



TECHNICAL AND COMPLIANCE COMMITTEE

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COOPERATING NON-MEMBERS: PROPOSED REVISIONS TO CMM-2004-02

WCPFC-TCC4-2008/DP-05

1 October 2008

FFA Delegation Paper to TCC4

**FFA Delegation Paper to TCC4
Proposed Revisions to Cooperating Non-Member s Conservation and Management
Measures (CMM 2004-02)**

**COOPERATING NON-MEMBERS¹
PROPOSED REVISIONS TO CMM2004-02**

In giving effect to Article 32 and Article 10(1)(k) of the Convention:-

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1. A non-member of the Commission, whose vessels intend to fish in the Convention Area, may request the Commission for the status of a Cooperating non-member. Any such request shall be received by the Executive Director at least 60 days in advance of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Director shall notify all members of the Commission of any such request and circulate the full application to all members.

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2. A non-member seeking the status of Cooperating non-member shall include with its request:

- (a) an indication of its views on ratification of or accession to the Convention;
- (b) a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
- (c) full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
- (d) all the data members of the Commission are required to submit, in accordance with the recommendations adopted by the Commission;
- (e) details on its current fishing presence in the Convention Area, including the number of its vessels and their characteristics;
- (f) results from research programmes it has conducted in the Convention Area; and
- (g) any further relevant information as determined by the Commission.

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3. Cooperating non-members shall:

- (a) Comply with all conservation and management measures adopted by the Commission;
- (b) Provide all the data members of the Commission are required to submit, in accordance with the recommendations adopted by the Commission;
- (c) Inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;
- (d) Respond in a timely manner to alleged violations of conservation and management measures by its vessels, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 25 of the Convention.

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4. The Commission shall accord Cooperating non-member status on an annual basis. It may renew the conferral of status subject to a review of the Cooperating non-member's compliance with the Convention's objectives and requirements.

5. The Commission shall, in determining whether a non-party is accorded Cooperating non-member status, have regard to:

- (a) the views of the non-member applicant on ratification of or accession to the Convention;

¹ As contained in Annex I of the Final Report of Working Group III [WCPFC/PrepCon/46]

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- (a bis) the commitment of the non-Member applicant to cooperate fully in the implementation of conservation and management measures adopted by the Commission with a view to ensuring that such measures are applied to all fishing activities in the Convention Area;
- (b) the status of the stocks and the existing level of fishing effort in the fishery; and
- (c) its record of compliance with the provisions of the Convention and the conservation and management measures adopted by the Commission; and
- (d) its record of compliance with other Regional Fisheries Management Organizations (RFMOs).

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5 bis. The Commission shall determine the nature and extent of participatory benefits, including specification of benefits applicable under conservation and management measures adopted by the Commission, of a Cooperating non-member in a fishery taking into account *inter alia*:

- (a) the status of the highly migratory fish stocks and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
- (d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;
- (e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources;
- (f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur; and
- (g) the development and implementation of an effective MCS framework for the Commission.

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6. Cooperating non-members are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.

7. A Cooperating non-member is invited to make a financial contribution commensurate with the benefits it enjoys from participation in the fishery. If a Cooperating non-member makes a voluntary contribution in any financial year and then subsequently becomes a member of the Commission in that financial year, its voluntary contribution will be offset against its assessed contribution for that financial year. If such a financial contribution is not made, the Cooperating non-member shall be invited to make a financial contribution. The Commission will recommend an appropriate level of contribution.

8. Cooperating non-members seeking to renew their status as a Cooperating non-member shall comply with any reasonable requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.

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9. The Commission shall also consider information available from other RFMOs relating to non-members seeking Cooperating non-member status, as well as data submitted by such non-members to the Commission. Caution shall be used so as not to introduce into the Convention

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Area the excessive fishing capacity of other regions or IUU fishing activities in granting Cooperating non-member status to such non-members.

10. The Commission shall monitor the activities of nationals and fishing vessels of Cooperating non-members, including their record of compliance with the provisions of the Convention and conservation and management measures adopted by the Commission and the willingness of such Cooperating non-members to voluntarily contribute to the work of the Commission, including voluntary financial contributions.

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11. The Commission shall take measures, which may include revocation of the status of any such Cooperating non-member whose nationals or fishing vessels have undermined the effectiveness of conservation and management measures adopted by the Commission. Failure to comply with any of the conservation and management measures adopted by the Commission shall be deemed to undermine the effectiveness of the Commission's conservation and management measures adopted by the Commission.

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12. The Executive Director shall contact each year all non-members whose vessels fish in the Convention Area for species under the Commission's competence to urge them to apply for the status of Cooperating non-member. In doing so, the Executive Director shall provide a copy of all relevant recommendations and resolutions adopted by the Commission.

12 bis. The Scientific Committee will review the catch of highly migratory fish stocks in relevant fisheries and provide advice and recommendations to the Commission so that the Commission is informed of any relevant changes to the status of the straddling fish stocks and highly migratory fish stocks and the existing level of fishing effort in the fishery;

13 bis The Technical and Compliance Committee will assess applications from Cooperating Non-Members and provide recommendations and technical advice to the Commission. The advice and recommendations to the Commission shall include, *inter alia*:

- whether the CNM application includes all the required fields to be included in a CNM application.;
- advice and recommendations on the record of compliance of the applicant with its record of compliance with the provisions of the Convention and the conservation and management measures adopted by the Commission;
- advice and recommendations on the record of compliance of the applicant other RFMOs; and
- in the case of applications for renewal of Cooperating non-member status, whether the applicant is meeting all para 3 requirements for Cooperating non-member.

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14 bis. The Executive Director shall forward a copy of the relevant TCC recommendations and advice to the non-member applicant as soon as practicable.

15 bis. The non-member applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.

16 bis. Participatory benefits of Cooperating non-members may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.

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