



**COMMISSION
EIGHTEENTH REGULAR SESSION**
Electronic Meeting
1 – 7 December 2021

COOPERATING NON-MEMBER REQUESTS FOR 2022

WCPFC18-2021-07_rev2¹

1 December 2021

Paper by the WCPFC Secretariat

Purpose

1. The paper presents the requests received for grant of Cooperating Non-Member (CNM) status in 2022 for the consideration and decision of WCPFC18.

Background

2. The Sixteenth Regular Session of the Commission (WCPFC16) adopted amendments to the Conservation and Management Measure ‘Cooperating Non-Members’ (CMM 2019-01²). The decisions to be made by the Commission are set out in paragraphs 6, 7, 8, 12 and 13, which is a two-step process:

‘6. The Commission shall, in determining whether a non-party is accorded CNM status have regard to the criteria outlined in paragraph 3, including attendance at the Commission meeting where its application is considered, subject to the applicant being able to attend as an observer.’

‘7. The Commission shall also consider information available from other RFMOs relating to non-members seeking CNM status, as well as data submitted by such non-members to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNM status to such non-members.’

‘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

¹ Rev2 replaces Rev1 issued on 16 November which replaced the original issued on 2 November and incorporates an update to Table 2.

² CMM 2019-01 replaced CMM 2009-11 and before that CMM 2008-02 and CMM 2004-02.

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 included as Attachment S, a flowchart that was intended to illustrate the CMM 2019-01 process (see **Annex 1**).
4. **Annex 2** to this paper provides information on WCPFC17 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides the paragraphs from WCPFC17 that are relevant to WCPFC/IATTC Overlap Area and CNM general process.
5. On 5 February 2021, the Executive Director sent letters to all 2021 CNM applicants confirming the outcomes from WCPFC17 in relation to their CNM requests and the financial commitment expected from each CNM for 2021. The letter also drew attention to the latest version of the electronic form to be used when requesting CNM status be granted for 2022.³ (refer to *WCPFC-TCC17-2021 Att 1*)

CNM requests for 2022

6. The Secretariat received eight (8) requests for the granting of Cooperating Non-Member status in 2022 (see **Table 1** below) (refer to *WCPFC-TCC17-2021 Att 3*). 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.

Table 1: Details of CNM requests received for 2021

Applicant <i>(New applicant)</i>	Date request for new/renewal of status was received*	Format of Request	
		E-form submitted and directly imported (not pre-scanned)	2020 version of template used?
Curacao	7 August 2021	Yes	Yes
Ecuador	7 August 2021	Yes	Yes
El Salvador	4 June 2021	Yes	Yes
Liberia	3 July 2021	Yes	Yes
Nicaragua	9 August 2021	Yes	Yes
Panama	10 August 2021	Yes	Yes
Thailand	28 June 2021	Yes	Yes
VietNam	21 July 2021	Yes	Yes

* Completed template due to the Secretariat by 24 July 2021

³ The form is posted on the WCPFC website at this link:- <https://www.wcpfc.int/doc/commission-07b/cooperating-non-member-request-template>

7. The requests are from eight of the nine countries with CNM status for 2021. The ninth country, The Bahamas, sent a letter to the Executive Director on 18 July 2021 stating that, ‘*owing to administrative difficulties associated with maintaining effective participation in the Commission activities it has been decided not to apply for CNM status renewal for year 2022*’. For this reason, they have also indicated The Bahamas may not be able to participate in TCC17 or the 18th Regular Session of the Commission in December 2021. However, they have stated they will remain as a CNM for the remainder of this year and fulfill all associated obligations.⁴
8. **Table 2** provides an update on payments of financial contributions for 2021.

Table 2: Financial contributions from Cooperating Non-Members for 2020 and 2021

Cooperating Non-Member	2020 assessed financial contribution	2020 payments	2021 assessed financial contribution	2021 payments
The Bahamas	N/A	N/A	22,982	22,969
Curacao	21,715	21,640	19,081	19,006
Ecuador	32,708	32,708	43,863	43,863
El Salvador	24,810	24,722	20,282	20,256
Liberia	14,458	14,458	13,001	13,001
Nicaragua	16,116	16,116	14,013	14,013
Panama	23,559	23,559	22,474	22,474
Thailand	21,042	21,042	19,472	19,472
VietNam	16,552	16,552	15,483	15,483

TCC17 Outcomes

9. TCC17 reviewed the requests for CNM status and made the following decisions and recommendations:

5. TCC17 reviewed the following applications for renewal of CNM status and is forwarding them to WCPFC18 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and VietNam.
6. TCC17 noted with appreciation the attendance and participation of Ecuador, El Salvador, Panama, Thailand and VietNam at this year’s meeting.
7. TCC17 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 11(a), which states that CNMs shall “ <i>comply with all conservation and management measures adopted by the Commission.</i> ” TCC17 expressed concern over repeated instances of non-compliance by some CNMs and recommended that relevant CNM applicants prioritise addressing these issues for future years.
8. TCC17 further reminded CNM applicants of the considerations specified in paragraph 3(a) of CMM 2019-01, which include “the attendance by an applicant for CNM status at the TCC

⁴ As at the date of this paper, The Bahamas has not listed any vessels as authorized in the WCPF Convention Area for 2021.

meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer.”

9. For the eight applications for CNM renewal status, from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and VietNam, TCC17 noted the following gaps or issues for individual applicants:
 - a. **Curacao:** TCC17 noted that Curacao had not yet made a financial contribution for 2021 at the time of TCC17, and encouraged Curacao to submit any outstanding contributions in advance of WCPFC18. TCC17 also noted that Curacao was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
 - b. **Ecuador:** TCC17 noted potential compliance issues for Ecuador and encouraged Ecuador to fulfill any pending obligations in advance of WCPFC18.
 - c. **El Salvador:** TCC17 noted one potential compliance issue for El Salvador.
 - d. **Liberia:** TCC17 noted that Liberia had not yet submitted its full financial contribution for 2021, and encouraged Liberia to submit any outstanding contributions in advance of WCPFC18. TCC17 also noted past compliance issues for Liberia, and requested additional information on how Liberia has sought to address the compliance issues identified in the 2020 CMR in advance of WCPFC18. TCC17 further noted that Liberia was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
 - e. **Nicaragua:** TCC17 also noted past compliance issues for Nicaragua, and requested additional information on how Nicaragua has sought to address the compliance issues identified in the 2020 CMR in advance of WCPFC18. TCC17 further noted that Nicaragua was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
 - f. **Panama:** TCC17 noted past compliance issues for Panama and highlighted that Panama has been encouraged to continue to make improvements to the management of its vessels, both in the WCPFC and in other RFMOs.
10. On 9 October 2021, the Secretariat sent letters to all CNM Applicants and forwarded the relevant TCC17 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). A list of all CNM-related documents will be maintained as part of the WCPFC18 List of Documents (**WCPFC18-2021-03**).

11. The CCM section of the WCPFC website which is accessible to authorized CCM users (<https://www.wcpfc.int/cooperating-non-members>) has:
- a. copies of letters and communications to CNMs related to WCPFC17 outcomes
 - b. a copy of the information that was submitted by CNM applicants with the information submitted on the .pdf form extracted into a single document; and
 - c. copies of CNM letters responding to TCC17 outcomes from Curacao, Ecuador and El Salvador.
12. As with previous WCPFC meetings, it is expected that a small working group will be established to prepare draft decisions points for consideration by WCPFC18 and as maybe relevant to any reviews of Cooperating Non-Member participatory limits.

Recommendation

<p>13. WCPFC18 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2022.</p>

Was the application to request CNM status (new or renewal) submitted in English at least 60 days before the TCC? (Para. 1)

Yes

No

The **TCC considers** all applications that met the deadline. It may consider those that did not, as appropriate.
 The **TCC assesses** whether the applications includes all the information required (Para. 3a) and has fulfilled the requirements of paragraph 3.
 The **TCC provides recommendations and technical advice** on the applications, using criteria in paragraph 3, to the Commission.

The Ex. Director forwards TCC's recommendations and advice to the applicants (Para. 4)

Applicants consider TCC's advice and recommendations and may submit additional information, as necessary, to the Executive Director in advance of the Annual Commission meeting (Para. 5).

The Commission considers:
 (1) TCC's advice and recommendations and criteria in para 3 and any resulting information (para 6);
 (2) any additional information provided by the applicant(s);
 (3) other information and data (Para. 7); and
 (4) In renewing CNM status, **the Commission** also reviews the CNM's compliance with the Convention's objective and requirements (Para. 8).

Yes
 Is CNM status renewed or accorded?

CNM status is accorded or renewed for one year.

The Commission may prescribe requirements to ensure compliance with CMMs (para 9) and shall, where necessary, determine how participatory rights of each CNM will be limited by CMMs adopted by the Commission (Para. 12 and 13).

CNM status is not renewed or accorded by the Commission.

CNMs are entitled to participate in Commission and subsidiary body meetings as an observer (Para. 10).

CNMs shall comply with the requirements of Paras. 9 and 11 and be invited by the Commission to make financial contributions (Para. 14).

The Commission shall monitor the activities and compliance of CNMs and shall take appropriate action against CNMs deemed to have undermined CMMs. (Paras. 15 and 16).

**Cooperating Non-Member and Participatory Rights Decisions from WCPFC17
(paragraph numbers refer to WCPFC17 Summary Report – Issued 3 May 2021)**

Application for CNM Status

57. The Commission noted the strong concerns from TCC16 regarding DPRK's application and decided to deny CNM status for DPRK.

58. The Commission accepted the report of the Cooperating Non-Member Small Working Group (SWG) and noted that:

- i. The SWG had noted with appreciation the attendance and participation of The Bahamas, Curaçao, Ecuador, El Salvador, Liberia, Panama, Nicaragua, Thailand and Vietnam.
- ii. The SWG confirmed that all CNM applications were complete and all additional information requested by TCC16 had been submitted.
- iii. SWG participants expressed concern surrounding the recent listing of two Panamanian flagged vessels on the IUU Fishing Vessel Lists of NEAFC and CCAMLR. One participant noted that Panama's application for Cooperating Non-Contracting Party status in NEAFC for 2021 was denied by the organization. Panama acknowledged the concerns expressed by members and submitted additional information on the actions taken by Panama to address the issues, which included sanctions and the revocation of vessel licenses. Panama confirmed that the vessels included in NEAFC IUU List A would be removed from the vessel registers of all RFMOs, including WCPFC until the process is concluded. In relation to the vessel included in CCAMLR Non-Contracting Party IUU Vessel List, Panama informed that this vessel was self-reported by Panama and it no longer flies the Panama flag since March 2020.
- iv. The SWG supported the application of Panama for CNM status in 2021, but encouraged Panama to continue to make improvements to the management of vessels, both in the WCPFC and in other RFMOs. The SWG noted that in the absence of tangible progress and improved compliance with WCPFC management measures, it would be difficult for the Commission to support an application from Panama for CNM status in 2022.

59. The Commission approved the applications for CNM status for 2021 from The Bahamas, Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam.

Participatory Rights of CNMs

60. The Commission reviewed the limits of participatory rights of CNMs under various CMMs in accordance with paragraphs 12 and 13 of CMM 2019-01.

61. The Commission agreed that the following limits be applied to the participatory rights of CNMs, pursuant to the WCPF Convention and CMM 2019-01:

- i. In accordance with the WCPF Convention and WCPFC conservation and management measures and resolutions, the following participatory rights apply to CNMs for fisheries in the high seas within the WCPFC Convention Area;
- ii. 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;
- iii. CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and the WCPFC conservation and management measures. In addition, CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV);
- iv. 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
- v. 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 WCPF 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.

Participatory rights of each CNM in 2021

62. **The Bahamas:** The participatory rights of the Bahamas are limited to carrier vessels to engage in transshipment activities in the Convention area.

63. **Curaçao:** The participatory rights of Curaçao are limited to carrier vessels to engage in transshipment activities in the Convention area.

64. **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 2019-01 and CMM 2018-01 or its replacement measure.

65. **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 WCPFC17 Summary Report Issued: 3 May 2021 16 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 2019-01 and CMM 2018-01 or its replacement measure.

66. **Liberia:** The participatory rights of Liberia are limited to carrier vessels to engage in transshipment activities in the Convention area.

67. **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 2019-01 and CMM 2018-01 or its replacement measure.

68. **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.

69. **Thailand:** The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

70. **Vietnam:** The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

WCPFC/IATTC Overlap Area

71. 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, Nicaragua and Panama will be governed by the IATTC when fishing in the overlap area.

72. 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.

73. 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.