

10TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 24-28 January 2022

COMM 10 – Prop 13

PROPOSAL to:

<input checked="" type="checkbox"/> Amend	Memorandum of Understanding between SPRFMO and CPPS (March 2019)
<input type="checkbox"/> Create	

Submitted by: The Permanent Commission of the South Pacific (CPPS)

Summary of the proposal:

A suggestion for an MoU with CPPS was tabled during the 6th meeting of the SPRFMO (held in Lima, Peru in 2018). During the following intersessional period discussions were held between SPRFMO and CPPS to develop mutually agreeable text. The current MoU became operative on 13 March 2019 and Clause 7 specified that the MoU would have a duration of three years (13 March 2022). On 9 November 2021 the General Secretary for the Permanent Commission of the South Pacific (Ambassador Mentor Villagómez) wrote to propose that the MoU be modified as per the following:

As you are aware, one of the negative impacts of Covid-19 has been the cancellation of several activities scheduled on the international maritime agenda, being -in the case of the CPPS- the impossibility of planning activities between our organizations within the framework of the MoU.

As the term of validity of the MoU is nearing the end and the CPPS is interested in maintaining institutional cooperation links with the SPRFMO, I would like to invoke the provisions of Clause 6 of the MoU on "Modifications" and propose that Clause 7 is modified by the following text:

"Clause 7

Entry into force and termination

This MoU will enter into force on the date of the second signature and will have an indefinite duration until either party expresses in writing its desire to terminate it. The termination will be effective two months after the date of the written notice."

Objective of the proposal:

The MoU identifies three main areas for cooperation:

1. Institutional strengthening including training, sharing experiences and learning lessons;
2. Exchange meeting reports, information, documents and publications;
3. Exchange data and scientific information in support of the work and objectives of both Participants;

The existing MoU has facilitated the following cooperation activities:

In March 2019 the SPRFMO Executive Secretary attended a CPPS-ABNJ Workshop on Planning and Governance in ABNJ in the South-East Pacific. In February 2020, Dr Martin Cryer (NZ) represented SPRFMO at the CPPS-STRONG Dialogue Workshop "Enhancing the Knowledge Base for Cross-Sectoral Management and Ocean Governance in ABNJ of the Southeast Pacific". In May 2021, the SPRFMO Executive Secretary attended a virtual CPPS-STRONG Dialogue Workshop on "The Role of Regional Cooperation Efforts for the High Seas of the Southeast Pacific" and in June 2021, the SPRFMO Executive Secretary attended a CPPS-STRONG virtual workshop on "Inter-Regional Dialogue on High Seas Governance" and presented a short overview of SPRFMOs work.

CPPS regularly receives SPRFMO general communications and in addition, CPPS representatives have attended SPRFMO Commission meetings in 2019, 2021 and 2022.

Has the proposal financial impacts or influence on the Secretariat work?

Yes

No

To be filled out by the Secretariat:

Ref: COMM10-PROP13	Received on: 9 November 2021
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This document is intended to be one page long only.



Memorandum of Understanding between the Permanent Commission of the South Pacific (CPPS) and the South Pacific Regional Fisheries Management Organisation (SPRFMO)

Preamble

The Permanent Commission of the South Pacific (CPPS) and the South Pacific Regional Fisheries Management Organisation (SPRFMO):

Recognizing the importance of guaranteeing the long-term conservation and sustainable exploitation of fishing resources in world oceans, in particular the South Pacific Ocean,

Convinced of the benefits of establishing partnerships and cooperation actions for the success of the institutional objectives detailed in their respective founding treaties, statutes and regulations,

Noting that the CPPS is an inter-governmental organisation of regional character, constituted by the "Convenio sobre Organización de la Comisión Permanente de la Conferencia sobre Explotación y Conservación de las Riquezas Marítimas del Pacífico Sur" on 18 August 1952 and integrated by Chile, Colombia, Ecuador and Peru, coastal countries of the Southeast Pacific,

Noting further that the CCPs has as its central objective to coordinate the maritime policies of its Member States for the conservation and sustainable use of their living and non-living marine resources,

Nothing that the SPRFMO is an inter-governmental organisation set by the "Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean" adopted on 14 November 2009, committed to the long-term conservation and sustainable use of the fishery resources of the South Pacific Ocean and in so doing safeguarding the marine ecosystems in which the resources occur,

Noting further that the SPRFMO Convention applies to the high seas of the South Pacific, covering about a fourth of the Earth's high seas areas,

Intend as follows to enter into this Memorandum of Understanding (MoU).

Clause 1

Objectives

The purpose of this MoU is to establish a consultation and cooperation framework between CPPS and SPRFMO (the Participants) on matters of mutual interest.

Clause 2

Areas of cooperation

The Participants intend to establish and maintain cooperation and consultations on matters of mutual interest, in particular, in the following areas:

- i. Institutional strengthening including training, sharing experiences and learning lessons;

- ii. Exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing and data confidentiality policies of each Participant;
- iii. Exchange data and scientific information in support of the work and objectives of both Participants, consistent with the information sharing policies of each Participant, including but not limited to information on:
 - a) Vessels authorised to fish in accordance with conservation and management measures adopted under the SPRFMO Convention;
 - b) Vessels suspected of illegal, unreported and unregulated (IUU) fishing activity and the SPRFMO IUU List;
 - c) Catch, bycatch and vessel information data consistent with data use, access and confidentiality rules of each Participant;
 - d) Monitoring, control and surveillance measures,
 - e) Measures and assessments related to vulnerable marine ecosystems (VMEs) and deep-sea fisheries guidelines/protocols; and
 - f) Studies concerning the monitoring of ENSO (El Niño – Southern Oscillation).

Clause 3

Specific activities

Within the areas of cooperation and consultation detailed under Clause 2, the Participants are encouraged to develop activities of mutual interest through specific agreements, consultancies or other mechanisms. These activities are intended to be developed within the framework of the Participants' respective Conventions, statutes and regulations.

Clause 4

Consultations

To facilitate the effective implementation of this MoU, the Participants are encouraged to consult with each other directly through their respective Executive and General Secretariat via telephone communication, email, videoconference or any other similar means of communication.

Clause 5

Legal Regime

This MoU does not create legally binding rights or obligations on the Participants, nor does it alter their obligations in the framework of their respective Conventions, statutes and regulations.

Clause 6

Modifications

This MoU may be modified at any time by written consent of both Participants.

Clause 7

Entry into Force and Termination

This MoU will enter into force on the date of the second signature and will have an indefinite duration until either party expresses in writing its desire to terminate it. The termination will be effective two months after the date of the written notice.

Clause 8

Authentic Texts

The English and Spanish texts of this MoU are equally authentic and valid.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this MoU in duplicate on the date and at the place indicated below:

FOR THE PERMANENT COMMISSION OF THE
SOUTH PACIFIC (CPPS):

FOR THE SOUTH PACIFIC REGIONAL FISHERIES
MANAGEMENT ORGANISATION (SPRFMO):

General Secretary

Executive Secretary

Place:

Place:

Date:

Date:



Memorando de Entendimiento entre la Comisión Permanente del Pacífico Sur (CPPS) y la Organización Regional de Gestión de Pesquerías del Pacífico Sur (SPRFMO)

Preámbulo

La Comisión Permanente del Pacífico Sur (CPPS) y la Organización Regional de Ordenación Pesquera del Pacífico Sur (SPRFMO);

Reconociendo la importancia de garantizar la conservación a largo plazo y la explotación sostenible de los recursos pesqueros en los océanos del mundo, en particular en el Océano Pacífico Sur;

Convencidos de los beneficios de establecer asociaciones y acciones de cooperación para el éxito de los objetivos institucionales detallados en sus respectivos tratados fundacionales, estatutos y reglamentos;

Reconociendo que la CPPS es una organización intergubernamental de carácter regional, constituida por el "Convenio sobre Organización de la Comisión Permanente de la Conferencia sobre Explotación y Conservación de las Riquezas Marítimas del Pacífico Sur" el 18 de agosto de 1952 e integrada por Chile, Colombia Ecuador y Perú, países costeros del Pacífico sudeste;

Observando, además, que el objetivo central de la CPPS es coordinar las políticas marítimas de sus Estados miembros para la conservación y el uso sostenible de sus recursos marinos vivos y no vivos;

Reconociendo que la SPRFMO es una organización intergubernamental establecida por la "Convención sobre la Conservación y Gestión de los Recursos Pesqueros de Alta Mar en el Océano Pacífico Sur" adoptada el 14 de noviembre de 2009, comprometida con la conservación a largo plazo y el uso sostenible de los recursos pesqueros del Océano Pacífico Sur y, al hacerlo, salvaguarda los ecosistemas marinos en los que se encuentran los recursos;

Observando, además, que la Convención SPRFMO se aplica a la alta mar del Pacífico Sur, que abarca aproximadamente una cuarta parte de las áreas de alta mar de la Tierra;

Se han propuesto suscribir este Memorándum de Entendimiento (MdE).

Cláusula 1

Objetivos

El propósito de este MdE es establecer un marco de consulta y cooperación entre CPPS y SPRFMO (los Participantes) en asuntos de interés mutuo.

Cláusula 2

Áreas de cooperación

Los Participantes procurarán establecer y mantener la cooperación y consultas sobre asuntos de interés mutuo, en particular, en las siguientes áreas:

- i. Fortalecimiento institucional incluyendo el desarrollo de capacitación, intercambio de experiencias y lecciones aprendidas;
- ii. Intercambio de informes de reuniones, documentos y publicaciones sobre asuntos de interés mutuo, de conformidad con las políticas de intercambio de información y confidencialidad de datos de cada Participante;
- iii. Intercambio de datos e información científica en apoyo del trabajo y los objetivos de ambos Participantes, de acuerdo con las políticas de intercambio de información de cada Participante, que incluyen, pero no se limitan, a información sobre:
 - a) Buques autorizados a pescar de conformidad con las medidas de conservación y ordenación adoptadas en virtud del Convenio SPRFMO;
 - b) Buques sospechosos de actividad de pesca ilegal, no declarada y no reglamentada (INDNR) y la Lista de INDNR de la SPRFMO;
 - c) Datos de buques, captura y captura incidental de acuerdo con las reglas de uso, acceso y confidencialidad de los datos de cada Participante;
 - d) Medidas de seguimiento, control y vigilancia.
 - e) Medidas y evaluaciones relacionadas con los ecosistemas marinos vulnerables (VME's) y directrices / protocolos de pesca de aguas profundas; y
 - f) Estudios sobre el monitoreo de ENOS (El Niño - Oscilación del Sur).

Cláusula 3

Actividades específicas

Dentro de las áreas de cooperación y consulta detalladas en la Cláusula 2, se alienta a los Participantes a desarrollar actividades de interés mutuo a través de acuerdos específicos, consultorías u otros mecanismos. Se pretende que estas actividades se desarrollen en el marco de los respectivos convenios, estatutos y reglamentos de los participantes.

Cláusula 4

Consultas

Para facilitar la efectiva implementación de este MdE, se alienta a los Participantes a consultarse entre sí, a través de sus respectivos Secretario General y Secretario Ejecutivo mediante comunicación telefónica, correo electrónico, videoconferencia o cualquier otro medio de comunicación similar.

Cláusula 5

Régimen Legal

Este MdE no crea derechos u obligaciones legalmente vinculantes para los Participantes, ni altera sus obligaciones en el marco de sus respectivos convenios, estatutos y reglamentos.

Cláusula 6

Modificaciones

Este MdE se puede modificar en cualquier momento mediante el consentimiento escrito de los Participantes.

Cláusula 7

Entrada en Vigencia y Terminación

Este MdE entrará en vigor en la fecha de la segunda firma y tendrá una duración indefinida hasta que cualquiera de las partes exprese por escrito su deseo de darlo por concluido. La terminación entrará en vigencia dos meses después de la fecha de la notificación por escrito.

Cláusula 8

Textos Auténticos

Los textos en inglés y español de este MdE son igualmente auténticos y válidos.

EN TESTIMONIO DE LO CUAL, los infrascritos, debidamente autorizados, han firmado este MdE por duplicado en la fecha y en el lugar que se indica a continuación:

POR LA COMISION PERMANENTE DEL PACIFICO SUR
(CPPS):

POR LA ORGANIZACION REGIONAL DE ORDENACIÓN
PESQUERA DEL PACIFICO SUR (SPRFMO)

Secretario General

Secretario Ejecutivo

Lugar:

Lugar:

Fecha:

Fecha: