



**SIXTH REGULAR SESSION**  
Papeete, Tahiti, French Polynesia  
7-11 December 2009

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**REVISED 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**

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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, in cooperation with other scientists, as appropriate, including those from Members of the Commission, as agreed in triennial Service Agreements, specific services of which shall be reviewed on an annual basis.

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

- i. 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;
- ii. data summaries and analyses that the Commission may routinely require to carry out its functions;
- iii. other data summaries and analyses that the Commission may require from time to time;
- iv. regional stock assessments of key target and non-target species;
- v. ecosystem analyses, including developing ecosystem modelling and application to management, ecological risk assessment and related work;

- vi. scientific evaluation of potential management options, agreed conservation and management measures and related work;
- vii. 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
- viii. 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 this Service Agreement.

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 and to the Commission's strategy for capacity building and operationalizing Article 30 of the Convention. 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 any review of the scientific structure and functions of the Commission.

**Signature**

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

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Andrew Wright

Executive Director, WCPFC

Date:

Dr Jimmy Rogers

Director General, SPC

Date:

**Agreement for the Provision of Scientific Services to the  
Commission and Assistance to Members by the Secretariat of the Pacific Community**

**I. Period Covered by this Agreement**

The initial 3-year period covered by this Agreement is 1 January 2010 to 31 December 2012. However, Sections IV and below in this Agreement will be reviewed annually to be extended by one calendar year.

**II. Areas for Triennial Scientific Services to be Provided**

The scientific services to be provided to the Commission by the SPC OFP during 1 January 2010 to 31 December 2012 are as follows:

1. Data management, statistical analyses and related services
  - a) Data management
  - b) Compilation of catch and effort estimates
  - c) Statistical analyses for catch estimates
  - d) Rules and procedures of the Commission's data
  - e) Data gaps
  - f) Assistance to WPEA OFM Project
  - g) Dissemination of data
2. Stock assessment and related analytical services
  - a) Stock assessment
  - b) CPUE standardization
  - c) Sensitivity analysis
  - d) Model refinement
3. Management analyses and CMM performance monitoring
  - a) Assistance to management related matters
  - b) Management options
  - c) Appraisal and monitoring of the conservation benefit of proposed and implemented CMMs
4. Ecosystem analyses
  - a) Ecosystem, fishery interactions and non-target species assessments
  - b) Development of ecosystem modeling and application to management
5. Capacity building of small island developing States
6. Research services
7. Other advisory and technical services

### **III. Assistance to Commission Members**

The SPC OFP will provide services to its membership to assist them to fulfill their responsibilities as Commission members. These services include assistance in the implementation of fishery monitoring programmes, data management systems and the provision of scientific advice for EEZ-based management. The majority of these services will be provided from existing SPC OFP funding sources.

### **IV. Specific Services and Terms of Reference for the Provision of Scientific Services by for Calendar Year**

This section will be reviewed and revised annually as needed according to the requests from the Commission and its subsidiary bodies.

### **V. Annual Schedule for Payments**

The annual schedule of payments shall be as follows:

31 March 2010 (or before)	USD _____
30 June 2010 (or before)	USD _____
30 September 2010 (or before)	USD _____
31 December 2010 (or before)	USD _____

### **VI. Bank Details for Payments**

Name of Bank: Banque de Nouvelle-Caledonie  
Address: 25 av Henri Lafleur Victoire, Noumea, New Caledonia  
Account name: Secretariat General de la Communaute du Pacifique  
Account Number : 14889 00081 01461716025 31

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Andrew Wright  
Executive Director, WCPFC  
Date:

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Dr Jimmy Rogers  
Director General, SPC  
Date: