**WCPFC13-2016-SWG3 rev2**

**Record of SWG-CNMs (FINAL)**

**(9 December, 2016)**

1. For 2017, seven CNM requests were submitted to the Secretariat using the agreed electronic format within the required timeframe. Those requests were from: Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam.
2. WCPFC 13 approved CNM status for Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam.
3. At the Chair’s direction a small working group (SWG) was established to assess associated participatory rights of each CNM applicant whose CNM status was approved at the plenary.
4. Framework documents for the working group were CMM 2009-11 and Secretariat paper WCPFC13-2016-08. The group also referred to TCC12’s recommendations in the CNM section of the TCC12 Summary Report. These recommendations have been attached to this report for reference.
5. The SWG noted with appreciation the attendance and participation of Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam in the Group’s discussions.
6. In addition to the discussions regarding participatory rights, some of the attending CNMs also raised the question as to how the Commission invites a non-member to become a full member, noting that Ecuador, El Salvador, and Vietnam had expressed their interest in becoming a full member of the Commission in their CNM applications.
7. Participants supported the recommendation of TCC12 to include a column in the template where CNM applicants could indicate their interest in becoming a member of the commission but felt that further discussion was not warranted on the membership process as the issue was outside the mandate of the SWG.
8. It was confirmed that applications were complete and outstanding data addressed for the seven applicants.

**Participatory Rights**

1. The SWG agreed to recommend that the CNMs accepted by the WCPFC plenary (i.e. Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam) have the same participatory rights in 2017 as they had in 2016.

**Limits to be applied to the participatory rights of CNMs (Convention / CMM2009-11)**

1. 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.
2. 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.
3. 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).
4. 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.
5. 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 secretariat for attention by TCC.

**Participatory rights of each CNM in 2016**

**Ecuador**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by Ecuador and provided a recommendation for participatory rights as follows: 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 2015-01 or its replacement measure.

**El Salvador**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by El Salvador and provided a recommendation for participatory rights as follows: 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 2015-01 or its replacement measure.

**Liberia**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by Liberia and provided a recommendation for participatory rights as follows: 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**

1. The Group noted WCPFC13’s approval, after some discussion, of the application for renewal of CNM status by Mexico. Approval was conditional upon approach suggested by Mexico of payment of Mexico’s financial contribution of its 2016 assessed amount by June 30 2017 (payment in the first semester) and its 2017 assessed amount by December 31 2017 (payment in the second semester).
2. The SWG noted that Mexico had participated in the work of the Northern Committee (NC) at NC 8, 9, 10, 11 and 12 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 2017. Any future introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2015-01 or its replacement measure.

**Panama**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by Panama and provided a recommendation for participatory rights as follows: the participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels. 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 SWG also noted that this does not result in any additional participatory rights in 2017 to the participatory rights granted to Panama in 2016.

**Thailand**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by Thailand and provided a recommendation that the participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

**Vietnam**

1. The Group noted WCPFC13’s approval of the application for renewal of CNM status by Vietnam and provided a recommendation that the participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

**WCPFC/IATTC Overlap Area**

1. In accordance with the decision of WCPFC 9 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.
2. 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.
3. 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.

**Recommendations**

1. It is recommended that WCPFC13 agree, as originally recommended by TCC12, to include a column in the CNM application template where CNM applicants could indicate their interest in becoming a member of the commission.
2. It is recommended that WCPFC13 agree to extend participatory rights to the CNMs previously accepted by the WCPFC13 plenary (i.e. Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam) and that they have the same participatory rights in 2017 as they had in 2016 (and as outlined in detail in WCPFC13-2016-SWG3\_rev2).

**Attachment**

**Recommendation from TCC12**

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| 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.
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