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Oficio Nro. MAP-2018-0796-O

Manta, 14 de mayo de 2018

Asunto: Written memorandum and documentation submitted to the Review Panel by the Republic of Ecuador supporting its objection.

Señor
Martin Doe R.
Consejero Legal Senior - Palacio de la Paz
En su Despacho

Under my condition of Fishing Authority of Ecuador, duly accredited in front of the SPRFMO and on behalf of the Ecuadorian State, in attention to the procedural calendar put in knowledge of our country within the Procedure conducted by the Review Panel established by virtue of article 17 and annex II of the Convention for the Conservation and Management of High Seas Fishery Resources of the South Pacific Ocean, with respect to the objection of the Republic of Ecuador to the decision of the Commission of the Regional Organization of Fisheries Management of the South Pacific, Procedural Directive No. 1, which textually reads: "Written memorandum and documentation submitted to the Review Panel by the Republic of Ecuador in support of its Objection.", whose date of conformity with the calendar of the procedure is May 14, 2018, I must indicate the following:

1. Decision CMM 01.2018 objected by Ecuador that was adopted by the Commission, is inconsistent with the provisions of the Convention in relation to Article 3 because it is exclusive to contravene the literal "a" paragraph i of the convention , the particular reference is evidenced by the following documents that are attached:

- 1.1. Decision CMM 01-2017 table 1 and table 2.
- 1.2. Decision CMM 01-2018 table 1 and table 2.

The increase of the quota assigned to Ecuador constant in the table 1 corresponding to the CMM Decision 01-2018, is only of 198 tons which added to the allocation that had fixed total 1377 tons, quota for the year 2018 and, inclusively, valid until 2021. With this small increase, it is impossible to develop the Jurel fishery, because it is not feasible to implement a vessel for this type of fishery, violating article 21 numeral 1 "e" of the convention that determines the criteria available for the participation in the fishing of fishery resources, textually indicating the following: "the fisheries development aspirations and interests of developing States in particular small island developing States and of territories and possessions in the region".



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2. **Ecuador is a developing country**, the UN classification of the countries of the world, catalogs them into three broad categories: developed economies, economies in transition and developing economies. These three groups are represented specifically in tables A, B and C, attached document which was obtained from the following link:
http://www.un.org/en/development/desa/policy/wesp/wesp_current/2014wesp_country_classification.pdf, in which Ecuador is categorized as a developing country, consequently it is subject to all those norms both of the Convention and the constants in the UNCLOS and 1995 Agreement expressed in our objection letter and that were not considered at the time of the allocation for the year 2018 to 2021, of the Trachurus murphyi species.

3. With regard to determining the standards and means in which the unjustified discrimination committed by the Commission with Decision CMM 01-2018 is justified, It's enough to start by reproducing Table 2 of the aforementioned decision, in which notes that one hundred percent of countries with quota allocation (10 countries) Ecuador is assigned 0.2391%, a percentage that together with Cuba's are the lowest, which, taken as a basis for the used system of proportional distribution of quota to the country, would take approximately 25 years and perhaps more in getting to have the 6500 tons requested to start fishing a single vessel, if we consider that the proportional share distributed over a global quota increase of approximately 17% *¹ for the period 2018-2021 resulted in an increase for Ecuador of just 198TM *².

If according to the scientific recommendation attached to the objection, the sustainable quota is 576,000 tons, if the total distribution in Resolution CMM 01-2018 is 517,582 tons, if there is a reserve of 58.418 tons, it comes from the difference between the quota recommended by the scientific committee and that currently applied in the area of the Convention, if there are other distribution criteria outside the historical one, if there is a sustained petition from Ecuador, if there is no harm to the sustainability of the species, if there is no detriment to the quotas of the other members, if no damage is caused to anything, or to anyone; **certainly this refusal is a unjustifiably discriminates in form or fact to a state member, independently of its status as a coastal and developing state.** By logical deduction, if the commission only considers the allocation of annual quota the total of historical catches of the member countries of the Organization, Ecuador will continue to be excluded and as such, discriminated, since it will be impossible for it to improve or increase its historical catch, as we have mentioned, the allocation is insufficient, which does not allow or permit the development of the fishing activity of capture of the Trachurus murphyi resource.

*¹ Percentage difference between the global allocation of table 1 of CMM 01-2017 and table 1 of CMM 01-2018

*² it results from the difference between the assignment to Ecuador of the



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CMM 01-2017 and the table 1 of the CMM 01-2018

4. **Alternative Measure.** Decision CMM 01-2018 is aimed at ensuring the long-term maintenance, conservation and sustainable management of the species *Trachurus murphyi*, taking for that purpose the best available scientific and technical information as established in Article 3 of the Convention. In this regard, the alternative measure proposed by Ecuador, that is, increasing the quota assigned to the Ecuadorian State, is similar and equivalent, since it does not violate the principles of long-term maintenance, conservation and sustainable management of the species *Trachurus murphyi*, since it is taken as technical support the recommendation of the Scientific Committee of September 2017, in which in point 5.4, number 52 establishes the report SC05 (Shanghai, China September 2017) determines as the recommended amount 576,000 tons, of which discounted the current assigned amount of 517,582 tons, leaves a reservation in the Convention of 58.418 tons., it being precisely from the mentioned reserve that the quota increase is required, as has been indicated, Ecuador's proposal applies the scientific information established by the Scientific Committee as determined in Article 3 of the Convention, In this way, the precautionary principles of maintenance, conservation and sustainable management in the capture of the mackerel species remain in force, since the increase in quota allocation does not affect the total allowable established by the Scientific Committee

Sincerely,

Atentamente,

Ing. Ana Katuska Drouet Salcedo
MINISTRA ACUACULTURA Y PESCA



Copia:

Mr.
Osvaldo Urrutia
South Pacific Regional Fisheries Management Organisation

Señor Ingeniero
Jorge Manuel Costain Chang
Subsecretario de Recursos Pesqueros

Señor.abogado
Jimmy Alfredo Villavicencio Navia

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Manta, 14 de mayo de 2018



Table 1: Tonnages in 2017 fishery as referred to in paragraph 5.

Member / CNCP	Tonnage
Chile	317 300
China	31 294
Cook Islands	0
Cuba	1 100
Ecuador (HS)	1 179
European Union	30 115
Faroe Islands	5 466
Korea	7 321
Peru (HS)	10 000
Russian Federation	16 183
Vanuatu	23 042
Total	443 000

Table 2: Percentages⁴ related to the catches referred to in paragraph 10.

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	
Cuba	0.2231
Ecuador (HS)	0.2391
European Union	6.1086
Faroe Islands	1.1087
Korea	1.2822
Peru (HS)	2.0284
Russian Federation	3.2825
Vanuatu	4.6738



⁴ These percentages shall apply from 2018 to 2021 inclusive.

Table 1: Tonnages in 2018 fishery as referred to in paragraph 5.

Member / CNCP	Tonnage
Chile	371 887
China	36 563
Cook Islands	0
Cuba	1 285
Ecuador (HS)	1 377
European Union	35 186
Faroe Islands	6 386
Korea	7 385
Peru (HS)	11 684
Russian Federation	18 907
Vanuatu	26 921
Total	517 582

Table 2: Percentages⁴ related to the catches referred to in paragraph 10.

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	0.0000
Cuba	0.2231
Ecuador (HS)	0.2391
European Union	6.1086
Faroe Islands	1.1087
Korea	1.2822
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Russian Federation	3.2825
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⁴ These percentages shall apply from 2018 to 2021 inclusive.

Country classification

Data sources, country classifications and aggregation methodology

The statistical annex contains a set of data that the *World Economic Situation and Prospects (WESP)* employs to delineate trends in various dimensions of the world economy.

Data sources

The annex was prepared by the Development Policy and Analysis Division (DPAD) of the Department of Economic and Social Affairs of the United Nations Secretariat (UN/DESA). It is based on information obtained from the Statistics Division and the Population Division of UN/DESA, as well as from the five United Nations regional commissions, the United Nations Conference on Trade and Development (UNCTAD), the United Nations World Tourism Organization (UNWTO), the International Monetary Fund (IMF), the World Bank, the Organization for Economic Cooperation and Development (OECD), and national and private sources. Estimates for the most recent years were made by DPAD in consultation with the regional commissions, UNCTAD, UNWTO and participants in Project LINK, an international collaborative research group for econometric modelling coordinated jointly by DPAD and the University of Toronto. Forecasts for 2014 and 2015 are primarily based on the World Economic Forecasting Model of DPAD, with support from Project LINK.

Data presented in *WESP* may differ from those published by other organizations for a series of reasons, including differences in timing, sample composition and aggregation methods. Historical data may differ from those in previous editions of *WESP* because of updating and changes in the availability of data for individual countries.

Country classifications

For analytical purposes, *WESP* classifies all countries of the world into one of three broad categories: developed economies, economies in transition and developing economies. The composition of these groupings, specified in tables A, B and C, is intended to reflect basic economic country conditions. Several countries (in particular the economies in transition) have characteristics that could place them in more than one category; however, for purposes of analysis, the groupings have been made mutually exclusive. Within each broad category, some subgroups are defined based either on geographical location or on ad hoc criteria, such as the subgroup of “major developed economies”, which is based on the membership of the Group of Seven. Geographical regions for developing economies are as follows: Africa, East Asia, South Asia, Western Asia, and Latin America and the Caribbean.¹

¹ Names and composition of geographical areas follow those specified in the statistical paper entitled “Standard country or area codes for statistical use” (ST/ESA/STAT/SER.M/49/Rev. 4).



In parts of the analysis, a distinction is made between fuel exporters and fuel importers from among the economies in transition and the developing countries. An economy is classified as a fuel exporter if the share of fuel exports in its total merchandise exports is greater than 20 per cent and the level of fuel exports is at least 20 per cent higher than that of the country's fuel imports. This criterion is drawn from the share of fuel exports in the total value of world merchandise trade. Fuels include coal, oil and natural gas (table D).

For other parts of the analysis, countries have been classified by their level of development as measured by per capita gross national income (GNI). Accordingly, countries have been grouped as high-income, upper middle income, lower middle income and low-income (table E). To maintain compatibility with similar classifications used elsewhere, the threshold levels of GNI per capita are those established by the World Bank. Countries with less than \$1,035 GNI per capita are classified as low-income countries, those with between \$1,036 and \$4,085 as lower middle income countries, those with between \$4,086 and \$12,615 as upper middle income countries, and those with incomes of more than \$12,615 as high-income countries. GNI per capita in dollar terms is estimated using the World Bank Atlas method,² and the classification in table E is based on data for 2012.

The list of the least developed countries (LDCs) is decided upon by the United Nations Economic and Social Council and, ultimately, by the General Assembly, on the basis of recommendations made by the Committee for Development Policy. The basic criteria for inclusion require that certain thresholds be met with regard to per capita GNI, a human assets index and an economic vulnerability index.³ As at 29 November 2013, there were 49 LDCs (table F).

WESP also makes reference to the group of heavily indebted poor countries (HIPCs), which are considered by the World Bank and IMF as part of their debt-relief initiative (the Enhanced HIPC Initiative).⁴ In September 2013, there were 39 HIPCs (see table G).

Aggregation methodology

Aggregate data are either sums or weighted averages of individual country data. Unless otherwise indicated, multi-year averages of growth rates are expressed as compound annual percentage rates of change. The convention followed is to omit the base year in a multi-year growth rate. For example, the 10-year average growth rate for the decade of the 2000s would be identified as the average annual growth rate for the period from 2001 to 2010.

WESP utilizes exchange-rate conversions of national data in order to aggregate output of individual countries into regional and global totals. The growth of output in each group of countries is calculated from the sum of gross domestic product (GDP) of individual countries measured at 2005 prices and exchange rates. Data for GDP in

² See <http://data.worldbank.org/about/country-classifications>.

³ *Handbook on the Least Developed Country Category: Inclusion, Graduation and Special Support Measures* (United Nations publication, Sales No. E.07.II.A.9). Available from <http://www.un.org/esa/analysis/devplan/cdppublications/2008cdphandbook.pdf>.

⁴ IMF, Debt Relief Under the Heavily Indebted Poor Countries (HIPC) Initiative Available from <http://www.imf.org/external/np/ext/facts/pdf/hipc.pdf>



2005 in national currencies were converted into dollars (with selected adjustments) and extended forwards and backwards in time using changes in real GDP for each country. This method supplies a reasonable set of aggregate growth rates for a period of about 15 years, centred on 2005.

The exchange-rate based method differs from the one mainly applied by the IMF and the World Bank for their estimates of world and regional economic growth, which is based on purchasing power parity (PPP) weights. Over the past two decades, the growth of world gross product (WGP) on the basis of the exchange-rate based approach has been below that based on PPP weights. This is because developing countries, in the aggregate, have seen significantly higher economic growth than the rest of the world in the 1990s and 2000s and the share in WGP of these countries is larger under PPP measurements than under market exchange rates.

Table A
Developed economies

Europe				Major developed economies (G7)
European Union	New EU member States	Other Europe	Other countries	
EU-15	Bulgaria	Iceland	Australia	Canada
Austria	Croatia	Norway	Canada	Japan
Belgium	Cyprus	Switzerland	Japan	France
Denmark	Czech Republic		New Zealand	Germany
Finland	Estonia		United States	Italy
France	Hungary			United Kingdom
Germany	Latvia			United States
Greece	Lithuania			
Ireland	Malta			
Italy	Poland			
Luxembourg	Romania			
Netherlands	Slovakia			
Portugal	Slovenia			
Spain				
Sweden				
United Kingdom				

Table B
Economies in transition

South-Eastern Europe	Commonwealth of Independent States and Georgia ^a	
Albania	Armenia	Republic of Moldova
Bosnia and Herzegovina	Azerbaijan	Russian Federation
Montenegro	Belarus	Tajikistan
Serbia	Georgia ^a	Turkmenistan
The former Yugoslav Republic of Macedonia	Kazakhstan	Ukraine
	Kyrgyzstan	Uzbekistan

^a Georgia officially left the Commonwealth of Independent States on 18 August 2009. However, its performance is discussed in the context of this group of countries for reasons of geographic proximity and similarities in economic structure.

Table C
Developing economies by region^a

Africa		Asia	Latin America and the Caribbean
North Africa	Southern Africa	East Asia	Caribbean
Algeria	Angola	Brunei Darussalam	Barbados
Egypt	Botswana	China	Cuba
Libya ^b	Lesotho	Hong Kong SAR ^c	Dominican Republic
Mauritania	Malawi	Indonesia	Guyana
Morocco	Mauritius	Malaysia	Haiti
Sudan	Mozambique	Myanmar	Jamaica
Tunisia	Namibia	Papua New Guinea	Trinidad and Tobago
Central Africa	South Africa	Philippines	Mexico and Central America
Cameroon	Zambia	Republic of Korea	Costa Rica
Central African Republic	Zimbabwe	Singapore	El Salvador
Chad	West Africa	Taiwan Province of China	Guatemala
Congo	Benin	Thailand	Honduras
Equatorial Guinea	Burkina Faso	Viet Nam	Mexico
Gabon	Cabo Verde	South Asia	Nicaragua
Sao Tome and Principe	Côte d'Ivoire	Bangladesh	Panama
East Africa	Gambia	India	South America
Burundi	Ghana	Iran (Islamic Republic of)	Argentina
Comoros	Guinea	Nepal	Bolivia (Plurinational State of)
Democratic Republic of the Congo	Guinea-Bissau	Pakistan	Brazil
Djibouti	Liberia	Sri Lanka	Chile
Eritrea	Mali	Western Asia	Colombia
Ethiopia	Niger	Bahrain	Ecuador
Kenya	Nigeria	Iraq	Paraguay
Madagascar	Senegal	Israel	Peru
Rwanda	Sierra Leone	Jordan	Uruguay
Somalia	Togo	Kuwait	Venezuela (Bolivarian Republic of)
Uganda		Lebanon	
United Republic of Tanzania		Oman	
		Qatar	
		Saudi Arabia	
		Syrian Arab Republic	
		Turkey	
		United Arab Emirates	
		Yemen	

^a Economies systematically monitored by the Global Economic Monitoring Unit of DPAD.

^b The name of the Libyan Arab Jamahiriya was officially changed to Libya on 16 September 2011.

^c Special Administrative Region of China.

Table D
Fuel-exporting countries

Economies in transition	Developing countries				
	Latin America and the Caribbean	Africa	East Asia	South Asia	Western Asia
Azerbaijan	Bolivia	Algeria	Brunei	Iran (Islamic Republic of)	Bahrain
Kazakhstan	(Plurinational State of)	Angola	Darussalam		Iraq
Russian Federation	Colombia	Cameroon	Indonesia		Kuwait
Turkmenistan	Ecuador	Chad	Viet Nam		Oman
Uzbekistan	Trinidad and Tobago	Congo			Qatar
	Venezuela (Bolivarian Republic of)	Côte d'Ivoire			Saudi Arabia
		Egypt			United Arab Emirates
		Equatorial Guinea			Yemen
		Gabon			
		Libya			
		Nigeria			
		Sudan			

Table E
Economies by per capita GNI in 2012^a

High-income		Upper middle income		Lower middle income	Low-income
Australia	Lithuania ^b	Albania ^b	Jordan	Armenia	Bangladesh
Austria	Luxembourg	Algeria	Kazakhstan	Bolivia	Benin
Bahrain	Malta	Angola	Lebanon	Cameroon	Burkina Faso
Barbados	Netherlands	Argentina	Libya	Cape Verde	Burundi
Belgium	New Zealand	Azerbaijan	Malaysia	Congo	Central African Republic
Brunei Darussalam	Norway	Belarus	Mauritius	Côte d'Ivoire	Chad
Canada	Oman	Bosnia and Herzegovina	Mexico	Djibouti	Comoros
Chile ^b	Poland	Botswana	Montenegro	Egypt	Democratic Republic of the Congo
Croatia	Portugal	Brazil	Namibia	El Salvador	Eritrea
Cyprus	Qatar	Bulgaria	Panama	Georgia	Ethiopia
Czech Republic	Republic of Korea	China	Peru	Ghana	Gambia, The
Denmark	Russian Federation ^b	Colombia	Romania	Guatemala	Guinea
Equatorial Guinea	Saudi Arabia	Costa Rica	Serbia	Guyana	Guinea-Bissau
Estonia	Singapore	Cuba	South Africa	Honduras	Haiti
Finland	Slovak Republic	Dominican Republic	Thailand	India	Kenya
France	Slovenia	Ecuador	The former Yugoslav Republic of Macedonia	Indonesia	Kyrgyz Republic
Germany	Spain	Gabon	Tunisia	Lesotho	Liberia
Greece	Sweden	Hungary ^c	Turkey	Moldova	Madagascar
Hong Kong SAR ^d	Switzerland	Iran, Islamic Republic	Turkmenistan	Morocco	Malawi
Iceland	Taiwan Province of China	Iraq ^b	Venezuela, RB	Nicaragua	Mali
Ireland	Trinidad and Tobago	Jamaica		Nigeria	Mozambique
Israel	United Arab Emirates			Pakistan	Myanmar
Italy	United Kingdom			Papua New Guinea	Nepal
Japan	United States			Paraguay	Niger
Kuwait	Uruguay ^b			Philippines	Rwanda
Latvia ^b				São Tomé and Príncipe	Sierra Leone
				Senegal	Somalia
				Sri Lanka	Tajikistan
				Sudan	Tanzania
				Syrian Arab Republic	Togo
				Ukraine	Uganda
				Uzbekistan	Zimbabwe
				Vietnam	
				Yemen, Rep.	
				Zambia	

^a Economies systematically monitored for the World Economic Situation and Prospects report and included in the United Nations' global economic forecast.

^b Indicates the country has been shifted upward by one category from previous year's classification.

^c Indicates the country has been shifted downward by one category from previous year's classification.

^d Special Administrative Region of China.

Table F
Least developed countries (as of November 2013)

Africa		East Asia	South Asia	Western Asia	Latin America & the Caribbean
Angola	Madagascar	Cambodia ^a	Afghanistan ^a	Yemen	Haiti
Benin	Malawi	Kiribati ^a	Bangladesh		
Burkina Faso	Mali	Lao People's Democratic Republic ^a	Bhutan ^a		
Burundi	Mauritania		Nepal		
Central African Republic	Mozambique	Myanmar			
Chad	Niger	Samoa ^{a, b}			
Comoros	Rwanda	Solomon Islands ^a			
Democratic Republic of the Congo	Sao Tome and Principe	Timor Leste ^a			
Djibouti	Senegal	Tuvalu ^a			
Equatorial Guinea	Sierra Leone	Vanuatu ^a			
Eritrea	Somalia				
Ethiopia	South Sudan ^a				
Gambia	Sudan				
Guinea	Togo				
Guinea-Bissau	Uganda				
Lesotho	United Republic of Tanzania				
Liberia	Zambia				

^a Not included in the WESP discussion because of insufficient data.

^b Samoa will graduate from the list of the least developed countries in January 2014.

Table G
Heavily indebted poor countries (as of September 2013)

Post-completion point HIPC ^a		Interim HIPC ^b	Pre-decision point HIPC ^c
Afghanistan	Honduras	Chad	Eritrea
Benin	Liberia	Comoros	Somalia
Bolivia	Madagascar		Sudan
Burkina Faso	Malawi		
Burundi	Mali		
Cameroon	Mauritania		
Central African Republic	Mozambique		
Congo	Nicaragua		
Côte D'Ivoire	Niger		
Democratic Republic of the Congo	Rwanda		
Ethiopia	Sao Tome and Principe		
Gambia	Senegal		
Ghana	Sierra Leone		
Guinea	Togo		
Guinea-Bissau	Uganda		
Guyana	United Republic of Tanzania		
Haiti	Zambia		

^a Countries that have qualified for irrevocable debt relief under the HIPC Initiative.

^b Countries that have qualified for assistance under the HIPC Initiative (that is to say, have reached decision point), but have not yet reached completion point.

^c Countries that are potentially eligible and may wish to avail themselves of the HIPC Initiative or the Multilateral Debt Relief Initiative (MDRI).

Table H
Small island developing States

United Nations members		Non-UN Members/Associate Members of the Regional Commissions
Antigua and Barbuda	Marshall Islands	American Samoa
Bahamas	Mauritius	Anguilla
Bahrain	Nauru	Aruba
Barbados	Palau	Bermuda
Belize	Papua New Guinea	British Virgin Islands
Cabo Verde	Saint Kitts and Nevis	Cayman Islands
Comoros	Saint. Lucia	Commonwealth of Northern Marianas
Cuba	Saint Vincent and the Grenadines	Cook Islands
Dominica	Samoa	Curacao
Dominican Republic	São Tomé and Príncipe	French Polynesia
Federated States of Micronesia	Seychelles	Guadeloupe
Fiji	Singapore	Guam
Grenada	Solomon Islands	Martinique
Guinea-Bissau	Suriname	Montserrat
Guyana	Timor-Leste	New Caledonia
Haiti	Tonga	Niue
Jamaica	Trinidad and Tobago	Puerto Rico
Kiribati	Tuvalu	Turks and Caicos Islands
Maldives	Vanuatu	U.S. Virgin Islands

Table I
Landlocked developing countries

Landlocked developing countries		
Afghanistan	Lesotho	Mongolia
Armenia	Malawi	Nepal
Azerbaijan	American Samoa	Niger
Bhutan	Anguilla	Paraguay
Bolivia (Plurinational State of)	Aruba	Rwanda
Botswana	Bermuda	South Sudan
Burkina Faso	British Virgin Islands	Swaziland
Burundi	Cayman Islands	Tajikistan
Central African Republic	Commonwealth of Northern Marianas	The former Yugoslav Republic of Macedonia
Chad	Cook Islands	Turkmenistan
Ethiopia	Curacao	Uganda
Kazakhstan	French Polynesia	Uzbekistan
Kyrgyzstan	Mali	Zambia
Lao People's Democratic Republic	Republic of Moldova	Zimbabwe

