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CNM SMALL WORKING GROUP REPORT - FINAL DRAFT

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COMMISSION TENTH REGULAR SESSION
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Cooperating Non-Members - Report by Small Working Group

Proposed report language for according Cooperating Non-Member status and establishing participatory rights. Framework documents for the working group were CMM 2009-11 and Secretariat paper WCPFC10-2013-08. The working group proposed draft decisions points/report language where possible, with the working group noting that final decisions were to be made by the wider Commission meeting. In terms of participatory rights, existing rights were treated as the starting point for discussion and then were subject to comment from working group participants.

A small working group was established to consider the applications of Cooperating Non-Members (CNMs) and, where a decision to renew status was proposed, to assess associated participatory rights.

The small working group reviewed:

- TCC9's recommendations and requests regarding individual CNM applications;
- Information provided by applicants subsequent to TCC9;
- Information provided during the course of the working group meeting.

TCC9 recommended that the Commission consider all CNM applications subject to the additional information requested being provided to, and accepted by, the Commission.

The working group reiterated that the provision of any information requested by TCC should be provided in advance of the regular session of WCPFC, to allow due consideration of this material by CCMs.

Building on a recommendation from TCC9, the working group confirmed the need for a CNM application template to be developed, based on CMM 2009-11, that clearly outlines the requirements for CNM applicants. This was a key discussion point from the working group.

A template was considered necessary to assist with clarity in relation to the application process. Also, some CNMs noted the view that parts of the application process did not directly relate to their participation in the WCPFC. Some members of the working group also raised concerns about consistent application of CMM 2009-11 requirements such as financial contribution.

Part One – According Cooperating Non-Member Status

Belize

TCC9 requested the Secretariat ask Belize to provide the following in advance of WCPFC10:

- i. information on compliance with the provisions of the Convention and CMMs of the Commission and fisheries laws and regulations of coastal States in the Convention Area
- ii. information with regard to responding to any IUU activities by vessels flying its flag that have been brought to its attention
- iii. information on compliance with CMMs of other RFMOs
- iv. what measures were taken to ensure compliance by its vessels with the Commission's CMMs
- v. information of responses to alleged violations of CMMs and any IUU activities of vessels flying its flag

The small working group was satisfied with the information provided and invited the Commission to renew CNM status for 2014.

Democratic People's Republic of North Korea (DPRK)

TCC9 requested the Secretariat ask DPRK to provide the following in advance of WCPFC10:

- i. commitment to have nationals comply with provisions of the Convention and CMMs adopted by the Commission
- ii. AR Part I and II report for 2013, and information regarding any research programmes conducted in the Convention Area
- iii. how soon the financial contribution for 2013 can be paid
- iv. information on compliance with the provisions of the Convention and the CMMs adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area
- v. information with regard to responding to any IUU activities by vessels flying its flag that have been brought to its attention
- vi. information on compliance with CMMs measures of other RFMOs
- vii. information of what measures taken to ensure compliance by its vessels with the Commission's CMMs
- viii. information of responses to alleged violations of CMMs adopted by the Commission and any IUU activities of vessels flying its flag

No information was received from DPRK that was considered by the working group. Information was received by the Secretariat on 3 December advising that a member of the DPRK delegation is intending to visit WCPFC offices early in 2014 and indicating that a financial contribution for 2012-2014 would then be paid. The small working group invites the Commission to consider the DPRK application in light of this.

Ecuador

TCC9 requested the Secretariat ask Ecuador to provide the following in advance of WCPFC10:

- i. details of current fishing presence in the Convention Area
- ii. information on compliance with the provisions of the Convention and the CMMs adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area
- iii. details of the characteristics of current vessels
- iv. information of responses to alleged violations of CMMs adopted by the Commission and any IUU activities of vessels flying its flag

Ecuador was a participant in the small working group and advised that a formal letter of response had been sent to the Secretariat prior to WCPFC10. This letter was presented to the small working group and outlined Ecuador's position that the information requested from TCC9 was largely included in Ecuador's original CNM application (to TCC9) or on the vessel register.

Upon review, the small working group was satisfied with the information provided and invited the Commission to renew CNM status for 2014.

El Salvador

TCC9 requested the Secretariat ask El Salvador to provide the following in advance of WCPFC10:

- i. commitment to have nationals comply with the provisions of the Convention and CMMs adopted by the Commission
- ii. information of any research programmes conducted in the Convention Area
- iii. information on responding to any IUU activities by vessels flying its flag that have been brought to its attention

- iv. information of responses to alleged violations of CMMs adopted by the Commission and any IUU activities of vessels flying its flag

El Salvador was a participant in the small working group and provided information in relation to the TCC9 request during WCPFC10. Upon review, the small working group was satisfied with the information provided and invited the Commission to renew CNM status for 2014.

Indonesia

The small working group did not consider TCC9's recommendations in relation to Indonesia given the recent deposit of its instrument of ratification.

Mexico

TCC9 requested the Secretariat ask Mexico to provide the following in advance of WCPFC10:

- i. explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection
- ii. information on names of historical fishing vessels
- iii. commitment to provide financial contribution
- iv. AR Part II report
- v. information of any research programmes conducted in the Convention Area
- vi. information of compliance with the provisions of the Convention and the CMMs adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area
- vii. information on responding to any IUU activities by vessels flying its flag that have been brought to its attention
- viii. information of responses to alleged violations of CMMs adopted by the Commission and any IUU activities of vessels flying its flag

Mexico was a participant in the small working group and advised that it had provided information as part of its original CNM application which addressed some of the TCC9 requests. Mexico stated they do not have any vessels in the WCPO area and that they continue to have a domestic legal constraint to accepting high seas boarding and inspection and issues attributing budget for financial contribution given lack of fishing presence. Mexico also made a substantial statement to the working group outlining their relationship to the WCPFC.

Upon consideration, and noting the general requirements that apply to all CNMs, the small working group was satisfied with the explanation and information provided and invited the Commission to renew CNM status for 2014.

Panama

TCC9 requested the Secretariat ask Panama to provide the following in advance of WCPFC10:

- v. commitment to have fishing vessels and nationals comply with provisions of the Convention and CMMs adopted by the Commission
- vi. 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
- vii. details of current fishing presence in the Convention Area, including the number of its vessels and their characteristics
- viii. information of any research programmes conducted in the Convention Area
- ix. information of what measures taken to ensure compliance by its vessels with the Commission's CMMs

Information was provided by Panama in advance of WCPFC10 which addressed some of the TCC requirements. Information was also provided during WCPFC10. The small working group noted some difficulty linking the information provided to the specific TCC requests.

Noting these comments, the small working group invited the Commission to renew CNM status for 2014.

Thailand

TCC9 requested the Secretariat ask Thailand to provide the following in advance of WCPFC10:

- i. information of any research programmes conducted in the Convention Area
- ii. information on responding to any IUU activities by vessels flying its flag that have been brought to its attention
- iii. information of what measures taken to ensure compliance by its vessels with the Commission's CMMs
- iv. information of responses to alleged violations of CMMs and any IUU activities of vessels flying its flag

The small working group was satisfied with the information provided and invited the Commission to renew CNM status for 2014.

Vietnam

TCC9 requested the Secretariat ask Vietnam to provide the following in advance of WCPFC10:

- i. information of any research programmes conducted in the Convention Area
- ii. information on record of compliance with the provisions of the Convention and CMMs of the Commission and the fisheries laws and regulations of coastal States in the Convention Area
- iii. information on responding to any IUU activities by vessels flying its flag
- iv. information of what measures taken to ensure compliance by its vessels with the Commission's CMMs
- v. information of responses to alleged violations of CMMs and any IUU activities of vessels flying its flag

The small working group was satisfied with the information provided and invited the Commission to renew CNM status for 2014.

Part Two - Participatory Rights

In accordance with the WCPF Convention and its conservation and management measures and resolutions, the following limits apply to the participatory rights of Cooperating Non-Members (CNMs) for fisheries in the high seas within the WCPFC Convention Area. In addition, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCM's national jurisdiction, in accordance with appropriate bilateral arrangements. Such CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and the WCPFC conservation and management measures. In addition, CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV). CCMs shall ensure that CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant conservation and management measures and provisions of the WCPF Convention. Renewal of CNM status by the Commission will be conditional on full compliance with the national laws and regulations of any licensing CCM, and all conservation and management measures and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the TCC.

The CNMs identified below provide assurances that they will comply with all requests from Commission Members for information and documentation to investigate cases of possible illegal fishing.

With respect to the Compliance Monitoring Scheme, the Commission will consider how the Compliance Monitoring Reports of CNMs relate to the consideration of granting CNM status or determining participatory rights during the process of developing responses to non-compliance.

The Commission advised CNMs to ensure that they meet the deadline for submission of applications for CNM status and meet all the obligations contained in CMM 2009-11. The Commission noted that failure to meet the above requirements could prejudice the future granting or renewal of CNM status.

WCPFC/IATTC Overlap Area

In accordance with the decision of WCPFC9 regarding the management of the overlap area south of 4°S and between 130°W and 150°W, vessels flagged to Belize, Ecuador, El Salvador and Mexico will be governed by the IATTC when fishing in the overlap area. Accordingly, the participatory rights for Belize, Ecuador, El Salvador and Mexico below apply to the WCPFC Convention Area excluding the overlap area.

In accordance with the Data Exchange MOU agreed by both Commissions, fishing vessels flying the flag of a member of either the IATTC or WCPFC shall cooperate with the RFMO to which they are not a member by voluntarily providing operational catch and effort data for its fishing activities for highly migratory species in the overlap area.

For the purpose of investigation of possible IUU fishing activities and consistent with international and domestic laws, vessels flying the flag of a CNM that is a Contracting Party to the IATTC will cooperate with those coastal State members of the WCPFC whose EEZs occur in the overlap area by voluntarily providing VMS reports (date, time and position) to those coastal States when operating in the overlap area.

Belize

WCPFC10 approved the application for renewal of CNM status by Belize with the following participatory rights:

Belize's fishing activities in the Convention Area are limited to a longline bigeye catch of 803.25 mt and a longline yellowfin catch of 2,000 mt¹. Belize's fishing activities are further limited to the following:

- a) Under CMM 2010-05 (or subsequent revision) in accordance with paragraph 1, Belize is limited to historical catch level for 2004 of two unique longliners in the Convention Area south of 20°S;
- b) Under CMM 2005-03 Belize is limited to the 2005 level of five unique longliners in the Convention Area north of the equator; and
- c) Under CMM 2006-04, Belize is limited to two unique longliners in the Convention area south of 15°S.

Democratic People's Republic of Korea

WCPFC10 was invited to consider the application for renewal of CNM status by the Democratic People's Republic of Korea with the following participatory rights:

The Democratic People's Republic of Korea has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

Ecuador

WCPFC10 approved the application for renewal of CNM status by Ecuador with the following participatory rights:

¹ Subject to discussions regarding CMM 2012-01

The participatory rights of Ecuador for fishing in the WCPO are limited to purse seine fishing only. Ecuador has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

El Salvador

WCPFC10 approved the application for renewal of CNM status by El Salvador with the following participatory rights:

The participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of effort by purse seine vessels of El Salvador on the high seas shall not exceed 29 days in the Convention Area.

Indonesia

The small working group did not consider participatory rights in relation to Indonesia given the recent deposit of its instrument of ratification.

Mexico

WCPFC10 approved the application for renewal of CNM status by Mexico with the following participatory rights:

The Commission noted that Mexico has participated in the work of the Northern Committee (NC) at NC 8 and NC 9 and, noting the need for cooperation with the work of the NC particularly in regard to Pacific Bluefin tuna, encouraged Mexico to continue to participate in the NC. Mexican participation in the WCPO tuna fisheries may not begin until all requested information and commitments have been provided to the WCPFC Secretariat in accordance with the Commission requirements. The participatory rights of Mexico for fishing in the WCPFC Convention Area are limited to purse seine fishing only. Mexico has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

Panama

WCPFC10 approved the application for renewal of CNM status by Panama with the following participatory rights:

The participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels only.

Thailand

WCPFC10 approved the application for renewal of CNM status by Thailand with the following participatory rights:

Noting the need for cooperation between Thailand and the Commission and the commitment from Thailand to provide data from canneries located in Thailand to assist in the work of the Commission, WCPFC10 agreed to grant CNM status to Thailand for 2014 on the understanding that Thailand will cooperate fully with the Commission in the acquisition and exchange of fishery information and data. The Commission notes the provision of data from Thai canneries and encourages Thailand to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

Vietnam

WCPFC10 approved the application for renewal of CNM status by Vietnam with the following participatory rights:

Noting the need for continued cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, as well as on the acquisition and exchange of fishery information and data, for which Vietnam would require assistance, WCPFC10 agreed to grant CNM status to Vietnam for 2014. The Commission notes the significant improvements in the collection and provision of data from Vietnam fisheries through the GEF WPEA project, administered by the WCPFC and encourages Vietnam to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.