



**COMMISSION
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COOPERATING NON-MEMBER REQUESTS FOR 2019

**WCPFC15-2018-07¹
14 November 2018**

Paper by the WCPFC Secretariat

Purpose

1. The paper presents for the consideration and decision of WCPFC15 the requests received for grant of Cooperating Non-Member (CNM) status for 2019.

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 WCPFC14 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides thereafter the

¹ Update of WCPFC-TCC14-2018-07

relevant paragraphs from WCPFC14, relevant to WCPFC/IATTC Overlap Area and CNM general process.

CNM requests for 2019

5. On 29 March 2018, the WCPFC Secretariat sent to all 2017 CNM applicants, letters confirming the outcomes from WCPFC14 on their CNM requests and the financial commitment expected from each CNM for 2018. Attention was also drawn in the letter to the latest version of the electronic form to be used when requesting for grant of CNM status in 2019.²

6. The Secretariat has received eight (8) requests for grant of Cooperating Non-Member status in 2019, some were submitted using the 2017 version of the electronic pdf form (see **Table 1** below). One CNM’s request was submitted as a scanned document, so was not able to be directly imported into the combined csv format.³ **Table 2** provides an update on payment of financial contributions as at 13 November 2018.

Table 1: Dates of receipt for CNM requests received in 2018 (for 2019)

APPLICANT	DATE REQUEST FOR RENEWAL OF CNM STATUS WAS RECEIVED (due 28 July 2018)	NOTES ON FORMAT OF REQUEST	
		E-form submitted and able to be directly imported (not pre-scanned)?	2017 version of template used?
Ecuador	27 Jul 2018	YES	YES
El Salvador	31 May 2018	NO	
Liberia	24 Jul 2018	YES	NO
Mexico	28 Jun 2018	YES	YES
Nicaragua	21 Jul 2018	YES	NO
Panama	22 Jun 2018	YES	YES
Thailand	11 Jul 2018	YES	YES
Vietnam	12 Aug 2018	YES	YES

² 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. The form is posted on the WCPFC website at this link:- <https://www.wcpfc.int/doc/commission-07b/cooperating-non-member-request-template>

³ 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. Notes on financial contributions from Cooperating Non-Members for 2017 and 2018 as at 13 November 2018

	2017 assessed financial contribution	2018 assessed financial contribution	2018 Payments	Date of receipt of last payment for 2018 contribution
Ecuador	Paid	34,342	34,302	Sep 27, 2018
El Salvador	Paid	30,018	29,983	Apr 11, 2018
Liberia	Paid	14,380	14,380	May 25, 2018
Mexico	Paid	29,186		
Panama	Paid	23,432	23,432	July 25, 2018
Thailand	Paid	20,928	20,928	May 11, 2018
Vietnam	Paid	16,463	16,463	Sept 27, 2018
		168,750	139,488	

7. A copy of the information that was submitted by CNM applicants is accessible to authorized CCM users through the CCM section of the WCPFC website (<https://www.wcpfc.int/cooperating-non-members>) with the reference as *WCPFC-TCC14-2018-07-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-TCC14-2018-07-Attachment 2*. Copies of letters and communications related to WCPFC14 outcomes are also provided on the CCM section with reference as *WCPFC- TCC14-2018-07-Attachment 1*.

TCC14 outcomes

8. TCC14 provided the following decisions and recommendations to WCPFC15:

TCC14 has reviewed the following CNM applications and is forwarding them to WCPFC15 for consideration: **Ecuador, El Salvador, Liberia, Mexico, Panama, Nicaragua, Thailand and Vietnam.** (*TCC14 draft summary report, para 64*)

TCC14 noted with appreciation the attendance and participation of El Salvador, Liberia, Thailand and Vietnam at this year’s meeting and encouraged other CNM applicants to attend TCC meetings in the future. (*TCC14 draft summary report, para 65*)

TCC14 noted the CNM working group process had occurred in parallel with the compliance monitoring scheme process and recommended that following TCC14, 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 WCPFC15, and that these letters and any responses be assessed by WCPFC15. *(TCC14 draft summary report, para 66)*

TCC14 recommended that WCPFC15 take into consideration the compliance status of all CNM applicants in making its decision on the CNM applications and participatory rights. *(TCC14 draft summary report, para 67)*

TCC14 noted that all current CNMs seeking to renew CNM status other than Mexico and Vietnam have made financial contributions for 2018 and noted Vietnam's statement that payment is in progress. The WCPFC has received Ecuador's financial contribution although it is not stated in Table 2 of WCPFC-TCC14-2018-07. *(TCC14 draft summary report, para 68)*

TCC14 noted that Ecuador, Mexico, Thailand, Panama, Vietnam, and El Salvador have reiterated interest in becoming full Commission members. *(TCC14 draft summary report, para 69)*

TCC14 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC15: *(TCC14 draft summary report, para 70)*

- **Ecuador** – Although Ecuador has paid its 2018 financial contribution it wasn't represented at TCC14. *(TCC14 draft summary report, para 71)*
- **El Salvador** – TCC14 noted that El Salvador submitted both its Part 1 and Part 2 Report after the deadline, but that El Salvador complied with the submission of 2017 scientific data to the Commission. *(TCC14 draft summary report, para 72)*
- **Liberia** – TCC14 noted that Liberia failed to meet the deadline in submitting its Part 2 Report in time. *(TCC14 draft summary report, para 73)*
- **Mexico** – TCC14 noted that Mexico has still not made an explicit commitment to accept High Seas Boardings and Inspections and that Mexico considers this requirement as not applicable since it does not have any vessels in the Convention Area. TCC14 noted that Mexico had not paid its 2018 financial contribution. *(TCC14 draft summary report, para 74)*
- **Nicaragua** – TCC14 was not in a position to discuss compliance issues with Nicaragua's application, as it has not previously been granted CNM status, and deferred consideration of the application to the Commission. *(TCC14 draft summary report, para 75)*
- **Panama** – TCC14 noted, based on updates from the Secretariat, that Panama submitted its Part 1 and Part 2 Reports on time but that there were reporting gaps that could require clarification. Some CCMs also noted that Panama is consistently non-compliant in the South Pacific Regional Fisheries Management

Organisation for serious violations of obligations and is on warning in that forum. *(TCC14 draft summary report, para 76)*

- **Thailand** – TCC14 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). Thailand expressed doubt its flagged vessels have fished in the Convention Area. *(TCC14 draft summary report, para 77)*
- **Vietnam** – TCC14 noted that Vietnam’s CNM application was submitted late, but that Vietnam’s Part 1 and Part 2 Reports have been received by the WCPFC and Vietnam complied with the submission of 2017 scientific data to the Commission. *(TCC14 draft summary report, para 78)*

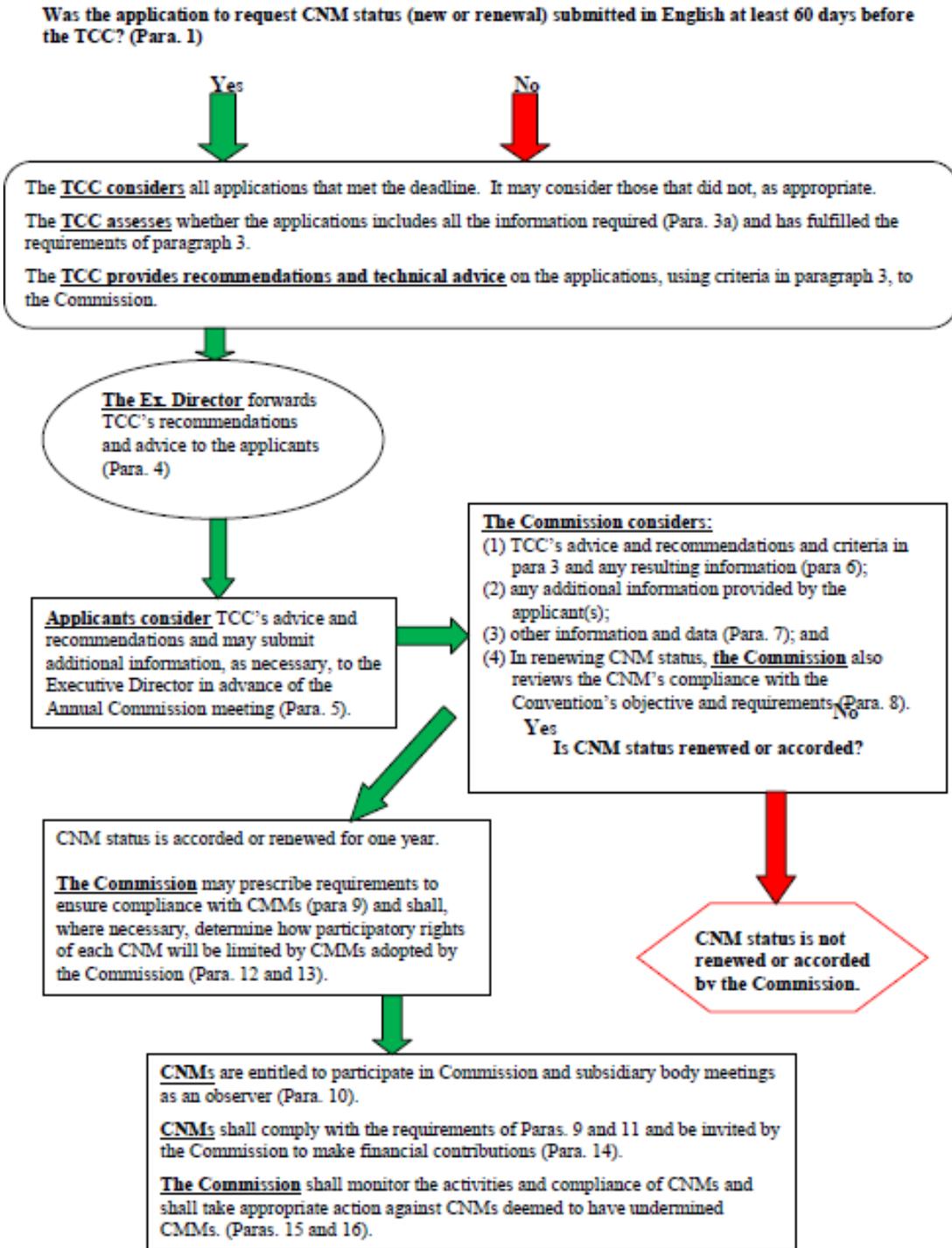
9. During October, the Secretariat sent letters to all CNM Applicants and forwarded the above TCC14 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). Copies of these letters and relevant additional information received post-TCC14 are also provided on the CCM section as *Attachment 4*. A list of all CNM-related documents will be maintained as part of the WCPFC15 List of Documents (WCPFC15-2018-03).

10. It is expected that a working group will be established to prepare draft decisions points for consideration by WCPFC15 and as maybe relevant to any reviews of Cooperating Non-Member participatory limits.

Recommendation

11. WCPFC15 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2019.

Appendix 1



Appendix 2. Cooperating Non-Member and Participatory Rights decisions from WCPFC14
(paragraph numbers refer to WCPFC14 Summary Report)

WCPFC14 approved the applications for CNM status for 2018 from Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam. *(WCPFC14, para 59)*

Participatory rights of CNMs

WCPFC14 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; and
- 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. *(WCPFC14, para 60)*

Participatory rights of each CNM in 2018

Ecuador: The participatory rights of Ecuador 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 2016-01 or its replacement measure. *(WCPFC14, para 61)*

El Salvador: 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 2016-01 or its replacement measure. *(WCPFC14, para 62)*

Liberia: 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. (WCPFC14, para 63)

Mexico: It was noted that Mexico had participated in the work of the Northern Committee (NC) at NC 8, 9, 10, 11, 12 and 13 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 2018. Any future introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2016-01 or its replacement measure. Their letter notes their commitment to comply with the legal provisions and obligations as a CNM. (WCPFC14, para 64)

Panama: 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 2018 to the participatory rights granted to Panama in 2017. (WCPFC14, para 65)

Thailand: The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only. (WCPFC14, para 66)

Vietnam: The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only. (WCPFC14, para 67)

WCPFC/IATTC Overlap Area

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. (WCPFC14, para 68)

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. (WCPFC14, para 69)

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. (WCPFC14, para 70)
