrangements**

- i. This MOU becomes effective upon the date of signature of the responsible representatives of both Parties.
- ii. This MOU may be modified by written consent of the responsible representatives of both Parties. The modified MOU becomes effective upon the date of signature of such consent.
- iii. If any dispute should arise between the Parties on the operation of this MOU, the Parties will make every effort to resolve the dispute themselves, or if necessary, by utilising a mutually-acceptable arbiter.
- iv. Either Party may terminate this MOU by providing written notice to the other of its intention to withdraw from the MOU. Termination shall be effective on 31 December of the year in which such notice is given, or 90 days following such notice, whichever is later. Upon termination of the MOU, any uncommitted funds provided for scientific services and assistance shall be refunded to the Commission.
- v. A full review of the terms and operation of this MOU and its Annexes will be conducted in concert with the review of the scientific functions of the Commission, to be completed by 30 June 2007, and subsequently every three years.

### **Signature**

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

Andrew Wright  
Executive Director, WCPFC

Lourdes Pangelinan  
Director General, SPC

xx November 200

[DRAFT Tuesday, November 22, 2005]

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**The Commission for the Conservation of Southern Bluefin Tuna**  
**and**  
**The Western and Central Pacific Fisheries Commission**

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the Western and Central Pacific Fisheries Commission (WCPFC);

Recalling that the objective of the Convention for the Conservation of Southern Bluefin Tuna is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna;

Further recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 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 under the Convention for the Conservation of Southern Bluefin Tuna CCSBT claims competence over southern bluefin throughout its migratory range;

Recognising further that under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean WCPFC has competence to regulate southern bluefin tuna within its area of jurisdiction as a highly migratory stock;

Noting Article 12 of the Convention for the Conservation of Southern Bluefin Tuna which requires the CCSBT to collaborate with other inter-governmental organisations which have related objectives to, among other things, obtain the best available information including scientific information to further the attainment of the objective of the Convention and seek to avoid duplication with respect to the work of the other organizations;

Further noting Article 22 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean which requires the WCPFC to cooperate with other organizations, including specifically, CCSBT, in order to avoid the duplication of measures in respect of species in that area which are regulated by both organizations;

Recalling paragraph 86 (a) of the Final Report of the Preparatory Conference for the Establishment of the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean of 7 December 2004, which recognises the

need to establish an understanding between WCPFC and the CCSBT clarifying that, because CCSBT has competence with respect to southern bluefin tuna throughout its migratory range, the WCPFC recognizes that CCSBT is the appropriate body to develop and implement southern bluefin tuna conservation and management measures;

Desiring to put in place an arrangement to implement Article 12 of the Convention for the Conservation of Southern Bluefin Tuna and Article 22 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean,

The CCSBT and the WCPFC record the following understandings:

(a) that the CCSBT is the appropriate body to develop and implement southern bluefin tuna conservation and management measures;

(b) that the CCSBT will provide a report each year to the WCPFC covering the stock assessment for southern bluefin tuna for that year; and the latest catch data classified by ocean, gear and catching country;

(c) that the WCPFC will provide a report to the CCSBT each year detailing the catches of southern bluefin tuna by vessels fishing for highly migratory species within the WCPFC Convention area by flag and gear;

(d) that the CCSBT and the WCPFC agree to:

- exchange data and scientific information on annual basis;
- exchange information on fisheries management on annual basis;
- cooperate in investigations and studies of mutual interest;
- grant permanent reciprocal observer status at meetings; and
- to consider methods of recognising each others conservation and management measures

This MOU is effective upon signature by both parties.

This MOU does not alter the obligations of members of either body to comply with the management and conservation measures of those bodies.

Revisions to this Memorandum of Understanding shall be made by mutual consent of both the parties, by the issuance of a written notification, signed and dated by both parties, prior to any changes being performed.

Either party may terminate this Memorandum of Understanding by giving twelve (12) months' notice in writing.

Signed and duly dated:

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Yoshimi Suenaga

Chairman

Commission for the Convention for the  
Conservation of Southern Bluefin Tuna

Date: \_\_\_\_\_

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Glenn Hurry

Chairman

Commission for the Conservation of Highly  
Migratory Fish Stocks in the Western and  
Central Pacific Ocean

Date: \_\_\_\_\_