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**Cooperating Non-Member Requests for 2024**

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WCPFC20-2023-08\_Rev01<sup>1</sup>  
28 November 2023

**Prepared by the Secretariat**

### Purpose

1. This paper provides information to support the Commission's consideration of the applications for Co-operating Non-Member (CNM) status in 2024.

### Background

2. The Conservation and Management Measure on Co-operating Non-Members ([CMM 2019-01](#)) sets out a two-step process for the Commission's decision on requests for CNM status which is illustrated in Annex 1. Commission decisions on applications for 2023 at WCPFC19 are shown in Annex 2 and include consideration of participatory rights and activity in the WCPFC/IATTC Overlap Area.
3. On 24 February 2023, the Executive Director sent letters to all 2023 CNM applicants confirming the successful outcome of their CNM application for 2023 after consideration at WCPFC19. The letter also confirmed their financial commitment for 2023 and provided information on the process and timing for 2024 applications for CNM status. These letters are available to authorised users through the secure CCM Portal at [2023 Cooperating Non-Member Applications | WCPFC](#) along with any other relevant letters and communications.

### CNM requests for 2024

4. The Secretariat received eight requests for CNM status in 2024, all of which included a completed application template. All are current CNMs for 2023. One application was received after the due date of 22 July 2023; Nicaragua's application was received on 28 July 2023. This information is available at [2023 Cooperating Non-Member Applications | WCPFC](#).
5. Table 1 provides information on the financial contributions for 2023 that have been made as at 28 November 2023.

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<sup>1</sup> Updating additional payments received from Curacao and Nicaragua

**Table 1: Financial contributions from CNM for 2022 and 2023 as at 28 November 2023**

<b>COOPERATING NON-MEMBER</b>	<b>2022 assessed financial contribution</b>	<b>2022 payments<sup>2</sup></b>	<b>2023 assessed financial contribution</b>	<b>2023 payments *new</b>
<b>Curacao</b>	20,170	20,170	27,715	*27,640
<b>Ecuador</b>	46,090	46,050	48,362	48,317
<b>El Salvador</b>	20,904	20,904	23,477	23,477
<b>Liberia</b>	13,526	13,526	14,731	0
<b>Nicaragua</b>	14,564	14,529	15,775	*7,917.50
<b>Panama</b>	23,297	23,297	24,403	24,403
<b>Thailand</b>	19,868	19,868	21,440	21,440
<b>Viet Nam</b>	16,238	16,238	18,050	18,050

## Outcomes from TCC19 Review of Applications

6. TCC19 reviewed the applications for CNM status and made recommendations to WCPFC20 which are reflected in the TCC19 Provisional Outcomes ([WCPFC-TCC19-2023-outcomes](#)). These are also set out in Table 2 below.

**Table 2: TCC19 Recommendations to WCPFC20**

An extract from TCC19 Provisional Outcomes – ([WCPFC-TCC19-2023-outcomes](#))

9. The Secretariat confirmed receipt of eight requests for grant of CNM status in 2024, that all were renewal applications, and that TCC’s task in accordance with CMM 2019-01 was to consider the applications for CNM status for 2024 and make recommendations and technical advice to the Commission.
10. TCC19 established a CNM SWG (chaired by Australia) to develop draft recommendations and technical advice for TCC19 to consider for recommendation to the Commission.
11. TCC19 noted that all current CNMs had registered for TCC19, either in person or online. CNM Requests for 2024 ([WCPFC-TCC19-2023-07\\_rev1](#) posted 25 September 2023) details the dates of receipt of each request, the status of financial contributions, and participatory rights of CNMs related to the requests.

<sup>2</sup> Please note any small variation between the assessed contribution and payment relates to transfer fees.

