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COOPERATING NON-MEMBER REQUESTS FOR 2018

WCPFC14-2017-07¹
15 November 2017

Paper by the WCPFC Secretariat

Purpose

1. The paper presents for the consideration and decision of WCPFC14 the requests received for grant of Cooperating Non-Member (CNM) status for 2018.

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 WCPFC13 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides thereafter the

¹ Update of WCPFC-TCC13-2017-09_rev1

relevant paragraphs from WCPFC13, relevant to WCPFC/IATTC Overlap Area and CNM general process.

CNM requests for 2018

5. On 2 March 2017, the WCPFC Secretariat posted to the website an updated electronic form that incorporated the necessary amendment to the request form for WCPFC CNM status.² The form was updated in response to the WCPFC13 decision to include a column in the CNM application template where CNM applicants could indicate their interest in becoming a member of the Commission.

6. On 16 March 2017, the WCPFC Secretariat sent to all 2017 CNM applicants, letters confirming the outcomes from WCPFC13 in regard to their CNM requests and the financial commitment expected from each CNM for 2017, and as applicable 2016. Attention was also drawn in the letter to the updated template electronic form to be used for requests for grant of CNM status in 2018.

7. The Secretariat has received seven (7) requests for grant of Cooperating Non-Member status in 2018, some were submitted using the 2017 version of the electronic pdf form (see **Table 1** below). A few CNM requests were submitted as scanned versions 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 so as to allow for a complete combined csv format to be generated. A few requesting countries also provided a written cover letter to support their CNM request. **Table 2** provides an update on payment of financial contributions as at 15 November 2017.

Table 1: Dates of receipt for CNM requests received in 2017 (for 2018)

APPLICANT	DATE REQUEST FOR RENEWAL OF CNM STATUS WAS RECEIVED (due 29 July 2017)	NOTES ON FORMAT OF REQUEST	
		E-form submitted and able to be directly imported (not pre-scanned)?	2017 version of template used?
Ecuador	1 September 2017	YES	NO
El Salvador	19 May 2017	NO	YES
Mexico	16 March 2017	YES	YES
Liberia	20 July 2017	YES	NO
Panama	31 July 2017	YES	YES
Thailand	27 July 2017	NO	YES
Vietnam	29 June 2017	YES	NO

² The form is posted on the WCPFC website at this link:-

<https://www.wcpfc.int/doc/commission-07b/cooperating-non-member-request-template>

Table 2. Notes on financial contributions from Cooperating Non-Members for 2016 and 2017 as at 15 November 2017

	2016 assessed financial contribution	2017 assessed financial contribution	2017 Payments	Date of receipt of last payment for 2017 contribution
Ecuador	Paid	41,475	41,410	18 September 17
El Salvador	Paid	34,095	34,060	22 March 17
Liberia	Paid	14,080	14,080	16 August 17
Mexico³	Paid – 19 Sept 17	29,045		
Panama	Paid	22,659	22,659	14 April 17
Thailand	Paid	20,337	20,337	12 May 17
Vietnam	Paid	16,314	0	

8. 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-TCC13-2017-09_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-TCC13-2017-09_rev1-Attachment 2*. Copies of letters and communications related to WCPFC12 outcomes are also provided on the CCM section with reference as *WCPFC-TCC13-2017-09_rev1-Attachment 1*.

TCC13 outcomes

9. TCC13 provided the following decisions and recommendations to WCPFC14:

<p>TCC13 has reviewed the following CNM applications and is forwarding them to WCPFC14 for consideration: Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam (<i>TCC13, para 60</i>).</p> <p>TCC13 thanked the Secretariat for the development of the CNM application template, which assisted the process greatly and thanked CNM applicants for using the template in submitting their applications (<i>TCC13, para 61</i>).</p> <p>TCC13 noted with appreciation the attendance and participation of Ecuador, Liberia, Panama and Vietnam at this year’s meeting and encouraged other CNM applicants to attend TCC meetings in the future (<i>TCC13, para 62</i>).</p> <p>TCC13 noted the CNM working group process had occurred in parallel with the compliance monitoring scheme process and recommended that following TCC13, 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</p>
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³ The WCPFC notes Mexico has agreed to payment of the 2016 assessed financial contribution by June 30 2017 (payment in the first semester) and its 2017 assessed contribution by December 31 2017 (payment in the second semester).

outlined in these letters, as requested during the CMS process, 30 days in advance of WCPFC14, and that these letters and any responses be assessed by WCPFC14 (*TCC13, para 63*).

TCC13 recommended that WCPFC14 take into consideration the compliance statuses of all CNM applicants in making its decision on the CNM applications and participatory rights (*TCC13, para 64*).

TCC13 noted that all CNM applicants other than Mexico and Vietnam have made financial contribution and noted Vietnam's statement that payment is in progress and that Mexico had paid its 2016 contributions and agreed to pay its 2017 contribution in the second semester of 2017 (*TCC13, para 65*).

TCC13 noted that in three CNM applications, Ecuador, El Salvador and Mexico, have reiterated interest in becoming full Commission members (*TCC13, para 66*).

TCC13 considered the broader issue of membership was beyond the mandate of the group. However, TCC13 recommends that compliance records be considered among any criteria that could be developed for the process of considering applications for full membership. CCMs are encouraged to consult on broader issues related to the membership process prior to WCPFC14 (*TCC13, para 67*).

TCC13 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC14:

- **Ecuador** – TCC13 noted from the Secretariat that Ecuador provided its Annual Report Part 2, which forms a fundamental part of the TCC13 process, late. TCC13 recognised the domestic circumstances in Ecuador that contributed to this late provision and encourages Ecuador to provide its Annual Report Part 2 on time in the future.
- **Mexico** – TCC13 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. TCC13 noted that Mexico's financial contribution had been received for 2016 and at WCPFC13 they made a commitment that they will pay their contribution fee for 2017 before 31 December 2017.
- **Panama** – TCC13 noted from the Secretariat that Panama provided its Annual Report Part 2, which forms a fundamental part of the TCC13 process, late. TCC13 recognised the domestic circumstances with Panama that contributed to this late provision and encourages Panama to provide its Annual Report Part 2 on time in the future.
- **Thailand** – TCC13 noted that Thailand may not have provided full historical data on fisheries activities in the Convention area pursuant to CMM 2009-11 (2)(d). An applicant for CNM status is required to include in its 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).
- **Vietnam** – TCC13 noted that Vietnam's financial contribution had not yet been received during TCC13 but that Vietnam made a statement that payment was in progress. (*TCC13, para 68*)

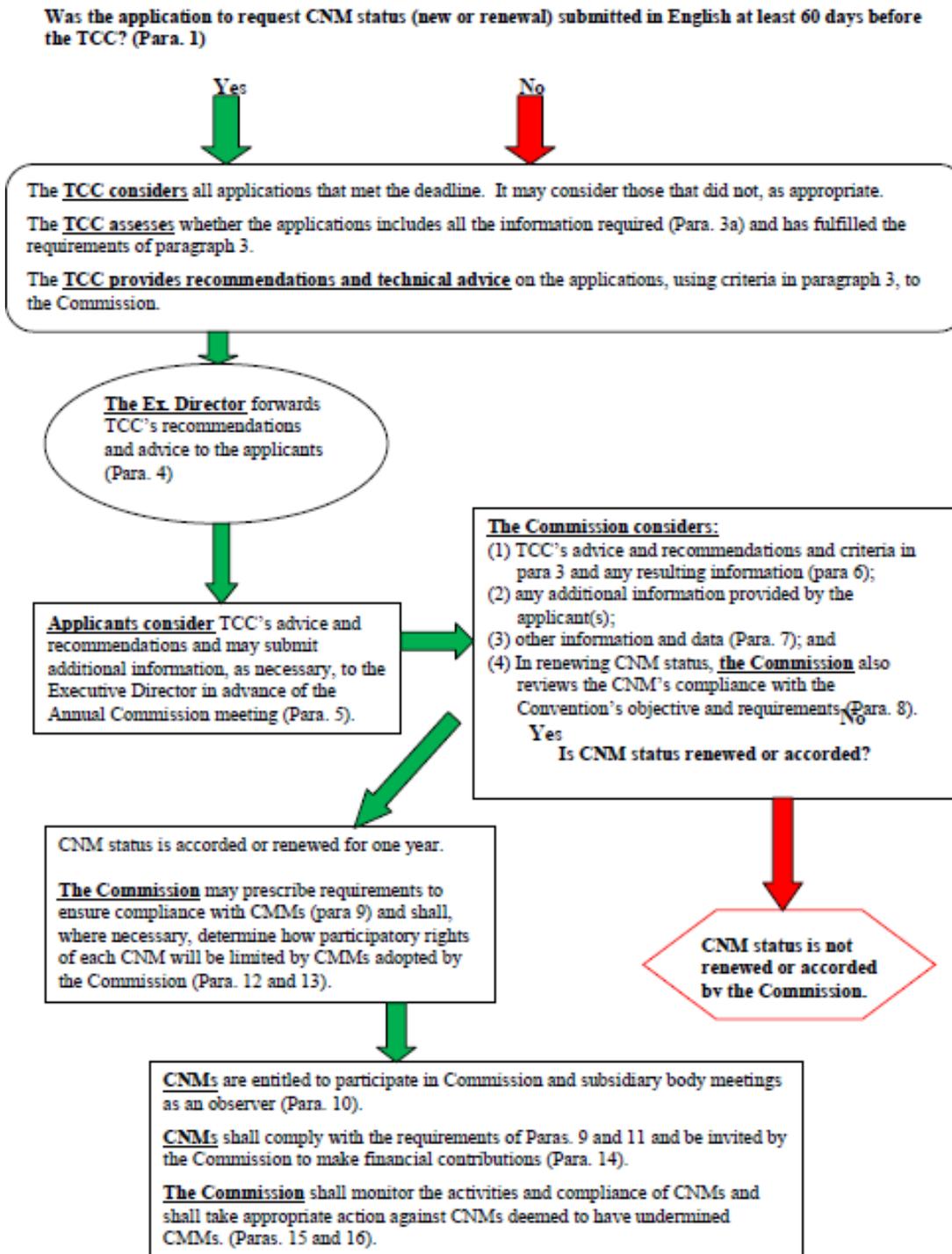
10. During October, the Secretariat sent letters to all CNM Applicants and forwarded the above TCC13 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). Copies of these letters and relevant additional information received post-TCC13 are also provided on the CCM section as *Attachment 4*. A list of all CNM-related documents will be maintained as part of the WCPFC14 List of Documents (WCPFC14-2017-04).

11. It is expected that a working group will be established to prepare draft decisions points for consideration by WCPFC14 relevant to any reviews of Cooperating Non-Member participatory limits.

Recommendation

<p>12. WCPFC14 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2018.</p>

Appendix 1



Appendix 2. Cooperating Non-Member and Participatory Rights decisions from WCPFC13 (paragraph numbers refer to WCPFC13 Summary Report)

57. 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.

58. WCPFC13 approved CNM status to Ecuador, El Salvador, Liberia, Panama, Thailand, and Vietnam for 2017.
59. WCPFC13 also approved CNM status to Mexico for 2017, subject to the payment of Mexico's 2016 assessed financial contribution by June 30 2017 (payment in the first semester) and its 2017 assessed contribution by December 31 2017 (payment in the second semester).

60. 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. 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.

61. The SWG noted with appreciation the attendance and participation of Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam in the Group's discussions.

62. 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.

63. 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.

64. It was confirmed that applications were complete and outstanding data addressed for the seven applicants.

General decision on participatory rights

66. WCPFC13 agreed to the following limits to be applied to the participatory rights of CNMs (Convention / CMM 2009-11):

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 WCPFC 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 WCPFC 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.

CNM	WCPFC13 specific decisions regarding Participatory Rights in 2017
Ecuador	67. The 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	68. 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	69. 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	70. It was 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	71. 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	72. The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.
Vietnam	73. The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

WCPFC/IATTC Overlap Area

74. 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.
75. 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.

76. 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.
