



**SCIENTIFIC COMMITTEE
FIFTH REGULAR SESSION
Port Vila, Vanuatu
10-21 August 2009**

Draft revision of Memorandum of Understanding (MOU) between WCPFC and ISC

**WCPFC-SC5-2009/GN-WP-11
29 July 2009**

Introduction

1. The Commission recommended a revision, if necessary, of the existing MOU between WCPFC and ISC in order to allow the Scientific Committee to directly request advice from ISC on the status of North Pacific stocks (WCPFC5 Summary Report, paragraphs 254 (c) and 259)). The Secretariat prepared a draft revision of the MOU and sent it to the ISC Chair on 20th June 2009 for the consideration of ISC (Attachment A).
2. At the 9th meeting of the ISC, 15-20 July 2009, Kaohsiung, Chinese Taipei, the Plenary of the ISC considered this issue and noted in its adopted meeting report as follows:

“Concerning the issue of the MOU, the ISC Chairman explained that the existing MOU requires a review after 12 months of execution and that this review is currently underway. As part of this review, the WCPFC Secretariat, on behalf of the Commission, is requesting several changes to the MOU.

The most significant issue associated with these changes involves creating an additional line of reporting between the ISC and the WCPFC Scientific Committee (SC). Under the current MOU the ISC reports to the WCPFC only through the NC. The ISC Chairman noted that the ISC is structured to be an independent provider of information to the NC for use in NC decision-making. The proposed change in the MOU would alter the relationship between the ISC and the WCPFC as the ISC would then report to the SC which has a much broader membership than the NC; this could result in conflicting requests and demands. The proposed addition would also create an administrative issue since the current scheduling of ISC meetings does not allow sufficient time to prepare documents before the SC document submission deadline. Other issues related to the proposed MOU revision, i.e. potential increases in workload and costs for ISC members and a clear mechanism for cost recovery, were also noted.

Since there is no formal mechanism for the ISC to submit comments on the package of proposals to the SC or NC, the ISC Chairman questioned how the ISC can make its opinions on the proposals known so that they can be discussed in these forums. S.K. Soh, WCPFC Observer, clarified that the proposals are being put forward to ISC9 and SC5. Comments received from the ISC and the SC will be considered and reflected in submissions to NC5 and to WCPFC6.

ISC9 agreed to provide formal comments on the proposal to revise the WCPFC-ISC MOU after considering the views of the NC during discussions of this topic at NC5.”

3. Since no comments were provided by the ISC, the same Secretariat’s draft MOU is tabled for consideration at SC5. SC5 is invited to provide any further revision or comments for consideration at NC5 and the Commission.

**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 International Scientific Committee for Tuna and Tuna-like Species
in the North Pacific Ocean**

(Adopted December 2005)

Recognizing that, *inter alia*, the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the WCPF Commission”):

- Adopts measures to ensure long-term sustainability of highly migratory fish stocks in the Convention Area and promote the objective of their optimum utilization;
- Ensures 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;
- Assesses 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;
- Collects and shares, 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;
- Establishes a committee, ~~which shall be called~~ 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;
- Enters into administrative and financial arrangements as required to utilize scientific services for the purpose of providing 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 and, in order to carry out its functions in a cost-effective manner, shall, to the greatest extent possible, utilize the services of existing regional organizations and shall consult, as appropriate, with any other fisheries management, technical or scientific organization with expertise in matters related to the work of the Commission; and
- Establishes a committee, ~~(the Scientific Committee~~ as a leading subsidiary body in science), 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.

Recognizing that the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (hereinafter referred to as “the ISC”):

- Enhances scientific research and cooperation for conservation and rational utilization of the species of tuna and tuna-like fishes which inhabit the North Pacific Ocean during a part or all of their life cycle;
- Creates the scientific groundwork, if at some point in the future, it is decided to create a multilateral regime for the conservation and rational utilization of these species in this region;
- Establishes a central database to support the scientific research of the ISC and continues to consider establishing a permanent Secretariat;
- Establishes subsidiary Working Groups to perform the significant scientific work of the ISC.

The Commission of the WCPFC and the ISC, the participants to this Memorandum of Understanding (“MOU”), have therefore reached the following understanding.

Part I: Provision of Scientific Advice

- The [Scientific Committee and the Northern Committee](#) may request from the ISC scientific information and advice regarding fish stocks (generally those stocks occurring mostly north of the 20° parallel of north latitude; see Annex 1) for response prior to each meeting of the Northern Committee. This formal request will be transmitted expeditiously to the ISC. The Commission will, if requested, provide data necessary for the scientific analysis to be conducted by the ISC.
- The ISC will provide requested scientific information and advice in accordance with this MOU [at least two \(2\) weeks before the annual meetings of the Scientific Committee and one \(1\) month before the annual meetings of the Northern Committee](#). ISC will also provide the requested scientific information and advice to the Commission ~~and the Scientific Committee~~. This scientific information and advice will follow the standard presented in Annex 2 for standard (recurring) requests or as mutually agreed upon for special requests (see also Part III below).
- The ISC will provide its normal Committees and Working Group reports, prepared under the Rules and Procedures for the Conduct of the ISC Committee and Subsidiary Bodies, including relevant background reports, directly to the Northern Committee, the Commission, and the Scientific Committee.
- ISC scientific information and advice will be presented at the annual meeting of the Northern Committee and the Scientific Committee, and may be presented to the Commission by the Chair of the ISC, or a designate, and advisors from the ISC Working Groups, as appropriate. The participation costs of the ISC Chair, or designate, and advisors from the ISC Working Groups will be borne by the Member Governments of the ISC Chair and Working Group advisors.

Part II: Framework for Mutual Cooperation

Participants to this MOU will:

- Encourage reciprocal consultations and regular contacts on matters of common interest regarding scientific research on highly migratory tuna and tuna-like resources;

- Regularly exchange relevant meeting reports, information, project plans, documents, and publications regarding matters of mutual interest; and
- Routinely exchange fishery data, in accordance with the rules and procedures for data confidentiality adopted by each organization, to minimize duplicative data collection efforts and enhance fishery monitoring and stock assessment through the use of common data sources.

The Executive Director of the Commission, or designate, including the Chair of the Northern Committee and Chair of the Scientific Committee, will be invited to observe the plenary meetings of the ISC and its Working Groups. The Chair of the ISC, or designate, will be invited to observe the annual meetings of the Commission and meetings of the Northern Committee and Scientific Committee, as well as other subsidiary bodies, as appropriate. The costs of participation will be borne by each Organization respectively.

Part III: Finance

- ISC will provide its normal reports and the reports of its Working Groups, as well as standard (recurring) scientific information and advice, without cost to the Commission.
- The Commission will pay, as mutually decided, costs for special scientific advice requested by the Commission.

Part IV: General Administrative Arrangements

- This MOU becomes effective upon the date of signature of the responsible representatives in both the Commission and ISC.
- This MOU may be modified by written consent of both Commission and ISC and signed by the responsible representative in each organization. The modified MOU becomes effective upon the date of signature of both the responsible representatives of the Commission and ISC.
- If any dispute should arise between the Commission and ISC on the operation of this MOU, both will make every effort to resolve the dispute themselves, or if necessary, by utilizing a mutually decided arbiter.
- Either Commission or ISC may terminate this MOU by providing 30 days written notice to the other of its intention to withdraw from this MOU. Upon termination of the MOU, any funds provided for special, typically non-recurring, scientific advice shall be refunded to the Commission (see Part III above).
- A full review of the terms and operation of the MOU and its Annexes will be conducted as soon as practicable after the first full 12 months of operation following its signature by the Commission and the ISC and subsequently every three years.

Part V: Signature

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean:

<p>Signed: original signed</p> <p>Date: _____</p> <p>Chair</p> <p>Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific</p>	<p>Signed: _original signed _____</p> <p>Date: _____</p> <p>Chair</p> <p>International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean</p>
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Annex 1

Provisional list of species and/or stocks in the North Pacific for which the [Scientific Committee and the Northern Committee](#) may request standard (recurring) advice from the ISC:

- North Pacific Albacore
- Pacific bluefin tuna
- Swordfish and other billfishes
- By-catch (fish and non-fish) species

Other species may be added to the list with the mutual written concurrence of the Participants to this MOU.

Annex 2

Standard (recurring) advice required from ISC by the [Scientific Committee and the Northern Committee](#):

For tuna and tuna-like species that occur primarily in the North Pacific, the ISC will report annually to the [Scientific Committee and the Northern Committee](#) of the WCPFC on:

1. Performance of the monitored fisheries
2. Progress in stock assessment research and future needs
3. Status of stocks
4. Advice on conservation measures
 - a. Management measures needed
 - b. Evaluation of the effectiveness of existing measures

Any additional ISC tasks needed to support WCPFC will be delineated in annual service agreements established at the outset of each year and in accordance with Part III