



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

Memorandum of Understanding (MOU) between WCPFC and SPRFMO

**WCPFC16-2019-37
13 November 2019**

Paper by the Secretariat

Purpose

1. The purpose of this paper is to provide a revised Memorandum of Understanding (MOU) on cooperation between WCPFC and the South Pacific Regional Fisheries Management Organisation (SPRFMO) for the approval of the Commission.

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) and Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

3. SPRFMO has a geographical scope which overlaps with that of WCPFC. The SPRFMO Commission has prioritised cooperation with neighbouring and overlapping RFMOs, particularly WCPFC, and has approved the development of a MOU with WCPFC for this purpose.

Submission of draft MOU on cooperation to WCPFC Members for comment

4. Following discussion between the Secretariats of both organisations on the text of a draft MOU on cooperation, a draft MOU was submitted to WCPFC CCMs and observers for comment in Circular No 2019/62 dated 18 October 2019.

5. Comments were received from FFA Members, the United States and two observers. Proposed amendments to the MOU are included in track changes in the attached draft. These add a reference to cooperation regarding transshipment activities and sharing best practices regarding observer training, specify that any information exchange is subject to the confidentiality and non-disclosure rules of the organisations, and clarify the meaning of some provisions.

6. Following approval by the WCPFC Commission, the text of the draft MOU will be submitted by SPRFMO to its annual Commission meeting in January 2020.

Recommendation

<p>7. WCPFC16 is invited to approve the conclusion of an MOU between WCPFC and SPRFMO on the basis of the attached text.</p>
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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, consistent with 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; and
 - a)b) transshipment activities of those vessels authorised to conduct transshipment in accordance with conservation and management measures adopted under the SPRFMO and WCPFC Conventions; and
 - b)c) vessels identified as having engaged in suspected of 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 develop mechanisms to promote, where appropriate, on the implementation of cooperation on conservation and management measures adopted under the SPRFMO Convention and under the WCPFC Convention;
- v. share best practices cooperate 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, 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 ~~terminate~~ 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)

Oswaldo Urrutia
Chair SPRFMO

Jung-re Riley Kim
Chair WCPFC

Place:

Place:

Date:

Date: