



**TECHNICAL AND COMPLIANCE COMMITTEE
SECOND REGULAR SESSION**

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**CONSIDERATION OF APPLICATIONS FOR COOPERATING NON-MEMBER STATUS
AND MEMBERSHIP**

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Paper prepared by the Secretariat

Introduction

1. During 2006, the Secretariat received applications from the USA, Indonesia and Belize for Cooperating Non-member (CNM) status. The applications by the USA and Indonesia were to renew their status as CNMs. An application has also been received from Senegal for membership of the Commission.

2. These applications were circulated to Members, Cooperating Non-Members and Participating Territories (CCMs) 90 days in advance of the third regular session of the Commission (Comm3) scheduled for 11-15 December at Apia, Samoa. This paper has been prepared by the Secretariat inviting TCC2 to consider the technical and compliance requirements that may arise in the consideration by the Commission of these applications.

Cooperating Non-Members

3. The Commission has previously developed guidelines and procedures for assessing applications for CNM status. While the decision to confer or renew CNM status is a policy decision for the Commission, there are several technical matters that require consideration. Article 2 of the Conservation and Management Measure on Cooperating Non-Members (Conservation and Management Measure-2004-02) outlines information requirements that CNM applicants must meet when submitting their applications for CNM status. Furthermore, Article 4 of Conservation and Management Measure-2004-02 states that the Commission shall accord CNM status on an annual basis and may renew the conferral of status subject to a review of the CNM's compliance with the Convention's objectives and requirements. Article 5 of Conservation and Management Measure-2004-02 requires the Commission, when determining whether CNM status should be renewed, to have regard to:

- a. the views of the CNM applicant on ratification or of accession to the Convention;
- b. the status of the stocks and the existing level of fishing effort in the fishery;

- c. its record of compliance with the provisions of the Convention, and the conservation and management measures developed by the Commission and other regional fisheries management organisations (RFMOs).

Membership applications

4. Senegal's application for membership raises technical and policy issues which have not been previously addressed by the Commission. Article 35(2) of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) governs accession to the Convention and consequently, membership of the Commission. The Article provides:

After entry into force of this Convention, the Contracting Parties may, by consensus, invite other States and regional economic integration organizations, whose nationals and fishing vessels wish to conduct fishing for highly migratory fish stocks in the convention Area to accede to this Convention.

5. Although it is clear from article 35(2) that accession by other States and regional economic integration organizations to the Convention is a right to be exercised only by Contracting Parties and not by all members of the Commission, the Convention does not specify the procedure and criteria for deciding on applications for membership.

6. Whilst the decision to confer membership status is a policy decision that rests with Contracting Parties, such a decision may also involve the consideration of technical information, e.g. the applicant's fishing activities in the Convention Area, as it applies in respect of applications for CNM status, which the Commission may wish to consider in making its decision.

7. TCC2 is invited to consider its possible role in providing technical guidance to the Contracting Parties when making their decision on Senegal's application and future applications for membership.

Recommendation

8. TCC2 is invited to consider its possible role in providing technical guidance regarding CNM and membership applications for possible consideration by the Commission.