WCPFC8
Eighth Regular Session
5 December - 9 December 2011
Koror, Palau

COOPERATION WITH OTHER ORGANIZATIONS

WCPFC8- 2011/35
23 October 2011

Introduction

1. Article 22 of the Convention requires the Commission to collaborate with other Intergovernmental organizations which may 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 some of the organizations that the Commission may enter into agreements for collaboration, cooperation, consultation and avoiding duplication.

Key issues with other organisations (IATTC)

2. There are two items to be discussed and decided at WCPFC8.
   a. MoC on Cross Endorsement of IATTC and WCPFC Observers;
   b. The development of a joint management agreement for the overlap area between WCPFC and IATTC

MoC on Cross Endorsement of IATTC and WCPFC Regional Observers

3. The MoC on Cross Endorsement of IATTC and WCPFC Regional Observers was signed at La Jolla in July 2011 and is attached as *Annex A*. TCC7 noted as follows:

"*With regard to observer coverage in the WCPFC-IATTC overlap area, some CCMs asked that the Secretariat provide an update on its progress in implementing the recently signed WCPFC-IATTC MOC to WCPFC8. This would include an analysis of gaps in compliance with the requirements of each RFMO should the other RFMO's observer procedures be followed*."

Cross endorsement of observers

4. The cross endorsement of observers to operate in the IATTC and WCPFC Convention Areas has been approved by both organisations and a MoC has recently been signed by the Director of IATTC and the Chair of WCPFC. Discussion on the issue listed below for the Technical Advisory Group (TAG) will take place with the IATTC by the Executive Director (ED) early November 2011.

5. The TAG for the ROP if approved will consider operational rules for Cross Endorsement of Observers taking into account IATTC comments on these matters. This will include protocols:

- for approved observers from IATTC or WCPFC observer programmes that fish on high seas of the respective Convention Areas;
- collecting observer data in the different formats;
- for the training of observers to ensure that observers being used have been trained in both IATTC and WCPFC data collection and reporting formats;
- observers for the high seas in the overlap area;

6. The Secretariat has had an operational level discussion on this issue with IATTC counterparts. The ED during his visit to La Jolla on 1-3 November 2011 will also discuss the issues concerning the management of the overlap area.

7. Once the regional observer coordinators develop a cross training programme that collects data satisfactory to both Commissions it will be necessary to conduct the cross training with certification of observers from both organizations. The funding for the development and training sessions (expected to be 2 sessions) must be planned in each Commission's budgets or sought from extra budgetary sources. Funding has been included for the WCPFC observers training in the 2012 budget for assistance to ROP observers for 1 training session.

Joint Management Agreement for the IATTC and WCPFC Overlap Area

8. The WCPFC7 tasked the ED to work with IATTC to develop a Terms of Reference (TOR) for dealing with issues in the overlap area. Following this direction from WCPFC7 there was a meeting on the side of KOBE III of an *Informal Workshop on Matters Related to the IATTC and WCPFC*. The Chairman's summary of the suggestions of the workshop with respect to establishing a joint working group is attached as *Annex B.* The full report of the Chair is attached as *Annex C*. In addition to this, the ED will visit La Jolla on 1-3 November for initial discussion with IATTC on potential ways forward on this issue.

9. TCC recommended that the Chair of the Commission write to IATTC and invite them to have further discussions on this issue in the margins of the annual meeting at Palau. The letter is being sent to the Director of IATTC.

10. The ED will provide an updated briefing on these issues at WCPFC8.

Status of Relations with other Organisations

11. A summary of the status of relations with other organizations has been presented at each meeting of the Commission and its subsidiary bodies to date. The reports have included an overview of relations between WCPFC and the following organisations:

- Secretariat of the Pacific Community (SPC);
- Commission for the Conservation for Southern Bluefin Tuna (CCSBT);
- International Scientific Committee for Tunas and Tuna-like Species in the North Pacific Ocean (ISC);
- Inter-American Tropical Tuna Commission (IATTC);
- Pacific Islands Forum Fisheries Agency (FFA);
- UN Food and Agriculture Organisation (FAO);
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
- Indian Ocean Tuna Commission (IOTC);
- Secretariat of the Pacific Regional Environment Programme (SPREP);
- Commission for the Conservation of Atlantic Tunas (ICCAT);
- Agreement for the Conservation of Albatross and Petrels (ACAP); and
- North Pacific Anadromous Fish Commission (NPAFC).

