

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
AMERICAN INSTITUTE IN TAIWAN  
AND THE  
TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE  
UNITED STATES  
CONCERNING COOPERATION IN FISHERIES AND AQUACULTURE

The American Institute in Taiwan ("AIT") and the Taipei Economic and Cultural Representative Office in the United States ("TECRO") (together referred to herein as "the Parties" or individually as a "Party");

Noting that the authorities of the territory represented by AIT are party to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("1995 UN Fish Stocks Agreement") and the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("1993 FAO Compliance Agreement");

Bearing in mind that the need to achieve sustainable ocean fisheries on a worldwide basis, as well as the effective implementation of the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, requires that all those concerned, including States and fishing entities, work together through appropriate arrangements;

Acknowledging the need to establish legally effective mechanisms to facilitate the participation by the authorities of the territory represented by TECRO in global, regional and subregional fisheries organizations on an equitable basis;

Recognizing that the authorities represented by TECRO have voluntarily implemented UNGA Resolution 46/215 since its adoption;

Desiring, through their designated representatives, to cooperate and work towards a mutually beneficial relationship in the field of fisheries and aquaculture;

Represent as follows:

1. The Parties intend to cooperate, to the extent possible and through their respective designated representatives, in the implementation of the provisions of:

- i. the 1995 FAO Code of Conduct for Responsible Fisheries; and
- ii. the International Plans of Action for the Management of Fishing Capacity, for the Conservation and Management of Sharks, for Reducing Incidental Catch of Seabirds in Longline Fisheries, for Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated (IUU) Fishing, and the International Guidelines on Bycatch Management and Reduction of Discards as adopted by the FAO.

2. TECRO provides assurances that, through its designated representatives, it shall implement fisheries conservation and management measures and regulate the activities of fishing vessels registered in the territory it represents on the basis of the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement.

3. AIT provides assurances that, through its designated representatives, it will endeavor to assist the authorities of the territory represented by TECRO to participate equitably in global, regional and subregional fisheries organizations.

4. The Parties, through their designated representatives, shall seek to promote sustainable fisheries through the effective operation of global, regional and subregional fisheries management organizations and arrangements in which they both participate. For the purposes of effective cooperation between the Parties, bilateral consultations may be held prior to annual meetings of such global, regional and subregional fisheries management organizations and arrangements.

5. In particular, the Parties shall work cooperatively within such regional fisheries management organizations and arrangements to promote the goals and objectives set forth in the instruments cited above including, inter alia:

- i. conservation and management measures for fisheries resources based on the best available scientific evidence;
- ii. measures to improve data collection, fisheries statistics, and catch records;
- iii. measures to limit fishing capacity to levels commensurate with the long-term sustainability of the affected resources;
- iv. measures to minimize bycatch of non-target fish,

including juvenile fish to the extent practicable, and other species such as sea turtles, seabirds, marine mammals and sharks, and measures to ban shark finning;

- v. measures to establish effective programs for monitoring, control and surveillance including observers, vessel monitoring systems, and any other appropriate components;
- vi. measures to deter vessels, companies and individuals engaged in or supporting IUU fishing; and
- vii. measures to prevent significant adverse impacts from fishing activities on vulnerable marine ecosystems and protect marine species under the purview of the relevant RFMOs.

6. The Parties, through their designated representatives, shall continue to cooperate, consistent with the laws and regulations of the territories they represent, in the implementation of UNGA Resolution 46/215, and shall also take action against individuals, corporations and vessels subject to those laws and regulations that may engage in large-scale high seas driftnet fishing operations in the North Pacific Ocean.

7. The Parties, through their designated representatives and subject to the availability of resources, agree to:

- i. exchange information on fisheries and aquaculture policy, research and relevant scientific reports and publications;
- ii. conduct joint studies and training programs on fisheries and aquaculture;
- iii. exchange visits of fisheries and aquaculture personnel; and
- iv. strengthen cooperation between their respective designated representatives in the field of fisheries enforcement.

8. For the purposes of this Memorandum of Understanding, the term "designated representatives" refers to:

for AIT: the United States Department of Commerce, the United States Coast Guard and other appropriate agencies; and

for TECRO: the Council of Agriculture, the Coast Guard Administration and other appropriate agencies.

9. The Parties, through their designated representatives, agree to consult periodically on matters in relation to

fisheries and aquaculture, and any other matters arising from the implementation of this Memorandum of Understanding.

10. This Memorandum of Understanding shall become effective on the date of the last signature hereinafter and shall remain effective for five years from that date. This Memorandum of Understanding may be extended by written agreement of the Parties.

11. Either Party may terminate this Memorandum of Understanding by a written notice to the other Party ninety (90) days prior to the intended date of termination.

12. This Memorandum of Understanding shall replace and supersede the Memorandum Of Understanding Between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States Concerning Cooperation in Fisheries and Aquaculture, signed at Washington, DC, April 21, 2008.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Memorandum of Understanding.

FOR THE AMERICAN  
INSTITUTE IN TAIWAN

FOR THE TAIPEI ECONOMIC  
AND CULTURAL REPRESENTATIVE  
OFFICE IN THE UNITED STATES

Barbara J. Schrage  
Barbara J. Schrage  
Managing Director

Pu-Tsung King  
Pu-Tsung King  
Representative

6/6/13  
Date

6/18/13  
Date

Washington, D.C.  
Location

Washington, D.C.  
Location

**JOINT PLAN OF WORK  
BETWEEN THE  
AMERICAN INSTITUTE IN TAIWAN  
AND THE  
TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE  
UNITED STATES  
CONCERNING COOPERATION IN FISHERIES AND AQUACULTURE**

The American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), through their designated representatives, intend to work individually and, where appropriate, collectively in taking the following actions:

**Cross-cutting Actions**

1. Advocate for and support the modernization of Regional Fisheries Management Organizations (RFMOs), in particular the International Commission for the Conservation of Atlantic Tunas, so as to strengthen the ability of those RFMOs to achieve sustainable fisheries and to facilitate the meaningful participation of the authorities represented by TECRO in those RFMOs, taking into account the precedents in the existing RFMOs.
2. Advocate for and support the meaningful participation of the authorities represented by TECRO in other international fora related to fisheries management including the UN Food and Agriculture Organization (FAO).
3. Advocate for and support the adoption by RFMOs of conservation and management measures based on best available science to maintain fishing effort and catch at levels commensurate with the sustainability of the stocks being managed.
4. Advocate for and support the adoption by RFMOs of binding conservation and management measures on fishing capacity, bycatch species (including seabirds, sea turtles, sharks, cetaceans, and juvenile tunas), and monitoring, control and surveillance (including, port State measures, etc.), in order to achieve sustainable fisheries resources in areas under the competence of RFMOs.
5. Advocate for and support adoption by RFMOs of binding measures to strengthen or establish data-collection programs to obtain reliable estimates of fin fish, shark, sea turtle, marine mammal and seabird bycatch, and to promote further research on selective fishing gear and practices and on the use of appropriate bycatch mitigation measures.
6. Cooperate to advance efforts to reduce bycatch of non-target species in RFMO fisheries, including through improved data collection, development of observer programs, development of electronic monitoring, and implementation of more selective fishing techniques.

7. Adopt effective measures, or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic drift nets on the high seas, and ensure that vessels owned or controlled by residents or businesses under their respective jurisdictions that are duly authorized to use large-scale drift nets in their territorial seas and exclusive economic zones do not use such gear for fishing on the high seas.

8. Prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing by vessels registered in the territory of the authorities it represents, as well as by vessels registered elsewhere that are owned or controlled by residents and businesses under the jurisdiction of its authorities. To this end:

- Adopt a Plan of Action on IUU fishing if this has not yet been done;
- Adopt and/or implement laws and regulations necessary to effectively investigate allegations of IUU fishing and to effectively penalize those engaged in IUU fishing, including IUU fishing by vessels less than 24 meters in length;
- Ensure that authorities it represents do not provide support to residents or businesses in that territory who are or have been engaged in IUU fishing;
- Work with third party States to ensure, to the greatest extent practicable, that vessels registered in those States but owned or controlled by residents or businesses under the jurisdiction of its authorities comply with domestic and relevant RFMO conservation and management measures, including shark finning measures;
- Support the implementation of port State measures consistent with the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing, including through the development and adoption of RFMO port State measures;
- Continue strengthening cooperation in the field of fisheries enforcement and conducting and exchanging information on fisheries enforcement patrol programs in the western, central, and northern Pacific Ocean; and
- When there is reasonable evidence to believe that a vessel registered in another territory is engaged, or has been engaged, in IUU fishing, collect evidence to document and report the alleged activity to the flag State for effective follow-up enforcement action.

9. Conservation and Management of Sharks

- Actively support and promote within RFMOs the adoption of new measures and implementation of existing measures to conserve and manage sharks effectively, including fins-attached measures, collection of species-specific catch/landings/trade data to support stock assessments, and, where appropriate, management measures for directed shark fisheries;
- Ensure that vessels registered in the territory of the authorities it represents comply with domestic and international shark conservation and management measures; and
- Enforce domestic measures prohibiting shark finning for vessels landing sharks in the territory it represents.

10. Sea Turtles

- Pending adoption by relevant RFMOs of measures to conserve sea turtles, introduce specific requirements for vessels registered in the territory of the authorities it represents (c.g., circle hooks, certain bait types, use of de-hooker equipment, etc.) to minimize sea turtle bycatch and increase post-release survival; and
- Participate in activities pursuant to the Indian Ocean and South-East Asian Sea Turtle Memorandum of Understanding, particularly sea turtle conservation projects.

#### 11. Seabirds

- Fully implement the respective seabird Plans of Action, in particular with respect to effective mitigation measures in fisheries and the collection of bycatch data; and
- Work collaboratively on the development and implementation of effective seabird mitigation measures for pelagic longline gear.

#### 12. Marine Mammals

- Work collaboratively through the relevant RFMOs on stock assessments of marine mammal populations and the development and implementation of effective marine mammal bycatch mitigation measures for fishing gear known to take cetaceans, including but not limited to pelagic longline gear and gillnets, especially trammel nets (both bottom-set and drifting);
- Reduce bycatch by halting practices and fishing gear known to harm cetaceans at unsustainable levels (e.g., encirclement of cetaceans by purse seines); and
- Collaborate on overseeing, monitoring and regulating the development of new fishing gear to ensure that marine mammals are not harmed by such new fishing gear.

13. Increase efforts to assist developing State members of RFMOs to participate effectively in the work of those organizations and to meet their obligations as members of those organizations, particularly in the areas of data collection and reporting, such as through regular voluntary contributions to applicable developing country assistance funds.

### **Actions in Specific RFMOs and other International Fora**

#### 1. Western and Central Pacific Fisheries Commission (WCPFC)

- Fully implement the level of observer coverage required by the WCPFC for all vessels registered in the territory of the authorities it represents;
- In the Northern Committee, advocate for and support agreement on a minimum vessel size for observer coverage for the fresh fish fisheries operated in the northern area of the WCPFC Convention Area. Advocate for and support electronic monitoring and consider the feasibility of such systems as possible alternative measures for observer program in RFMOs. Advocate for and support the phase-in of the WCPFC Vessel Monitoring System (VMS) in the area north of 20N and west of 175E for fleets of highest priority;
- Advocate for and support a budget needed to support the work of the WCPFC, consistent with the WCPFC Convention. Recognize efforts to fulfill WCPFC

resolution 2005-02 (reduction of Overcapacity) by the authorities represented by TECRO; and

- Continue to advocate for and support the development of rules of procedure for subsidiary bodies to ensure equal participation of every member of the WCPFC.

## 2. Inter-American Tropical Tuna Commission (IATTC)

- Fully implement the level of observer coverage required by the IATTC for all vessels registered to the territory it represents;
- Actively and constructively participate in the IATTC's upcoming discussions on conservation and management measures to be considered for 2013 and beyond during the annual meeting(s) of the IATTC;
- Continue to provide complete and timely data on bigeye longline catches in the eastern Pacific Ocean, as well as data on bycatch by longline vessels;
- Cooperate and participate constructively in overall fishing capacity management in the eastern Pacific Ocean, and in particular implementation of the IATTC Plan for Regional Management for Fishing Capacity, adopted in 2005;
- Strengthen the functioning of the IATTC, and promote the ratification of or accession to the Antigua Convention; and

## 3. International Commission for the Conservation of Atlantic Tunas (ICCAT)

- Ensure that their scientists participate in, and contribute to, the activities of the Scientific Committee on Research and Statistics, and that all ICCAT data collection and reporting requirements are adequately fulfilled;
- Support efforts to enhance compliance with ICCAT conservation and management measures, including by strengthening monitoring, control and surveillance (MCS) measures applicable on the fishing grounds and in port, in particular, port inspection, VMS, and at sea transshipment controls; and
- Advocate for and support ICCAT taking the necessary steps to be a modern, effective and efficient organization fully capable of achieving its mandate, such as by reviewing, and amending as appropriate, the Convention and Rules of Procedure, including participation rights of cooperating non-contracting members, taking into account the provisions of the 1995 U.N. Fish Stocks Agreement and other international instruments with regard to membership in the Commission by Fishing Entities.

## 4. International Science Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC)

- Provide complete and timely fishery statistics in accordance with ISC rules, and identify and implement effective solutions to address any failure to provide the data as soon as possible in order to prevent further loss of data from logbooks, port sampling, observer sampling, and landing monitoring;
- Ensure that their scientists participate in, and contribute to, the activities of the ISC; and



- Continue to collaborate on research for tuna and tuna-like species covered by the ISC; and
- Promote additional transparency in the work of the ISC including through provisions for allowing approved NGO observers to attend meetings of the ISC.

5. North Pacific Anadromous Fish Commission (NPAFC)

- Continue to participate in NPAFC Annual Meetings, and cooperate with the Commission's enforcement, conservation and management programs and objectives; and
- Endeavor to assist the authorities represented by TECRO to become a cooperating non-party to NPAFC.

6. Indian Ocean Tuna Commission (IOTC)

- Advocate for and support efforts in the FAO Council and Committee on Constitutional and Legal Matters to move IOTC out of the FAO framework, thereby facilitating the participation of Fishing Entities in the work of the IOTC; and
- Support binding conservation and management measures for cetaceans, including prohibiting the intentional encirclement of cetaceans by purse seine vessels, the development of robust observer programs, and the collection of bycatch data by long line vessels operating in the Indian Ocean, understanding the limitations of the status of the respective parties.

**Bilateral Actions**

1. Continue to strengthen cooperation in the field of fisheries enforcement and exchange information on fisheries enforcement patrol programs in the western, central, and northern Pacific Ocean.
2. Enhance the exchange of visits of personnel in the work of fisheries management (including MCS, enforcement training) and aquaculture.
3. Exchange information and policy on fisheries management and aquaculture, including the work of marine spatial planning, and the establishment of marine protected areas under the jurisdiction of the respective parties.
4. Continue to exchange views on strategies in addressing agenda items of RFMO meetings, and where appropriate, present joint proposals prior to RFMO meetings where the authorities represented by AIT and TECRO respectively, are members.

AIT and TECRO may periodically revise or update elements of this Joint Work Plan by mutual decision.