**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**

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”):

**Recognizing** 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 utilization;
* 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 minimize 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 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;

**Recognizing** 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 cooperation

The Commission and the SPC agree to establish and maintain cooperation in respect of matters of common interest to the two organizations. In particular, the Commission and the SPC will:

1. encourage reciprocal participation in relevant meetings of each organization;
2. encourage the collaboration of national scientists in the scientific work undertaken by, or on behalf of, the Commission;
3. 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 organization’s members; and
4. consult on a regular basis to enhance cooperation and minimize 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:

1. 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 organizations relating to the confidentiality, disclosure and publication of data;
2. data summaries and analyses that the Commission may routinely require to carry out its functions;
3. other data summaries and analyses that the Commission may require from time to time;
4. regional stock assessments of key target and non-target species;
5. ecosystem analyses, including developing ecosystem modelling and application to management, ecological risk assessment and related work;
6. scientific evaluation of potential management options, agreed conservation and management measures and related work;
7. 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
8. design and implementation of biological, ecological or stock assessment research programmes requested by the Commission, including collaborative research programmes with other regional fishery management organizations.

## 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*:

1. assistance in monitoring the fishing activities of national fleets and foreign fleets fishing within Pacific Island exclusive economic zones;
2. assistance in data management, and in particular in satisfying the data reporting obligations to the Commission;
3. auditing of national fishery monitoring and data management systems;
4. assistance in the interpretation of scientific information being provided to the Commission;
5. scientific advice for the management of national fisheries consistent with the objectives of the Commission; and
6. 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

1. This MOU becomes effective upon the date of signature of the responsible representatives of both Parties.
2. 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.
3. 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 utilizing a mutually-acceptable arbiter.
4. 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.
5. 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:

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Andrew Wright  Executive Director, WCPFC  Date: 4 March 2010 |  | Dr Jimmie Rodgers  Director-General, SPC  Date: 4 March 2010 |

# ANNEX I

# Agreement for the Provision of Scientific Services to the

# Commission and Assistance to Members by the Secretariat of the Pacific Community

## Period Covered by this Agreement

The initial three-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.

## 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
2. Data management
3. Compilation of catch and effort estimates
4. Statistical analyses for catch estimates
5. Rules and procedures of the Commission’s data
6. Data gaps
7. Assistance to WPEA OFM Project
8. Dissemination of data
9. Stock assessment and related analytical services
10. Stock assessment
11. CPUE standardization
12. Sensitivity analysis
13. Model refinement
14. Management analyses and CMM performance monitoring
15. Assistance to management related matters
16. Management options
17. Appraisal and monitoring of the conservation benefit of proposed and implemented CMMs
18. Ecosystem analyses
19. Ecosystem, fishery interactions and non-target species assessments
20. Development of ecosystem modeling and application to management
21. Capacity building of small island developing States
22. Research services
23. Other advisory and technical services

## 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.

## Specific Services and Terms of Reference for the Provision of Scientific Services for 2010

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

## 1. Period Covered by this Agreement

The period covered by this Agreement is 1 January 2010 to 31 December 2010.

## 2. Scientific Services to be Provided

The scientific services to be provided to the Commission by the SPC OFP during the period of this Agreement are as follows:

| **Activity[[1]](#footnote-1)** | **Description of Service** | **Specific Outputs** | **Timing** | **Performance[[2]](#footnote-2)** |
| --- | --- | --- | --- | --- |
| ***Core SPC services (USD570k)*** | | | | |
| ***Data management, statistical analyses and related services*** | | | | |
| **i.**  **(1)** | ***Data Management*** |  |  |  |
|  | 1) Incorporate data provided by Members, Cooperating Non-Members and Participating Territories (CCMs) under the Commission’s data provision policy into existing databases and facilitate access of Commission secretariat staff to those data as appropriate. | * Databases updated * Updated CES software installed at WCPFC headquarters * Staff training as required | January-December |  |
|  | 2) Determine the status of the provision of scientific data to the Commission (CMM-2009-01, paragraphs 40-41) | * SC / TCC papers * Continued refinement of the web-based utility to identify data gaps | Mid-July and mid-Sept |  |
|  |  |  |  |  |
| **ii.**  **(2,3,6)** | ***Compilation of catch and effort estimates*** |  |  |  |
|  | 1) Compile estimates of annual catches by species, gear type and flag, as specified in the procedures for Scientific Data to be Provided to the Commission AND in support of the functions of the Commission and its subsidiary bodies | SC papers | Mid-July |  |
|  | 2) Estimates of annual catches by vessel flag, EEZ, archipelagic waters, and IATTC/WCPFC overlap area for use in determining the catch component of the Commission’s assessed contributions | Catch table | Mid-Sept |  |
|  | 3) For catches for which estimates are not otherwise available, conduct statistical analyses to estimate catches, particularly in regard to (a) purse-seine catches of bigeye tuna and yellowfin tuna, (b) discards of target tuna species, and (c) catches of non-target species | SC papers | Mid-July |  |
|  |  |  |  |  |
| **iii.**  **(4,5,7)** | ***Data dissemination*** |  |  |  |
|  | 1) Produce and publish on the Commission’s website the Tuna Fishery Yearbook, containing annual catch estimates by gear type, flag and species. | Yearbook published on WCPFC website | Dec |  |
|  | 2) Disseminate public domain catch, effort and size data on the Commission’s website at agreed level of resolution. |  | Jan - Dec |  |
|  |  |  |  |  |
| **iv.**  **(9)** | ***Technical / policy advice*** |  |  |  |
|  | 1) Provide ad-hoc advice on science and data-related implications of relevant MCS activities, including, but not limited to: transshipment, the regional observer programme, port sampling, VMS, port state measures, and catch documentation schemes | Advice provided on request | Jan - Dec |  |
|  | 2) Advice on data-related procedures of the Commission, e.g. Rules and Procedures for the Protection, Access to and Dissemination of Non-Public Domain Data and Information Compiled by the Commission, and “*Scientific Data to be Provided to the Commission*” | Advice provided on request | Jan - Dec |  |
|  | 3) Release the datasets used in annual assessments, upon request, subject to the Commission’s Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission | As requested by CCMs through the Executive Director | After mid-July |  |
|  | 4) Provide support to coordination and collaboration on data-related matters between the ISC and WCPFC | * Produce an inventory of Commission data holdings for north Pacific stocks * Participate in work to reconcile of ISC and Commission data holdings, for north Pacific stocks, to identify any data gaps by 1st October 2010. Work coordinated by the Secretariat, in conjunction ISC and interested CCMs. | July 2010  Oct 2010 |  |
|  |  |  |  |  |
| **v.**  **(8,14,15)** | ***Support of other data-related projects of the Commission*** |  |  |  |
|  | 1) Participate in GEF-West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) Project | * Attending and facilitating WPEA OFM-related workshops and meetings. (Travel costs provided by WCPFC) * Training in fishery monitoring and data management * Technical support the auditing of fishery monitoring and data management systems * Other advice and support as required | Jan - Dec |  |
|  |  |  |  |  |

| ***Stock assessment and related analytical services*** | | | | |
| --- | --- | --- | --- | --- |
| **vi.**  **(22, 23, 24, 25, 31)** | ***Stock assessments and auxiliary analyses*** |  |  |  |
|  | 1) Undertake stock assessments for target and non-target species as requested by the Commission, including exploration of sensitivity of stock assessment outcomes to structural assumptions in models and data issues, including the comparison of various stock assessment models. | * Assessments for bigeye and skipjack tunas * SC papers * *See ERA for shark work* | Mid-July |  |
|  | 2) Undertake analyses of longline catch and effort data, and data for other fishing gears where appropriate, including where appropriate operational-level data where possible, to construction of indices of stock target and non-target species | * Analyses to be undertaken for bigeye, yellowfin, and skipjack tunas * SC papers * *See ERA for shark work* | Mid-July |  |
|  |  |  |  |  |
| **vii.**  **(29, 32)** | ***Model development and refinement*** |  |  |  |
|  | 1) Further refinement of the stock assessment model, MULTIFAN-CL, including simulation testing of new developments as appropriate and refinement of models for CPUE standardization. | * Updated stock assessment modeling software and documentation posted on the MULTIFAN-CL website (also linked from WCPFC) * SC paper | Mid-July |  |
|  |  |  |  |  |

| ***Management analyses and CMM performance monitoring*** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **viii.** | ***Conservation and Management Measure performance monitoring*** |  | |  |  | |
|  | 1) CMM-2008-01 [BET and YFT]:  Provide available data, information, and advice for evaluating the impact of, and compliance with, the various provisions. This includes[[3]](#footnote-3):   * Provide advice on the appropriateness of the objectives of the measure given available stock assessment information (paragraphs 1 and 46)\* * Provide an assessment of the expected impacts of the provisions of the measure with respect to its objectives (paragraphs 1 and 46)\* * Calculate total days fished of the purse seine fishery for EEZs, archipelagic waters, high seas regions, by flag (paragraphs 5, 9, 10, and 11) * Compile bigeye and yellowfin catch estimates from longline fisheries by flag, taking into account paragraphs 2 and 36, and the footnotes to the tables in Attachment F of the CMM2008-01 * Characterisation of purse seine fishing activities during FAD closures\* * Provide data and information to identify the level of compliance of CCMs in relation to data reporting requirements (paragraph 41) * Subject to data availability, update assessments on the CCM’s bigeye and yellowfin tuna catch and effort reported from other commercial tuna fisheries, and advice on CCM’s proposals, for consideration at SC6 (paragraph 39) * Update, if necessary, data, information and advice to further consider at SC6 a HS VDS for purse seine effort management (paragraph 21) | * SC, TCC, and WCPFC papers * Tables and figures and required | | Mid-July, Mid-Sept, and Mid-Nov |  | |
|  |  |  | |  |  | |
| **ix.**  **(34, 57, 58, 63)** | ***Analyses to support development of Conservation and Management Measures*** |  | |  |  | |
|  | 1) Further review of spatio-temporal aspects of catches of juvenile bigeye and yellowfin tuna caught in association with fish aggregating devices (FADs) | SC, TCC, and WCPFC papers | | Mid-July, Mid-Sept, and Mid-Nov |  | |
|  | 2) Subject to available resources, evaluate the potential impacts of possible management measures for target and key non-target species. Possible measures will be suggested through the Commission and/or meetings of its subsidiary bodies OR from CCMs communicated through the Executive Director. The initial focus will be on measures for bigeye, yellowfin, and skipjack tunas. | SC, TCC, and WCPFC papers | | Mid-July, Mid-Sept, and Mid-Nov |  | |
|  | 3) Further analysis of purse seine set times in the determination of set types. | SC and TCC paper | | Mid-July and Mid-Sept |  | |
|  |  |  | |  |  | |
| ***Other advisory and technical services*** | | | | | | |
| **x.** | ***Other advisory and technical services*** |  | |  |  | |
|  | 1) Independent Review of the Commission’s Science Structure and Functions  As requested, participate in assisting further discussion on Independent Review, including advice on a peer review process of bigeye stock assessment, restructure of SC meetings, and any data related issues with ISC to address data gaps |  | |  |  | |
|  |  |  | |  |  | |
| ***Ecological Risk Assessment (Budget USD130k)*** | | | | | | |
| **xi.**  **(40, 43, 52)** | ***Ecological risk assessment and associated activities*** |  |  | | |  |
|  | 1) Seabirds:  (a) Subject to available data, continue spatial risk assessments to determine initial spatial zones for the differential management and monitoring of seabird bycatch. | SC paper | Mid-July | | |  |
|  | 2) Sharks:  (a) Provide preliminary advice on the stock status of key shark species and a 3-year shark research plan for 2011-2013  (b) Subject to the availability of adequate data, assess the effectiveness of CMM-2009-04, including any alternative measures for the management of shark stocks in the Convention Area, as appropriate | SC progress report and WCPFC paper | Mid-July  Mid-Nov | | |  |
|  |  |  |  | | |  |

## 3. Financial Support to be provided by the Commission

The financial support to be provided by the Commission to the SPC OFP for the services outlined in section 2 above is as follows:

|  |  |  |
| --- | --- | --- |
| **Item** | **Cost basis** | **USD** |
| Data management, stock assessment, ecological risk assessment and other advisory and technical services | Costs based on SPC costs of four scientific positions[[4]](#footnote-4), administration costs, travel, and computer support. | 700,000 |
| **Total Commission funding** | | **700,000** |

## 4. Schedule for Payments and Bank Details for Payment

The schedule of payments shall be as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 8 March 2010 (or before) | USD 200,000 |  | **Name of Bank** | Banque de Nouvelle-Caledonie |
| 31 March 2010 (or before) | USD 200,000 |  | **Address** | 25 av Henri Lafleur Victoire, Noumea, New Caledonia |
| 30 June 2010 (or before) | USD 150,000 |  | **Account name** | Secretariat General de la Communaute du Pacifique |
| 30 September 2010 (or before) | USD 150,000 |  | **Account Number** | 14889 00081  01461716025  31 |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Mr. Andrew Wright  Executive Director, WCPFC  15 March 2010 |  | Dr. Jimmie Rodgers  Director General, SPC  15 March 2010 |  |

1. Values in parentheses refer to the project numbers from the Work Programme for the Scientific Committee [↑](#footnote-ref-1)
2. To be completed by SPC and WCPFC in November each year and provided as a paper to the Regular Session of the WCPF Commission and its appropriate subsidiary bodies (e.g. FAC) [↑](#footnote-ref-2)
3. For evaluation of CMM2008-01, those items marked with an \* will be the basis of papers, whereas those items without will be in the forms of tables and other data extractsprovided to the Secretariat [↑](#footnote-ref-3)
4. USD 130,000 earmarked for “ERA” will cover the costs of employment of a Shark Stock Assessment Scientist (to be recruited in 2010), consultancy work carried out under xi (1) and management costs. In view of the fact that less than one year of costs will be incurred for the Shark Stock Assessment Scientist in 2010, any funding surplus in the ERA component for 2010 will be taken into account in deciding on the allocation of funding to this component, if any, in 2011. [↑](#footnote-ref-4)