12. On the direction of the Commission, agreements on cooperation, coordination and consultation have been formalized with SPC, FFA, CCSBT, IATTC, IOTC, ISC, SPREP, ACAP, and NPAFC. The Agreements with each of these organizations can be found on http://wcpfc.int/relations-with-other-organisations.

Other Existing arrangements

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

13. A copy of the existing MoU between WCPFC and CCSBT, signed following the endorsement of the Second Regular Session of the Commission, 12-16 December 2005 at Pohnpei, Federated States of Micronesia.

International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC)

14. On the basis of recommendations from the *Independent Review of Interim Arrangements for Science Structure and Function* adopted at the Fifth Regular Session of the Scientific Committee, 6-10 December 2008, the Secretariat prepared a draft revised Memorandum of Understanding (MoU) with ISC. The revised draft, however, was not

accepted by the Northern Committee and the current MOU has not yet been reviewed, but may be presented at WCPFC8.

The Pacific Islands Forum Fisheries Agency (FFA)

15. As directed by the Fourth Regular Session of the Commission a MoU between the two secretariats was finalized.

16. There is also a service level agreement (SLA) between the FFA and the Commission for VMS services consistent with paragraph 5 of Article 15 of the Convention. This Agreement has recently been the subject of discussion between the agencies which resulted in agreement for a joint review of the FFA and WCPFC VMS in 2011. The results of this review will be reported at WCPFC8.

The Agreement for the Conservation of Albatross and Petrels (ACAP)

17. The Fourth Regular Session of the Commission adopted a MoU with ACAP.

The Secretariat of the Pacific Regional Environment Programme (SPREP)

18. The Fourth Regular Session of the Commission adopted a MoU with SPREP.

The Indian Ocean Tuna Commission (IOTC)

19. The Fourth Regular Session of the Commission adopted a MoU with IOTC.

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

20. WCPFC5 adopted an Arrangement with CCAMLR. The Arrangement was signed by the Chair of CCAMLR on 12th January 2009.

North Pacific Anadromous Fish Commission (NPAFC)

21. WCPFC5 recommended that efforts commence to establish a formal relationship with the North Pacific Anadromous Fish Commission (NPAFC). A draft MoU was developed by the two Secretariats, approved by WCPFC 6 at Papeete, French Polynesia in December 2009, and was signed in December 2010.

General

22. All of these memoranda of understanding or arrangements, with the exception being the SLA, will be posted on the WCPFC website so that they will no longer need to be reproduced for each session of the Commission and its subsidiary bodies.

Other potential arrangements

The UN Food and Agriculture Organization (FAO)

23. The Fourth Regular Session of the Commission decided that there is no urgency to develop a MoU with FAO.

The International Convention for the Conservation of Atlantic Tunas (ICCAT)

24. Regular dialogue is maintained with the ICCAT directly and through the tuna-RFMO network. There are no developments to report in respect of formalizing an arrangement for consultation, cooperation and collaboration with ICCAT during 2010 and 2011.

Tuna Regional Fisheries Management Organisations (t-RFMOs)

25. The Secretariat is actively engaged in an initiative of the Secretariat's of the regional fisheries management organizations with a principle interest in tuna to promote collaboration, information exchange and consultation (www.tuna-org.org). The WCPFC has participated once again at KOBE III in La Jolla, USA. Further, the Secretariat is participating in the regular posting of the Consolidated List of Authorized Fishing Vessels (CLAV) of all registered fishing vessels in the tRFMOs. This is being coordinated by IOTC and the results can be found at www.tuna-org.org.

The North Pacific Marine Science Organization (PICES)

26. PICES is an intergovernmental scientific organization that was established in 1992 to promote and coordinate marine research in the northern North Pacific and adjacent seas. Its present members are Canada, Japan, People's Republic of China, Republic of Korea, the Russian Federation, and the United States of America. PICES continues to invite WCPFC to participate in its annual meetings. The Secretariat remains in the position of funding and staffing constraints preventing participation, but looks forward to close cooperation in future years.

Annex A

MEMORANDUM OF COOPERATION (MOC) ON THE CROSS-ENDORSEMENT OF WCPFC AND IATTC APPROVED OBSERVERS WHEN OBSERVING ON THE HIGH SEAS OF THE CONVENTION AREAS OF BOTH ORGANIZATIONS

between

THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

and

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC):

UNDERSTANDING the value of undertaking cooperative efforts to facilitate the operation of vessels that fish in both Convention Areas during the same fishing trip;

CONSIDERING the Memorandum of Understanding between WCPFC and IATTC signed in 2006 and the Memorandum of Cooperation signed in 2009;

CONFIRM the following conditions for the cross-endorsement of approved observers to operate on authorized vessels that undertake fishing operations in the convention areas of both organizations:

1. The IATTC and the WCPFC recognize the importance of facilitating mutual cooperative participation among the members of both Commissions.

2. The IATTC and the WCPFC recognize that their respective observer programs meet the standards of both Commissions by collecting accurate data on fishing activities essential to the conservation and management of the fish stocks covered by their respective Conventions.

3. Vessels with observers may fish in the IATTC Convention Area only if they are included on the IATTC Regional Vessel Register, or may fish in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels.

4. Cross-endorsement for an observer will be given only when the IATTC and WCPFC Secretariats agree that the observer has met the necessary training requirements for operating on vessels that fish on the high seas in both Convention Areas and such requirements will be of the same standard.

5. It is understood that the relevant data and information requirements of each Commission will be met by the cross-endorsed observers when the vessel in question is in the high seas in the respective Convention Areas.

6. All data and information collected by observers operating on trips that extend into the high seas of the Convention Area of the other organization will be provided to both the IATTC and WCPFC Secretariats,

in accordance with procedures for the respective Commission and will be considered to be held by the respective Commission.

7. Each Secretariat will identify the data and information required for its Commission and will ensure that observers will be able to meet all such requirements with respect to vessels fishing within the high seas in that Commission's Convention Area.

8. Data and information collected by an observer cross-endorsed by the IATTC and WCPFC Secretariats may be used for compliance purposes and in legal proceedings.

9. The Secretariats may assist in facilitating the training of observers that meet cross-endorsement requirements, with a view towards developing a core group of observers who may be assigned to vessels operating on the high seas in both Convention Areas to meet the requirements of both IATTC and WCPFC with respect to observers.

10. The provisions of this MOC may also apply to specified areas of either organisation which are not high seas, in accordance with relevant approval procedures of each Commission, and when so advised by the Secretariat of the relevant Commission to the other Secretariat that the coastal CCM/CPC in question has requested use of cross-endorsed observers.

11. Cross-endorsement for an observer by the IATTC and WCPFC Secretariats does not affect the application of domestic legislation and procedures of coastal CCM/CPC of either organisation.

12. An observer cross-endorsed by the IATTC and WCPFC remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the IATTC Convention Area subject to approval of such programmes. Unless agreed otherwise by such programmes, this MOC does not create any obligation on cross-endorsed observers or programmes.

13. This MOC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

Signed on behalf of the WCPFC and the IATTC:

.....	.....
Chairman, WCPFC	Director, IATTC
Date: 09 Aug 2011	Date: 11-Ag-2011

Annex B

SUMMARY REPORT OF THE CHAIR OF THE INFORMAL WORKSHOP ON MATTERS RELATED TO THE IATTC AND WCPFC FOR THE ESTABLISHMENT OF A JOINT WORKING GROUP

This workshop is an informal meeting and its outputs are only suggestions.

The delegations suggested the creation of an ad-hoc working group (noting that it may be made permanent depending on how the work progresses), which would have the following proposed tasks:

1) To compile and analyze the data available in regard of the overlapping area, in order to assess the extent of the problem and to identify the most urgent issues requiring cooperation (some noted that this first task could be done by the secretariats of the two organizations, even prior to the formal creation of the working group);
2) To develop mechanisms to ensure better scientific cooperation between both organizations and to ensure that the conservation and management measures stemming from the scientific information and advice are compatible and comparable in their effectiveness;
3) To propose concrete and pragmatic actions to ensure the effectiveness of the conservation and management measures adopted by both organizations, in regard to the overlapping area as well as to the trans-Pacific migratory stocks;
4) To consider means for the harmonization, compatibility and cooperation, as appropriate, of the MCS measures adopted by both organizations;
5) To develop ways to facilitate and expedite the granting of cooperating non-member status to those who are members of only one of the organizations; and
6) To investigate the possibility of moving towards more formal cooperation between both organizations through a memorandum of understanding.

Several delegations highlighted the need to ensure financial support so that developing States, particularly small island developing States and States with small and vulnerable economies, could participate fully in the work of the working group.

It was suggested that the meetings of such a working group could be held back-to-back with the annual meetings of IATTC and WCPFC, in an alternating manner. The COFI meeting in mid-2012 was offered as another opportunity for the working group to meet.

Considering the urgency of the matter, the possibility of both organizations approving the formal creation of the suggested working group by established intercessional procedures was also noted.

Annex C

Report of the Chair
Informal Workshop on Matters Related to the IATTC and WCPFC
July 11, 2011, La Jolla, California

1. The workshop was attended by a number of delegations from both the IATTC and the WCPFC.

Agenda item 1. Opening

2. Mr. Russell Smith, of the United States of America (USA), opened the meeting, emphasizing the importance of cooperation between the IATTC and WCPFC given the overlapping membership, overlapping convention areas, the fact that some vessels fish in both convention areas, and that the two organizations manage some of the same stocks of fish. He pointed to the recent agreement on cross-endorsement of observers by the two organizations as progress on cooperation. He said he hoped that the workshop would result in recommendations for making further progress and a timeline for doing so. He noted that no formal decisions will be made here; any recommendations will have to go back to the two organizations for formal action.

Agenda item 2. Election of Chair and Rapporteur

3. Dr. Fabio Hazin, of Brazil, was elected by consensus as Chair of the workshop. Mr. Tom Graham, of the USA, was selected as rapporteur.

Agenda item 3. Adoption of Agenda

4. At the suggestion of the USA, the workshop agreed to add the following three items to item 5 of the draft agenda: Conservation and management of shared resources; harmonization of monitoring, control and surveillance (MCS) measures; and process and timing (see Attachment 1 for adopted agenda).

Agenda item 4. General Overview

5. Following the discussion paper made available in advance of the meeting (Attachment 2), Mr. Shingo Ota of Japan presented an overview of issues and possible solutions for: (1) conservation and management measures applied in the overlapping area; (2) conservation and management of stocks migrating across IATTC and WCPFC areas; and (3) harmonization of MCS measures.

6. The presentation was followed by a brief discussion about the obligations of parties to the UN Agreement on Straddling and Highly Migratory Fish Stocks with respect to the decisions of regional fisheries management organizations (RFMO) of which they are not members. Mr. Ota concluded that such a party is obligated to cooperate with RFMOs even if it is not a member of such RFMOs, and in that case preferably the party would become a member or cooperating non-member of the RFMO.

Agenda item 5. Discussion

(1) Conservation and management measures in the overlapped area

7. In discussing the area of overlap between the IATTC and WCPFC, it was generally agreed that there was a clear and pressing need for better cooperation between the two organizations, and that there is a mandate to do so under both conventions.

8. Several delegations suggested that as a first step, information on the situation in the overlap area is needed, such as which fleets fish there, the distribution of fishing effort, and how much of which species is being caught. It was variously suggested that the two secretariats or a working group could compile such information; it was also noted that the secretariats do not necessarily have access to all the relevant information, and that the RFMO members should be called on to exchange relevant information.

9. A second step would be to identify management measures that present problems or conflicts, as well as other issues for which cooperation is necessary.

10. A third step would be to identify options for addressing problems, along with the relative pros and cons of those options.

11. There was broad agreement that forming a working group to take on these tasks would be a good idea. Some delegations favored the idea of a permanent working group. Others, although not necessarily opposed to a permanent working group, said that its mandate should not be open-ended, because the problems are urgent. Among the urgent problems identified was the possibility of vessels of States not members of both organizations being inappropriately seen by the RFMO to which it does not belong as engaged in IUU fishing activities, and possibly IUU-listed by that RFMO.

12. It was suggested that a working group (option 1 in the discussion paper) could be used to work towards ultimate resolution through option 3, in which the IATTC and WCPFC would agree, possibly through an MOU, to informally split the overlap area and/or limit the scope of their respective measures to certain portions of the overlap area. Several delegations noted that in this scenario the working group would not have to be a permanent one.

13. One suggestion was that the two RFMOs could agree that members of one RFMO would automatically become cooperating non-members of the other RFMO.

14. It was noted not all members of the IATTC are members of the AIDCP, which is responsible for the majority of the costs of providing observers on vessels that participate in IATTC-managed fisheries.

15. It was opined that the two organizations should not necessarily have the same management measures, but their measures should be compatible.

16. It was pointed out that not all matters require cooperation between the organizations; it is necessary to first separate those issues that do require cooperation from those that do not.

17. It was widely recognized that the establishment of a new working group would bring challenges to developing members. Those challenges will have to be addressed, such as through establishing a funding scheme, before launching such a group.

18. It was noted that the WCPFC had directed its secretariat to work with the IATTC secretariat to formulate terms of reference (TOR) for a joint management scheme.

19. One delegation said that, in working towards harmonization, the two RFMOs should strive for the higher of the two RFMOs' respective standards.

20. It was noted that part of the problem might be solved through members' obligations under international instruments like the UN Agreement on Straddling and Highly Migratory Fish Stocks. A serious analysis is needed of how members' obligations under the various agreements interplay.

21. It was noted by several delegations that the WCPF Convention, which created the area of overlap, was agreed to long after the IATTC was established, and that some States have historical fishing rights in the area of overlap that predate the WCPF Convention.

22. One delegation said it could not support option 4 of the discussion paper – revising one or both of the conventions to split the overlap area. Other delegations said it should remain an option, but noted that removing the overlap would not remove the need for cooperation between the two organizations.

23. Several delegations said that the mandate of the working group should not be limited to the area of overlap. One delegation said that the group should focus initially on issues related to the area of overlap.

24. It was suggested that Chairs and Executive Directors of the two organizations could be tasked with helping to define the TOR for the working group.

25. It was noted that the special high seas management area recently established in the WCPFC Area, which provides for enhanced MCS measures, might provide a good model for management in the area of overlap.

26. The Chair wrapped up the discussion by concluding that there is agreement that a joint working group is needed, and that some suggestions for the TOR should be drafted. He also emphasized that, as several delegations pointed out, the outcomes of the workshop are just suggestions that will need to be considered by the two commissions.

(2) Conservation and management of shared resources

27. The Chair opened the discussion by saying the workshop should try to reach resolution on the scope of work for the working group – that is, whether it should have a broad mandate or be more narrowly focused on the area of overlap.

28. It was noted that there are differences in the way the two RFMOs are managing the same stocks, in some cases based on the same science, which seems contrary to the goals of both organizations. Differences in vessel monitoring systems, transshipment monitoring schemes, and certain bycatch measures were also noted, but it was not clear whether those differences are causing major problems.

29. Two specific pan-Pacific stocks discussed were Pacific bluefin tuna and North Pacific albacore, with several delegations raising the need to better coordinate the management decisions of the two RFMOs for these stocks.

30. It was opined that the measures of the two organizations do not necessarily have to be harmonized, but they have to be compatible and equivalent in terms of their effectiveness – that it would be useless to have effective measures on one side of the ocean and ineffective measures on the other side.

31. The scientific basis of the two RFMOs' management decisions was also discussed. Some delegations said that the two RFMOs should work from the same scientific basis for shared stocks, or that those bases should be compatible or equivalent. Other delegations said that there should be joint stock assessments, or at least a good exchange of information among assessment scientists. It was noted that such cooperation is related to the Kobe process, but that it was especially important in the Pacific Ocean, with management of certain stocks shared between two RFMOs. It was also noted that the meridian of 150°W is not a barrier for fish. It was noted that the IATTC and WCPFC have an MOU regarding the exchange of information, but that it is important to achieve better cooperation between the RFMOs' respective scientific bodies.

32. One delegation said that for North Pacific stocks, the two RFMOs should make use of the International Scientific Committee for Tunas and Tuna-Like Stocks in the North Pacific Ocean (ISC).

(3) Harmonization of MCS measures

33. It was widely recognized that the Memorandum of Cooperation just adopted by the IATTC on the cross-endorsement of observers was a positive step towards better cooperation. The seabird mitigation measures of the two organizations were also cited as examples of successful harmonization.

34. Issues identified as needing further cooperation were the regulation of transshipment, vessel monitoring systems, and IUU fishing rules – for example, information on IUU

fishing activities and the two IUU vessel lists need to be shared. It was suggested that these and other issues could be best addressed through a joint working group.

35. The Chair concluded the discussion by suggesting that both organizations could benefit from the inclusion of MCS measures in the scope of work of a joint working group. Particular issues to include would be transshipment regulation, IUU fishing regulations, and vessel monitoring systems.

(4) Process and timing

36. It was recognized that the informal nature of this workshop and its outcomes will require that the RFMOs consider and act on the suggestions made here, and that the next opportunity for the WCPFC and IATTC to do so – for example, to form a joint working group, would be December 2011 and June 2012, respectively. It was also suggested that to speed up the establishment of a working group, the IATTC could make an intersessional decision to do so before its annual meeting next year. However, one delegation expressed a preference to use the RFMOs' annual meetings to make such decisions.

37. If was suggested that to lessen the financial burden on participants in the working group, it could meet in association with the annual meetings of the two RFMOs, perhaps alternating between the two. It was also suggested that the next COFI meeting, in mid-2012, could provide an opportunity for the joint working group to meet.

38. It was noted by one delegation that many members belong to both RFMOs. These members could form a core group, and not all members of both RFMOs need to attend the meetings of the working group. Furthermore, some groups of members have common interests in certain issues, and these groups could be represented by relatively few individuals.

39. One delegation reiterated the idea that some problems could be overcome by the RFMOs agreeing to grant automatic cooperating non-member status to members in the other RFMO.

40. It was suggested that the suggested TOR elements identified in this workshop could be forwarded to the Executive Directors of the two RFMOs, and since the Secretariat of the WCPFC has already been tasked with working with the IATTC Secretariat to develop draft TOR for a joint work program, the two Secretariats could consider the outputs of this workshop and produce a draft set of TOR for the consideration of both commissions.

41. The Chair summarized the discussion and the main outputs of the workshop with respect to establishing a joint working group as follows:

- This workshop is an informal meeting and its outputs are only suggestions.

- The delegations suggested the creation of an ad-hoc working group (noting that it may be made permanent depending on how the work progresses), which would have the following proposed tasks:
    1) To compile and analyze the data available in regard of the overlapping area, in order to assess the extent of the problem and to identify the most urgent issues requiring cooperation (some noted that this first task could be done by the secretariats of the two organizations, even prior to the formal creation of the working group);
    2) To develop mechanisms to ensure better scientific cooperation between both organizations and to ensure that the conservation and management measures stemming from the scientific information and advice are compatible and comparable in their effectiveness;
    3) To propose concrete and pragmatic actions to ensure the effectiveness of the conservation and management measures adopted by both organizations, in regard to the overlapping area as well as to the trans-Pacific migratory stocks;
    4) To consider means for the harmonization, compatibility and cooperation, as appropriate, of the MCS measures adopted by both organizations;
    5) To develop ways to facilitate and expedite the granting of cooperating non-member status to those who are members of only one of the organizations; and
    6) To investigate the possibility of moving towards more formal cooperation between both organizations through a memorandum of understanding.
- Several delegations highlighted the need to ensure financial support so that developing States, particularly small island developing States and States with small and vulnerable economies, could participate fully in the work of the working group.
- It was suggested that the meetings of such a working group could be held back-to-back with the annual meetings of IATTC and WCPFC, in an alternating manner. The COFI meeting in mid-2012 was offered as another opportunity for the working group to meet.
- Considering the urgency of the matter, the possibility of both organizations approving the formal creation of the suggested working group by established intercessional procedures was also noted.

42. El Salvador, Ecuador and Nicaragua made the following statement: In order to facilitate the operation of fishing vessels in the overlapping area, and to ensure compliance and the sustainability of the tuna species and other shared resources, it is necessary to make the conservation measures compatible, comparable, and, in some cases, harmonized. In any case, vessels that are registered in only one of the two organizations and that comply with the pertinent measures established by the organization in which they are registered should not be identified by the other organization as being involved in IUU fishing activities. The historical rights of countries and fishers that have been fishing in the overlapping area are inalienable; therefore, the status of cooperating non-parties shall not be subject to an imposed renunciation to fish in that area or to the application of the management measures adopted by WCPFC, in duplication to those adopted by IATTC.

(5) Other issues

43. No other issues were raised.

Agenda item 6. Other matters

44. No other matters were raised.

Agenda item 7. Closing

45. The Chair closed the meeting at 12:40.

Attachment 1.

Adopted Agenda for the
Informal Workshop on Matters Related to the IATTC and WCPFC

1. Opening

2. Election of Chair and Rapporteur

3. Adoption of Agenda

4. General Overview

5. Discussion
   (1) Conservation and management measures in the overlapped area
   (2) Conservation and management of shared resources
   (3) Harmonization of MCS measures
   (4) Process and timing
   (5) Other issues

6. Other Matters

7. Closing

Attachment 2.

DRAFT

Possible Coordination and Cooperation between IATTC and WCPFC (Discussion paper)

1. Conservation and management measures applied in the overlapping area

Issues

There is an area where the jurisdictions of IATTC and WCPFC are overlapping, bounded by 150 degrees longitude W, 130 degrees longitude W, 4 degrees latitude S, and 50 degrees of latitude S. In this area, yearly 7,000-8,000MT of bigeye tuna, 3,000MT-5,000MT of yellowfin tuna and 4,000-5,000MT of skipjack are harvested.

Although both Commissions have clear obligation under their Conventions to cooperate with each other to avoid the duplication of measures in the overlapping area, IATTC and WCPFC so far have been establishing their own measures independently except for several cases, creating potential confusion about the implementation of management measures in the area.

The issues in relation to the overlapping area should be discussed, having in mind the following three (3) categories of vessels: A) vessels authorized to fish in the IATTC area only (IATTC vessels) ; B) vessels authorized to fish in the WCPFC area only (WCPFC vessels); and C) vessels authorized to fish in both areas (IATTC/WCPFC vessels).

[IATTC vessels]

IATTC vessels must comply with IATTC management measures, whereas they have no such obligation in the overlapping area in the context of WCPFC management measures. From the standpoint of WCPFC members, this is fishing activities by non-members in the Convention Area, which have duty to cooperate with WCPFC.

[WCPFC vessels]

WCPFC vessels must comply with WCPFC management measures, whereas they have no such obligation in the overlapping area in the context of IATTC management measures. From the standpoint of IATTC members, this is fishing activities by non-members in the Convention Area, which have duty to cooperate with IATTC.

[IATTC/WCPFC vessels]

IATTC/WCPFC vessels must comply with both IATTC and WCPFC management measures. Unless measures are harmonized, these vessels are to implement two different management measures in the overlapping area at the same time, which could impose a disproportionate burden if IATTC vessels or WCPFC vessels implement only one of the measures.

Case study

The following examples demonstrate where disharmonized management measures could create unfair or confused situation in the overlapping area.

(Case 1) Closure for purse seiner fisheries

IATTC is implementing a 62-day closure, either "July 29 to September 28" or "November 18 to January 18," applied to the entire eastern Pacific, including the overlapping area. On the other hand, WCPFC is implementing a 3-month FAD closure from July 1 to September 30.

	May June July Aug Sep Oct Nov Dec Jan
IATTC	Total Closure(1) Total Closure(2)
WCPFC	FAD Closure

- IATTC vessels that have chosen to implement the Total Closure(2) are allowed to conduct FAD fishing in the overlapping area even during the WCPFC FAD closure period, whereas WCPFC and IATTC/WCPFC vessels must stop the use of FADs in the same fishing ground.
- WCPFC vessels are allowed to operate year around with the restriction of the FAD use in a certain period in the overlapping area, whereas IATTC and IATTC/WCPFC vessels must completely stop their fishing IATTC waters and return to port or otherwise leave IATTC waters during the IATTC total closure period. The IATTC total closure is designed for reducing bigeye and yellowfin catches, plus it also has an effect to reduce skipjack catch, whereas the WCPFC FAD closure is solely for reducing juvenile bigeye catch. In this sense, there may be some argument that IATTC and IATTC/WCPFC vessels are paying higher conservation efforts than WCPFC vessels in the overlapping area.
- IATTC/WCPFC vessels must comply with both the IATTC total closure and the WCPFC FAD closure, which, in the severest case, could be as long as over 5-month restriction in the overlapping area.

(Case 2) Capacity control of purse-seiners

IATTC has been controlling the total capacity of purse seiners in the eastern Pacific, including the overlapping area, with the target level of 158,000 cubic meters. IATTC members and cooperating non-members are prohibited from introducing new vessels except to replace existing vessels having the same or larger capacity. On the other hand, WCPFC has not yet introduced a mechanism to control capacity, although it has management measures aimed at controlling fishing effort. If investors could build purse seiners as WCPFC vessels without limits and operate in the overlapping area, the conservation efforts by IATTC members would be significantly undermined.

Possible solutions

(Option 1)
Establish, on an ad hoc basis, a joint working group between IATTC and WCPFC to consider harmonized management measures for the overlapping area.

(Option 2)
All the vessels implement measures of higher standard if it is clear which measure has higher standard. If it is not clear, IATTC vessels or WCPFC vessels should not undermine measures adopted by another RFMO, and IATTC/WCPFC vessels implement both measures.

(Option 3)
IATTC and WCPFC come to an agreement, possibly formalized in a MoU, according to which they commit themselves to: 1) informally split the overlapping area among the two Organisations; 2) explicitly limit the scope of application of their adopted measures to a 'limited' area. This is explicitly mentioned in each measure adopted.

(Option 4)
Either one or both Organisations amend their Convention in order to split the overlapping area and definitively solve the problem

2. Conservation and management of stocks migrating across IATTC and WCPFC areas

Issues
Certain stocks, including Pacific bluefin tuna, albacore, swordfish and some species of sharks, are highly migratory and frequently span across both the IATTC and WCPFC areas. For such species, it is essential for sound and management measures to be implemented throughout the Pacific in a timely manner. Taking Pacific bluefin tuna as an example, WCPFC members are now making efforts to reduce the catch of juvenile fish to the 2002-2004 level, which is equivalent to 30% reduction in juvenile catch. On the other hand, IATTC has not yet introduced any management measure. Under this circumstance, unlimited catch in the eastern Pacific could undermine the conservation efforts by WCPFC members In this regard, there is a critical need to enhance cooperation between IATTC and WCPFC so as to ensure the effectiveness of conservation and management measures for such trans-Pacific migratory species.

Possible solutions
(Option 1)
Establish a joint working group between IATTC and WCPFC members with a real interest so as to draft conservation and management measures for trans-Pacific migratory species, for consideration and adoption by both organizations.

(Option 2)

Establish a general agreement such as MOU between IATTC and WCPFC that both organizations will take equivalent measures based on the best available scientific information.

In both options, scientific advice to both organizations on trans-Pacific species would need to be harmonized through relevant means.

3. Harmonization of MCS measures

Issues

A number of fishing vessels and tuna carriers often cross back and forth over the boundary between IATTC and WCPFC, or operate in the overlapped area. For such vessels, differences in MCS measures between the two Commissions could hamper the efficiency of their fishing operation. One example is when a purse seiner fishing in the IATTC area with an IATTC observer onboard intends to move to the WCPFC area, the purse-seiner needs to enter a port for observer replacement. The same is true about transshipment observers on board carrier vessels. Such arrangement could be often significantly time/cost consuming without providing any conservation benefit.

Another example is that the two Commissions have different transshipment management measures for large-scale longliners. For example, the formats for transshipment declaration and the notification requirements are different even when fishing vessels and carrier vessels are same in the two areas. This could confuse not only fishermen but also flag-State authorities.

Possible solutions

(Option 1)

Promote cross-endorsement arrangements for the mutual or harmonized use of specific MCS measures (i.e. Memorandum of Cooperation on Cross-endorsement observers).

(Option 2)

Establish a joint working group between IATTC and WCPFC to consider harmonization of MCS measures.[1]

[1] One joint working group could handle multiple tasks.