



**COMMISSION
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COOPERATING NON-MEMBER REQUESTS FOR 2017

WCPFC13-2016-08¹
2 November 2016

Paper by the WCPFC Secretariat

Purpose

1. The paper presents for the consideration and decision of WCPFC13 the requests received for grant of Cooperating Non-Member (CNM) status for 2017.

Background

2. The Sixth Regular Session of the Commission (WCPFC6) adopted Conservation and Management Measure 2009-11 (CMM 2009-11) ‘Cooperating Non-Members’ (which replaced CMM 2008-02 and before that CMM 2004-02). The decisions to be made by the Commission are set out in paragraphs 8 and 12-13, which is a two-step process:

8. The Commission shall accord CNM status on an annual basis. It may renew the CNM status subject to a review of the CNM’s compliance with the Convention’s objectives and requirements.

12. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, and following the granting of CNM status, the Commission shall, where necessary, determine how the participatory rights of CNMs will be limited by the conservation and management measures adopted by the Commission. ...

13. The limits determined for CNMs under paragraph 12 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.

3. The WCPFC6 Summary Report includes as Attachment S a flowchart that was intended to illustrate the CMM 2009-11 process (see **Appendix 1**)

4. **Appendix 2** to this paper provides information on WCPFC12 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides thereafter the

¹ Updated WCPFC-TCC11-2015-08_rev3

relevant paragraphs from WCPFC12, relevant to WCPFC/IATTC Overlap Area and CNM general process.

CNM requests for 2017

5. On 4 March 2016, the WCPFC Secretariat sent to all 2016 Cooperating Non-Member applicants, letters confirming the outcomes from WCPFC12 in regard to their CNM request and where applicable, the financial commitment expected from each CNM for 2016. The link to the template electronic form to be used for CNM applications to renew status for 2017 was also provided: <https://www.wcpfc.int/doc/commission-07b/cooperating-non-member-request-template>.

6. The Secretariat has received seven (7) requests for grant of Cooperating Non-Member status in 2017, all were submitted using the electronic pdf form (see **Table 1** below). A few requesting countries also provided a written cover letter to support their CNM request. A few CNM requests were submitted as scanned versions of an earlier submission, so were not able to be directly imported into a combined csv format. The Secretariat reproduced the submission from these CNMs into the correct e-format to allow for a complete combined csv format to be generated. **Table 2** provides an update on payment of financial contributions.

Table 1: Dates of receipt for CNM requests received in 2016 (for 2017) as at 20 August 2016

APPLICANT	DATE REQUEST FOR RENEWAL OF CNM STATUS WAS RECEIVED(due 23 July 2016)	
	As written letter of request ²	As completed electronic pdf form
Ecuador		2 July 2016
El Salvador	28 June 2016	28 June 2016
Mexico		6 April 2016
Liberia		11 August 2016
Panama		29 Feb 2016
Thailand	22 July 2016	22 July 2016
Vietnam	12 July 2016	12 July 2016

² Copies of these cover letters to the electronic pdf form are attached as Att 1

Table 2. Notes on financial contributions from Cooperating Non-Members for 2015 and 2016 as at 1 November 2016

	2015 assessed financial contribution	2016 assessed financial contribution	2016 Payments	Date of receipt of last payment for 2016
Ecuador	Paid	45,895	45,895	23 September, 2016
El Salvador	Paid	30,276	30,241	15 March, 2016
Liberia	Paid	13,865	13,865	9 August, 2016
Mexico	Paid	28,946		
Panama	Paid	21,667	21,667	25 April, 2016
Thailand	Paid	20,032	20,032	22 September, 2016
Vietnam	Paid	15,930	15,930	1 November, 2016

7. A copy of the information that was submitted by CNM applicants is accessible to CCMs through their individual logins to the CCM section of the WCPFC website (<https://www.wcpfc.int/cooperating-non-members>) with the reference as *WCPFC-TCC12-2016-09_rev1-Attachment 3*. The information submitted on the pdf form, has been extracted and are provided as a combined CSV format with the reference as *WCPFC-TCC12-2016-09_rev1-Attachment 2*. Copies of letters and communications related to WCPFC12 outcomes are also provided on the CCM section with reference as *WCPFC-TCC12-2016-09_rev1-Attachment 1*.

TCC12 outcomes

7. TCC12 provided the following decisions and recommendations to WCPFC13:

- a. TCC12 has reviewed the following CNM applications and is forwarding them to WCPFC13 for consideration: **Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam.**
- b. TCC12 thanked the Secretariat for the development of the CNM application template which assisted the process greatly and thanks CNM applicants for using the template in submitting their applications.
- c. TCC12 noted with appreciation the attendance and participation of **Ecuador, El Salvador, Liberia, and Vietnam** at this year’s meeting and encourages other CNM applicants to attend TCC meetings in the future.
- d. TCC12 noted the CNM working group process occurred in parallel with the compliance monitoring scheme process and recommended that following TCC12, in consultation with SPC, the Secretariat write a particularised letter to CNMs outlining any identified deficiencies in data provision and request that CNM applicants provide any information outlined in these letters, as requested during the CMS process, 30 days in advance of WCPFC13, and that these letters and any responses be assessed by

WCPFC13.

e. TCC12 recommended that WCPFC13 take into consideration the Compliance Status of all CNM applicants in making its decision on the CNM applications and participatory rights.

f. TCC12 noted that all CNM applicants other than **Mexico** and **Vietnam** made a financial contribution and notes Vietnam's statement that payment was made over the course of TCC12.

g. TCC12 recommended that **Mexico** consider the prospect of a voluntary payment in advance of WCPFC13.

h. TCC12 notes that during the SWG three CNM applicants (**Ecuador, El Salvador and Vietnam**) have reiterated interest in becoming full Commission members and that WCPFC13 consider whether to invite them to become members. **El Salvador** has made its request in a formal letter to the WCPFC Secretariat.

i. TCC12 recommended that the template for CNM applications be amended to include a field to indicate whether the CNM wishes to become a full Commission member.

j. TCC12 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC13:

- **Ecuador** – TCC12 noted that Ecuador provided its Annual Report Part 1 during TCC12 and that Annual Reports form a fundamental part of the Commission process. TCC12 recognised the domestic circumstances in Ecuador which contributed to this late provision. TCC12 encouraged Ecuador to provide its Annual Report Part 1 on time in the future.
- **Liberia** – TCC12 noted that Liberia did not provide its Annual Report Part 1 and that Annual Reports form a fundamental part of the Commission process. TCC12 recommends that Liberia provide its Annual Report Part 1 a minimum of 30 days in advance of WCPFC13. TCC12 notes that Liberia's application was submitted late.
- **Mexico** – TCC12 noted that it is not clear whether Mexico has provided a commitment to make a financial contribution. TCC12 further noted that Mexico has not made an explicit commitment to accept High Seas Boardings and Inspections and that Mexico considers this requirement as not applicable.
- **Panama** – TCC12 noted that Panama did not provide its Annual Report Part 1 and that Annual Reports form a fundamental part of the Commission process. TCC12 recommended that Panama provide its Annual Report Part 1 a minimum of 30 days in advance of WCPFC13.
- **Thailand** – Thailand has indicated that it has not provided full historical data on

fisheries activities in the Convention area pursuant to CMM 2009-11 (2)(d). Applicants for CNM status are required to include in their requests 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, pursuant to CMM 2009-11(2)(d). TCC12 recommended that Thailand provide this information a minimum of 30 days in advance of WCPFC13.

- **Vietnam** – TCC12 noted that Vietnam’s financial contribution had not yet been received during TCC12 but that Vietnam made a statement that payment was pending.

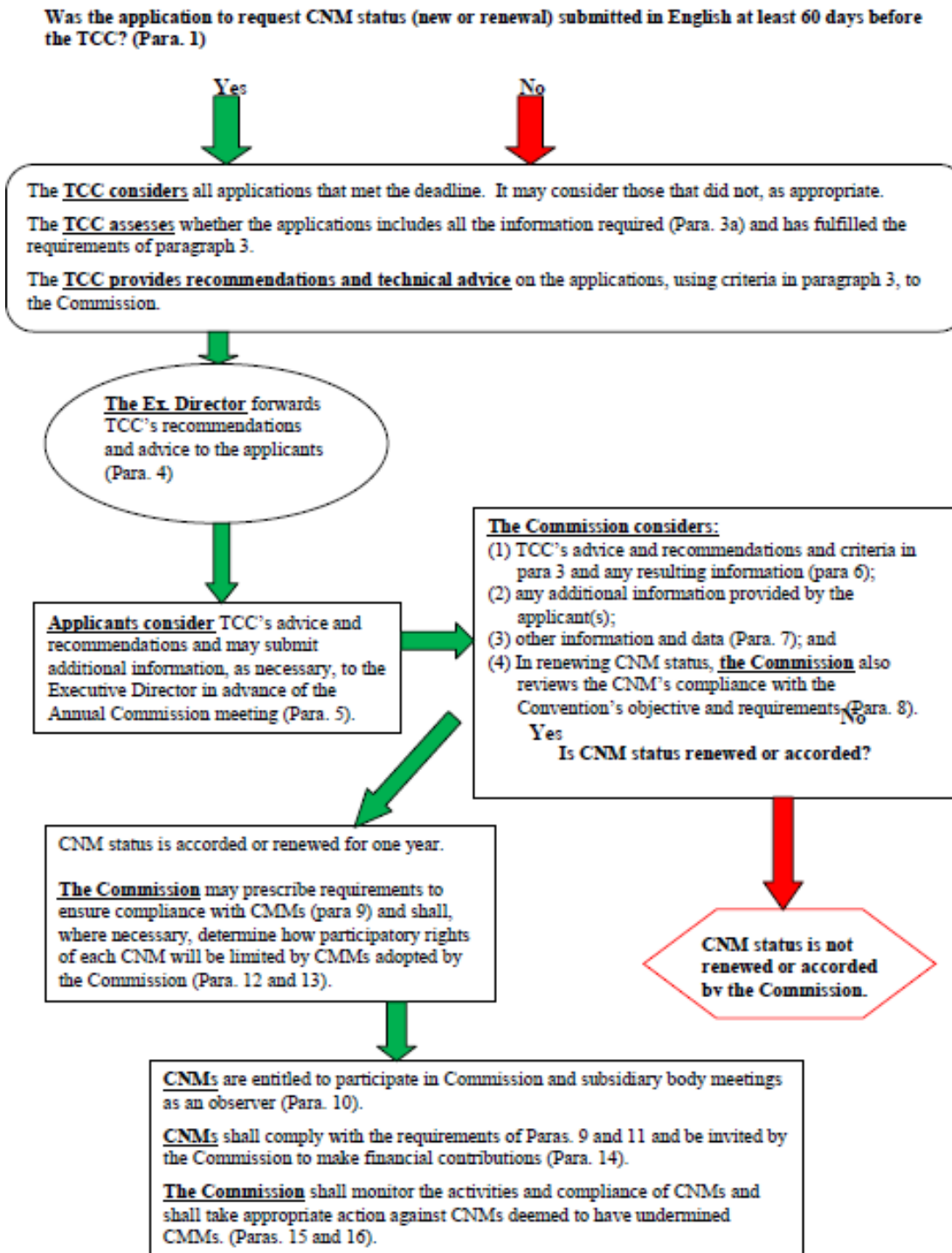
8. During October, the Secretariat sent letters to all CNM Applicants and forwarded the above TCC12 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). Copies of these letters and relevant additional information received post-TCC12 are also provided on the CCM section as *Attachment 4*. A list of all CNM-related documents will be maintained as part of the WCPFC13 List of Documents (WCPFC13-2016-04).

9. It is expected that a working group will be established to prepare draft decisions points for consideration by WCPFC13 relevant to any reviews of Cooperating Non-Member participatory limits.

