



**COMMISSION
NINTH REGULAR SESSION**
Manila, Philippines
2-6 December 2012

Joint Management Arrangement with IATTC for overlap area

**WCPFC9-2012-16_rev1
27 November 2012**

At WCPFC8, the Executive Director presented WCPFC8-2011/41 (Rev 1) on options for resolution of issues arising from the overlap area between WCPFC and IATTC (see WCPFC9-2012-IP01). The paper presents the history of the overlapping jurisdictions and shows that only 0.175% of the entire catch from the WCPFC and IATTC Convention areas is taken in the overlap area. The options for management of the overlap area presented in the paper include:

- i. Single organization management of the area
- ii. Management by gear type
- iii. Box the area and manage as a special management area
- iv. Application of measures from both Commissions with vessels flagged to a party that is a member of both Commissions subject to the measures of only one Commission, of that member's choice
- v. Work toward harmonization of measures from both Commissions

At WCPFC8 it was agreed that the two Executive Directors would elaborate, and consult among CCMs in the margins of the meeting, on Options ii and iv.

The decisions from WCPFC8 on this matter were:

440. WCPFC8 agreed that this issue of the overlap area needed to be resolved as a matter of priority and asked the Chairs and Executive Directors of the two RFMOs to progress the issue, and report back to CCMs.

In respect of Cooperating Non-Members activities in the area during 2012:

54. The Commission agreed that the WCPFC and the IATTC should urgently resolve the management uncertainties and inconsistencies that apply to fisheries within the overlap area south of 4° S and between 130° W and 150° W. The following provisions are intended as an interim measure and do not establish any precedent for the discussions between the WCPFC and the IATTC over the management of the overlap area.

55. For 2012, pending agreement between WCPFC and IATTC on management of the overlap in the Convention Areas of these two RFMOs, the limits prescribed above shall not apply to fishing vessels flying the flag of a CNM that is a Contracting Party of IATTC and operating in the IATTC/WCPFC overlap area south of 4° S and between 130° W and 150° W.

56. These CNMs agree that in the IATTC/WCPFC overlap area fishing vessels flying their flag shall:

- comply with all applicable IATTC Resolutions and requirements including effort, capacity and catch controls and limits;

- carry, on all purse seine vessels, an observer accredited with either the IATTC observer program or WCPFC ROP; and
- operate a vessel monitoring system (VMS) in accordance with IATTC Resolution C-04-06.

57. In accordance with the Data Exchange MOU agreed by both Commissions, flag states of fishing vessels flying the flag of a member of either the IATTC or WCPFC, shall cooperate with the RFMO to which they are not a member by voluntarily providing operational catch and effort data for its fishing activities for highly migratory species in the overlap area.

58. For investigation of possible IUU fishing activities consistent to international and domestic laws, flag states of fishing vessels flying the flag of a CNM that is a Contracting Party to the IATTC will cooperate with those coastal State members of the WCPFC whose EEZs occur in the overlap area by voluntarily providing VMS reports (date, time and position) to those coastal States when operating in the overlap area.

The IATTC considered the same paper at their 84th Extraordinary Session and agreed to a recommendation on the IATTC – WCPFC overlap area. A copy of this decision is attached.

COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA – www.iattc.org
Tel: (858) 546-7100 – Fax: (858) 546-7133 – Director: Guillermo Compeán

26 November 2012
Ref: 0601-708

Mr. Glenn Hurry
Executive Director
WCPFC/ Western Central Pacific Fisheries Commission
P.O. Box 2356
Kolonia Pohnpei 96941
Federated States of Micronesia

Dear Mr. Hurry,

Please find attached for your information a copy of the Recommendation that the Commission presented at its 84th Meeting (extraordinary), held on October 24, 2012. This Recommendation contains the conclusions reached by the participants concerning the overlap area between the IATTC and the WCPFC, with particular reference to "*Document IATTC -83 INF B IATTC — WCPFC Overlap Area*", which we had prepared on this issue.

The adopted Recommendation is based on a combination of options 4 and 5 of our joint document, in addition to some other elements that arose from the discussion itself.

I would be grateful if you could transmit, as appropriate, the text of the Recommendation to the Chairman and members of the WCPFC.

Please also convey to the Chairman of the WCPFC, Dr. Charles Karnella, our appreciation and gratitude for his helpful contribution to the discussion.

Yours sincerely,



Guillermo Compeán
Director

INTER-AMERICAN TROPICAL TUNA COMMISSION

84TH MEETING (EXTRAORDINARY)

La Jolla, California (USA)

24 Oct 2012

RECOMMENDATION

IATTC – WCPFC OVERLAP AREA

The Members of the Inter-American Tropical Tuna Commission (IATTC) present at the 84th Meeting (Extraordinary):

Having considered and analyzed Document [IATTC-83 INF-B](#) prepared by the Directors of IATTC and WCPFC on the overlap area between the two organizations:

1. Recognize that a fundamental and essential objective of the work of the two Commissions is to develop and strengthen their cooperation in order to promote the achievement of the objectives of their respective conventions, within the limits of their respective competencies;
2. Note that such cooperation is an obligation for the organizations and their members under international law and under the specific provisions of their respective Conventions;
3. Note that the existence of the overlap area, although unfortunate, is a fact whose consequences must be addressed to avoid any negative impact on the achievement of the objectives of their respective conventions;
4. Notwithstanding the merits of all five options presented by the Directors, the IATTC Members consider that, for the time being, the most appropriate course of action would be a two-step approach:
 - a. In the short term, agree on the most practical arrangement, applicable only in the overlap area, which would be to adopt a solution along the lines defined by the Directors of the IATTC and WCPFC as Option 4, *i.e.*:
 - i. Vessels listed exclusively in the WCPFC register shall apply the conservation and management measures of the WCPFC when fishing in the overlap area.
 - ii. Vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area.
 - iii. In the case of vessels listed in the registers of both organizations, the corresponding flag Member shall decide and notify to both Commissions under which of the two commissions those vessels shall operate when fishing in the overlap area, as regards the application, for a period of not less than three years, of the conservation and management measures of that Commission.
 - iv. In the case of vessels listed in the registers of both organizations, the vessels of a Cooperating Non-Member shall apply the conservation and management measures of the Commission of which it is a member, when fishing in the overlap area.
 - b. Initiate in parallel a longer-term process through the establishment of a joint working group to explore avenues for managing tuna stocks in the entire Pacific Ocean, considering, *inter alia*, the joint management components outlined in Option 5 defined by the Directors of the IATTC and the WCPFC in Document [IATTC-83 INF-B](#).
5. Recognize the need for each Commission to facilitate granting to the members of the other Commission the status of Member or Cooperating Non-Member.