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CNM Draft Report Language on Participatory Rights for CNMs for 2012 (Final)

**WCPFC 2011-48 Rev 2
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**Proposed report language for participatory rights for Cooperating Non-Members
by the small working group on participatory rights for CNMs**

In accordance with provisions of 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 WCPFC conservation and management measures. In addition, such 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, 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.

WCPFC8 encouraged CNMs to implement export controls that ensure that their shipbuilding activities do not undermine any conservation and management measures adopted by the Commission to control fishing capacity in the WCPO tuna fisheries, in accordance with Article 10, or undermine Article 30 of the Convention.

Belize

WCPFC8 approved the application for renewal of CNM status by Belize with the following participatory rights:

Catches of bigeye tuna from Belize are limited to 803.25 mt and 2,000 mt of yellowfin tuna. Belize fishing activities are limited to the following (except within the overlap area in accordance with the provisions described in paragraph xxx below):

- a. Under CMM 2005-02 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 degrees south latitude;
- 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 degrees south latitude.

Democratic People's Republic of Korea

WCPFC8 approved the application 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

WCPFC8 approved the application for renewal of CNM status by Ecuador with the following participatory rights:

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 (except within the overlap area in accordance with the provisions described in paragraph xxx below).

El Salvador

WCPFC8 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 vessels on the high seas shall not exceed 29 days in the Convention Area (except within the overlap area in accordance with the provisions described in paragraph xxx below).

Indonesia

WCPFC8 approved the application for renewal of CNM status by Indonesia with the following participatory rights:

Indonesia's fishing activities in the Convention Area are limited to a longline bigeye catch limit of 5,889 mt (8,413 mt minus 30%) and purse-seine fishing on the high seas in the Convention Area is limited to 500 days.

WCPFC8 encouraged Indonesia to apply compatible measures within its archipelagic waters given the significance of these waters for juvenile yellowfin and bigeye catch. Indonesia noted that it is participating in the new Global Environment Facility (GEF) West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) and cooperating with the Commission, particularly in areas of data collection improvement.

Indonesia expressed its appreciation to the Commission for the decision to renew its CNM status and reiterated its intention to become a full member of the Commission, Indonesia stated that, consistent with its position throughout the Multilateral High Level

Conference (MHLC) and Preparatory Conference, it considers that WCPFC CMMs do not apply to archipelagic waters.

Mexico

WCPFC8 approved the application for renewal of CNM status by Mexico with the following participatory rights:

Noting the need for cooperation with the work of the Northern Committee (NC), particularly in regard to Pacific bluefin tuna, Mexico is encouraged to participate in the NC and is advised that future renewals of Mexico's CNM status could be hampered by a continuing lack of participation in the work of the NC.

Mexican participation in the WCPO tuna fisheries may not begin until all requested information and commitments have been provided to the WPFCA Secretariat in accordance with 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 (except within the overlap area in accordance with the provisions described in paragraph xxx below).

Panama

WCPFC8 approved the application 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.

Senegal

WCPFC8 approved the application for renewal of CNM status by Senegal with the following participatory rights:

The participatory rights of Senegal for fishing in the WCPO are limited to one unique longline vessel (the *Robaliera*). This vessel may only target swordfish and may only catch 154 mt of swordfish (as determined in accordance with CMM 2009-03).

St Kitts and Nevis

WCPFC8 approved the application for CNM status by St Kitts and Nevis with the following participatory rights:

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

Thailand

WCPFC8 approved the application for 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, WCPFC8 agreed to grant CNM status to Thailand for 2012 on the understanding that Thailand will cooperate fully with the Commission in 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

WCPFC8 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, WCPFC8 agreed to grant CNM status to Vietnam for 2012. Vietnam has no participatory rights for fishing for highly migratory fish stocks in the high seas of the Convention Area.

WCPFC/IATTC Overlap

The small working group strongly recommends that the WCPFC and the IATTC urgently resolve the management uncertainties and inconsistencies that apply to fisheries within the overlap area south of 4° S and between 130° W and 150° W. The following provisions are intended as an interim measure and do not establish any precedent for the discussions between the WCPFC and the IATTC over the management of the overlap area.

For 2012, pending agreement between WCPFC and IATTC on management of the overlap in the Convention Areas of these two RFMOs, the limits prescribed above shall not apply to fishing vessels flying the flag of a CNM that is a Contracting Party of IATTC and operating in the IATTC/WCPFC overlap area south of 4° S and between 130° W and 150° W.

These CNMs agree that in the IATTC/WCPFC overlap area fishing vessels flying their flag shall:

- comply with all applicable IATTC Resolutions and requirements including effort, capacity and catch controls and limits;
- carry, on all purse seine vessels, an observer accredited with either the IATTC or WCPFC observer programs. and

- operate a vessel monitoring system (VMS) in accordance with IATTC Resolution C-04-06.

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 investigation of possible IUU fishing activities purpose and consistent to 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.