Recommendation

10. WCPFC13 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2017.

Appendix 1



Appendix 2. Cooperating Non-Member and Participatory Rights decisions from WCPFC12

CNM	WCPFC12 Decision regarding granting of CNM status	WCPFC12 Decision regarding Participatory Rights
Ecuador	68. WCPFC12 agreed to approve the application for CNM status in 2016 for Ecuador.	121. The Commission noted Ecuador’s non-compliant status in CMR covering 2014 activities and encouraged Ecuador to aim for full compliance in 2016. 122. The Commission agreed that Ecuador’s participatory rights for fishing in the WCPO are limited to purse seine fishing, with no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.
El Salvador	70. WCPFC12 agreed to approve the application for CNM status in 2016 for El Salvador.	123. The Commission noted El Salvador’s non-compliant status in CMR covering 2014 activities and encouraged El Salvador to aim for full compliance in 2016. 124. The Commission agreed that 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. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.
Liberia	88. WCPFC12 agreed to approve the application for CNM status in 2016 for Liberia.	125. The Commission noted that Liberia was not subject to compliance evaluation in CMR covering 2014 activities. 126. The Commission agreed that the participatory rights of Liberia are limited to reefer vessels to engage in transshipment activities, and bunker and supply vessels to support fishing vessels in the Convention area.
Mexico	115. The Commission agreed to approve the application for CNM status in 2016 for Mexico.	127. The Commission noted that CMR covering 2014 activities assessed Mexico to be in full compliance with all applicable CMMs. 128. The Commission noted that Mexico had participated in the work of the Northern Committee (NC) at NC 8, 9, 10 and 11 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. Mexico does not intend to have a vessel presence in 2016. The Commission agreed that any future introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.

CNM	WCPFC12 Decision regarding granting of CNM status	WCPFC12 Decision regarding Participatory Rights
Panama	80. WCPFC12 agreed to approve the application for CNM status in 2016 for Panama.	129. The Commission noted Panama’s non-compliant status in CMR covering 2014 activities and encouraged Panama to aim for full compliance in 2016. 130. The Commission agreed that the participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels. At the request of Panama, and after consulting the Legal Advisor, the SWG noted that Panama’s participatory rights also apply to vessels that supply food, water and spare parts to carrier vessels that engage in transshipment activities, provided that these vessels do not engage in activities supporting fishing vessels, including providing and/or servicing FADs. The Commission noted that this does not result in any additional participatory rights in 2016 to the participatory rights granted to Panama in 2015.
Thailand	84. WCPFC12 agreed to approve the application for CNM status in 2016 for Thailand.	131. The Commission noted Thailand’s non-compliant status in CMR covering 2014 activities and encouraged Thailand to aim for full compliance in 2016. 132. The Commission noted 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, considering that the CNM status was granted to Thailand for 2016 on the understanding that Thailand will cooperate fully with the Commission in the acquisition and exchange of fishery information and data. The Commission noted 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 Commission agreed that the participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.
Vietnam	86. WCPFC12 agreed to approve the application for CNM status in 2016 for Vietnam.	133. The Commission noted that in the CMR covering 2014 activities assessed Vietnam to be in full compliance with all applicable CMMs. Vietnam also informed the Commission that it had provided its assessed financial contribution. 134. The Commission noted 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. The Commission noted its appreciation that 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 Commission agreed that the participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

General decisions related to CNM status

117. The Commission noted with appreciation the attendance and participation of Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam in the CNM-SWG discussions.

120. The Commission agreed that:

- a) In accordance with the WCPF Convention and its conservation and management measures and resolutions, the following participatory rights apply to Cooperating Non- Members (CNMs) for fisheries in the high seas within the WCPFC Convention Area.
- b) In addition, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCMs' national jurisdiction, in accordance with appropriate bilateral arrangements.
- c) 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).
- d) 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.
- e) Renewal of CNM status by the Commission will take into account -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.

WCPFC/IATTC Overlap Area

135. The Commission agreed that:

- a. In accordance with the decision of WCPFC9 regarding the management of the overlap area of 4°S and between 130°W and 150°W, vessels flagged to Ecuador, El Salvador and Mexico will be governed by the IATTC when fishing in the overlap area.
- b. 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.
- c. 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.