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COOPERATING NON-MEMBER REQUESTS FOR 2020

WCPFC16-2019-07¹
15 November 2019

Paper by the WCPFC Secretariat

Purpose

1. The paper presents for the consideration and decision of WCPFC16 the requests received for grant of Cooperating Non-Member (CNM) status in 2020.

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 WCPFC15 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides thereafter the

¹ Update of WCPFC-TCC15-2019-07

relevant paragraphs from WCPFC15, relevant to WCPFC/IATTC Overlap Area and CNM general process.

CNM requests for 2020

5. On 8 February 2019, the Secretariat circulated a communication from Panama that was noted to be in reference to the WCPFC15 decision that granted CNM status to Panama (*WCPFC Circular 2019/05*).

6. On 28 March 2019, the Secretariat sent to all 2018 CNM applicants, letters confirming the outcomes from WCPFC15 in regard to their CNM requests and as applicable the financial commitment expected from each CNM for 2019. 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 2020.²

6. The Secretariat has received eight (8) requests for grant of Cooperating Non-Member status in 2020 (see **Table 1** below). As has been the case previously, a few requesting countries also provided a written cover letter to support their CNM request. All CNM applicants have submitted an electronic form. Curacao has applied for Observer Status to attend WCPFC16 (*WCPFC Circular 2019/64*).

Table 1: Dates of receipt for CNM requests received in 2019 (for 2020) as at 9 August 2019

APPLICANT	DATE REQUEST FOR RENEWAL OF CNM STATUS WAS RECEIVED (due 2 August 2019)	NOTES ON FORMAT OF REQUEST	
		E-form submitted and able to be directly imported (not pre-scanned)?	2019 version of template used?
Curacao	26 July 2019	YES	YES
Ecuador	6 August 2019	YES	YES
El Salvador	19 July 2019	YES	YES
Liberia	6 August 2019	YES	YES
Nicaragua	6 August 2019	YES	YES
Panama	29 June 2019	YES	YES
Thailand	2 July 2019	YES	YES
Vietnam	2 August 2019	YES	YES

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

7. **Table 2** provides an update on payment of financial contributions as at 13 November 2018.

Table 2. Notes on financial contributions from Cooperating Non-Members for 2018 and 2019 as at 13 November 2019

	2018 assessed financial contribution	2019 assessed financial contribution	2019 Payments
Ecuador	Paid	32,708	32,708
El Salvador	Paid	24,810	24,722
Liberia	Paid	14,458	14,458
Nicaragua	n/a	16,116	16,116
Panama	Paid	23,559	23,559
Thailand	Paid	21,042	21,042
Vietnam	Paid	16,552	16,552
		149,245	149,157

8. 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 on the *2019 CNM Application* page (<https://www.wcpfc.int/2019-cooperating-non-member-applications>) with the reference as *TCC15-2019-07-Attachment 3*. The information submitted on the pdf form, has been extracted and are provided as a combined CSV format with the reference as *TCC15-2019-07-Attachment 2*. Copies of letters and communications related to WCPFC15 outcomes are also provided on the CCM section with reference as *TCC15-2019-07-Attachment 1*. A copy of *WCPFC Circular 2019/05* and *WCPFC Circular 2019/64* are also provided on the CCM section.

TCC15 outcomes

9. TCC15 reviewed the requests for CNM status and provided the following decisions and recommendations to WCPFC16:

TCC15 noted, there are a total of 8 applications received, majority of which are requesting for renewal of CNM status for 2020, thus assessing these applications against CMM 2009-11 is crucial for the SWG to determine whether CNM applicants have satisfied the requirements set out therein, in particular paragraphs 2, 3 and 11. *(TCC15 draft summary report, para 56)*

TCC15 reviewed the following CNM applications and will be forwarding them to WCPFC16 for consideration: Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, Vietnam and Curacao. All applications were for renewal status with the exception of Curacao, who submitted an application for the first time this year. *(TCC15 draft summary report, para 57)*

TCC15 noted with appreciation the participation and cooperation of the representatives present at TCC15 CNM SWG: Ecuador, El Salvador, Panama, Vietnam and Thailand. These CNMs were able to provide additional information to clarify and respond to questions raised in the SWG concerning their applications. Ecuador, Vietnam and El Salvador reiterated their interest in becoming full members of the Commission. *(TCC15 draft summary report, para 58)*

TCC15 noted and acknowledged Ecuador, El Salvador, Liberia, Thailand, Nicaragua, Panama and Vietnam for their financial contributions for 2019. *(TCC15 draft summary report, para 59)*

TCC15 noted from the Secretariat's update that Panama's financial contribution for 2019 was paid, and further noted payment was received well after the payment deadline which was during TCC15. *(TCC15 draft summary report, para 60)*

TCC15 noted the issue of late payment of financial contributions and recommended that WCPFC16 continue to apply the same expectations regarding payment deadlines and outstanding payments which are applied to full Members of the Commission. *(TCC15 draft summary report, para 61)*

TCC15 noted with concern a number of data gaps in CNM applications and requested the Secretariat to follow up with CNMs to provide some clarity and guidance on the matter. *(TCC15 draft summary report, para 62)*

TCC15 noted with concern the non-attendance of Liberia and Nicaragua. TCC15 further noted the difficulty in clarifying specific questions related to the content of their CNM applications if applicants are not in attendance and recommended that WCPFC16 encourages CNMs applicants to participate in future meetings. *(TCC15 draft summary report, para 63)*

TCC15 further noted that a number of CNMs had compliance issues in 2018, including Panama, Liberia, and Ecuador. TCC15 recommended that WCPFC16, when making its decision on CNM applications, assess CNMs' compliance status with all CMMs, including but not limited to laws and regulations applicable to fishing and fishing related activities of CCMs. *(TCC15 draft summary report, para 64)*

TCC15 noted the issues of non-attendance, late financial contributions, compliance and data gaps and recommends WCPFC16 remind CNMs of its expectation that CNMs participate more actively in the future to respond to queries and rectify issues in a timely manner. *(TCC15 draft summary report, para 65)*

TCC15 further noted that it would assist TCC's assessment of applications if CNM applicants participated in its meetings and be available to clarify the content of their application and therefore recommends that WCPFC16 encourages CNMs to be present at TCC meetings in the future. *(TCC15 draft summary report, para 66)*

SWG considered whether the applicants had satisfied the requirements set out in paragraph 2 of CMM 2009-11 and advised that Ecuador, El Salvador, Nicaragua,

Panama, Thailand and Vietnam, have met all of the necessary requirements therein. *(TCC15 draft summary report, para 67)*

TCC15 tasked the Secretariat to write to Curacao to request information on its compliance records in other RFMOs. *(TCC15 draft summary report, para 68)*

TCC15 noted that Thailand provided information to rectify the data gaps on historical data on their fisheries activities in the Convention Area as required under CMM 2009-11 (2)(d) under the CNM application confirming their vessels are not operating in the Convention area. *(TCC15 draft summary report, para 69)*

TCC15 noted that Ecuador, Liberia, and Panama were noted as non-compliant or priority non-compliant on a number of CMMs during the CMS process in 2019. Where a compliance issue is priority non-compliant, TCC15 recommended that those CNMs provide an explanation to WCPFC16 as to how these repeated instances of non-compliances will be addressed and not repeated each year so that this can be critically assessed by the Commission in determining whether or not to grant CNM status to each applicant. *(TCC15 draft summary report, para 70)*

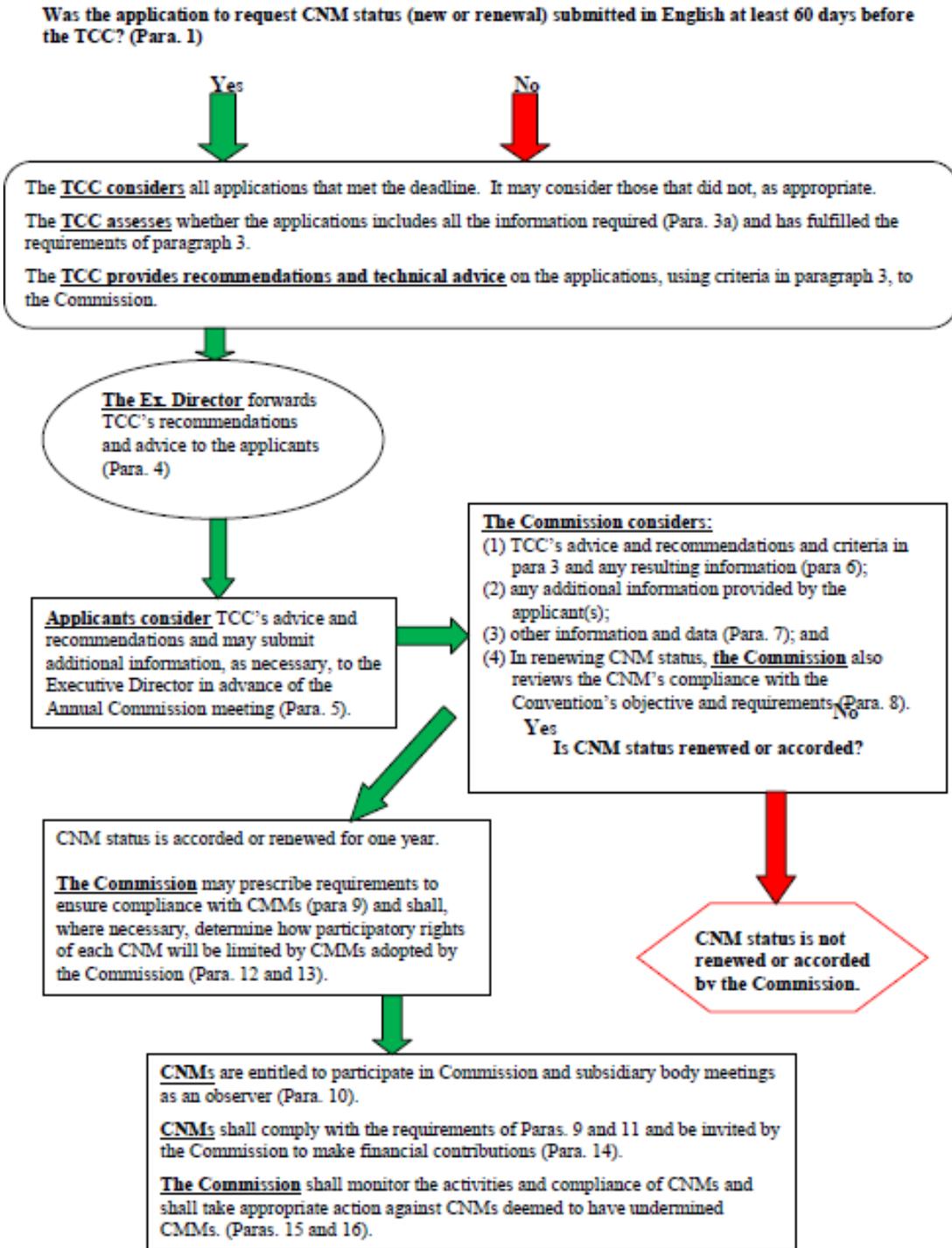
10. During October, the Secretariat sent letters to all CNM Applicants and forwarded the relevant TCC15 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). Copies of these letters and relevant additional information received post-TCC15 are also provided on the CCM section as *Attachment 4*. A list of all CNM-related documents will be maintained as part of the WCPFC15 List of Documents (WCPFC16-2019-03).

11. As with previous WCPFC meetings, it is expected that a small working group will be established to prepare draft decisions points for consideration by WCPFC16 and as maybe relevant to any reviews of Cooperating Non-Member participatory limits.

Recommendation

12. WCPFC16 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2020.

Appendix 1



Appendix 2. Cooperating Non-Member and Participatory Rights decisions from WCPFC15
(paragraph numbers refer to WCPFC15 Summary Report)

The Commission approved the applications for CNM status for 2019 from Ecuador, El Salvador, Liberia, Nicaragua, Thailand and Vietnam.
(WCPFC15, para 72)

WCPFC also approved the application for CNM status for 2019 from Panama, subject to Panama:

- a) Preparing an action plan outlining how it will improve its compliance with WCPFC, including to ensure that relevant data is provided on time and any improvement to its internal procedures necessary to improve its cooperation with WCPFC. This Action Plan should be provided to the Commission by no later than the end of January 2019, and circulated to all CCMs;
- b) Providing all outstanding data by no later than the end of January 2019 to the Secretariat; and
- c) Enhancing its engagement with the Secretariat to ensure it can meet relevant reporting requirements.
(WCPFC15, para 72)

Participatory rights of CNMs

The Commission 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 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

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. *(WCPFC15, para 80)*

Participatory rights of each CNM in 2019

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 2018-01 or its replacement measure. (WCPFC15, para 81)

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 2018-01 or its replacement measure. (WCPFC15, para 82)

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. (WCPFC15, para 83)

Nicaragua: The participatory rights of Nicaragua are limited to purse seine fishing for one vessel, with no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area. Any introduction of fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2018-01 or its replacement measure. (WCPFC15, para 84)

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. (WCPFC15, para 85)

Thailand: The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only. (WCPFC15, para 86)

Vietnam: The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only. (WCPFC15, para 87)

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 Mexico, Nicaragua and Panama will be governed by the IATTC when fishing in the overlap area. (WCPFC15, para 88)

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. (WCPFC15, para 89)

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. (WCPFC15, para 90)