12. TCC19 noted that consideration of amending CNM Participatory Rights is not a consideration for the TCC and reminded CNMs to provide further information to WCPFC20 if any new amendments are requested by existing CNMs.
13. TCC19 noted that some CNM applicants indicated a desire for full membership to the WCPFC Commission. TCC19 noted that the CMM 2019-01 does not provide for membership to be considered by the TCC CNM status process and is a matter for the Commission.
14. Following its deliberations, the Chair of the CNM SWG provided a report from the CNM SWG. In his comments the CNM SWG Chair thanked members for constructive participation in the SWG.
15. TCC19 provides the following recommendations to WCPFC20 on Cooperating Non-Member (CNM) requests:
  - a) TCC19 has reviewed the following eight applications for renewal of CNM status and is forwarding them to WCPFC20 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam.
  - b) TCC19 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 3 and paragraph 11(a), which states that CNMs shall *“comply with all conservation and management measures adopted by the Commission.”*
  - c) TCC19 noted the importance of the mandatory reporting obligations of the WCPFC and that Nicaragua had not provided this information prior to the TCC19 for Reporting Years 2021 and 2022. CNM’s are strongly reminded of the obligation of all CCMs to provide required information prior to TCC meetings, to ensure that the TCC can fully consider compliance with the WCPFC’s Conservation and Management Measures. TCC19 noted that Nicaragua provided required information to TCC during the meeting.
  - d) TCC19 noted that it is tasked with taking into consideration the record of compliance of CNM applicants with the provisions of the Convention and the Conservation and Management Measures adopted by the Commission, including, but not limited to, the record of compliance including TCC19’s two year review of the dCMR (RY2021, RY2022).
  - e) TCC19 reminded CNM applicants of the importance of flag State’s control over its flagged vessels, and encouraged them to continue to make improvements to the monitoring and management of flagged vessels.
  - f) TCC19 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 meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer.”* TCC19 thanked all CNM applicants for their attendance and participation in TCC19 and the CNM SWG.
  - g) TCC19 noted that three of the eight CNM applicants have paid financial contributions in full prior to the commencement of TCC19. TCC19 thanked El Salvador, Panama and Thailand for the timely payment of financial contributions.
  - h) TCC19 reminded CNM applicants that while the non-payment of contributions prior to TCC19 would not exclude applicants from consideration for CNM status, CNMs should ensure that financial contributions are paid in a timely manner.

- i) TCC19 reminded CNM applicants of TCC15 recommendation that CNM Contributions are treated with the same expectations applied to full members *“contributions from members are “due and payable in full within 60 days of the receipt of the communication of the Executive Director referred to in regulation 5.3 above, or as of the first day of the calendar year to which they relate, whichever is the later.”*
- j) TCC19 noted Curacao’s, Ecuador’s, Liberia’s, Nicaragua’s and Vietnam’s statements of commitment to ensure payment of financial contributions during the meeting. TCC19 noted the status of Ecuador’s and Vietnam’s contribution was considered paid, confirmed by the WCPFC Secretariat during TCC19. TCC19 noted that Nicaragua had provided evidence of payment during the meeting however, receipt was not confirmed by the conclusion of the meeting.
- k) TCC19 recalled WCPFC19’s renewal of Panama’s CNM status was contingent upon evidence of Panama’s effective flag State action, including listing of the Panamanian vessel on the NPFC IUU vessel list in 2023. TCC19 responded to the WCPFC19 tasking to consider the outcome of NPFC IUU listing process and efforts from Panama to improve the management and monitoring of its vessels when considering Panama’s CNM application in 2023. TCC19 noted that the Panamanian vessel was listed on the NPFC IUU vessel list, and considered that Panama took effective action as a flag state by supporting the IUU listing process. As such, TCC19 did not consider this precludes Panama from consideration of its request for renewal of CNM status.
- l) TCC19 requested that Panama provide further information clarifying what activities Panama’s carrier vessels undertake in the WCPO, for further consideration of its CNM renewal status. TCC19 noted Panama’s response that its vessels are engaged in transport and tranship of fish, also to provision Carrier Vessels and bunkering, supply food, water, and spare parts.
- m) TCC19 noted that the review of all eight applications for CNM renewal status was complete and recommends WCPFC20 consider all applicants for CNM status renewal.

7. On 17 October 2023, the Secretariat sent all CNM applicants a letter with the information on the outcomes and recommendations from TCC19. The letter also indicated the deadline for CNMs to provide additional information needed to address any remaining issues for them in the 2021 and 2022 draft Compliance Monitoring Reports reviewed at TCC19.
8. Letters and documents received in relation to TCC19 recommendations on applications will be included in the WCPFC20 documentation.
9. As at previous Commission meetings, a small working group will be established to prepare draft decisions for consideration by WCPFC20. These decisions may include reviews of participatory rights and consideration of full membership, matters raised during discussions at TCC19.

## Recommendation

**10. WCPFC20 is invited to review CNM applications and decide each applicant’s status as a Co-operating Non-Member for 2024.**

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



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).

**WCPFC19 SUMMARY REPORT: AGENDA ITEM 3 - MEMBERSHIP AND OTHER APPLICATIONS****3.3 Applications for Cooperating Non-Member (CNM) status**

37. The Commission considered applications for CNM status for 2023 in accordance with CMM 2019-01, including recommendations from TCC18. As outlined in **WCPFC19-2022-07: Cooperating Non-Member Requests for 2023**, there were eight applications for CNM status received in 2022 (from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam). All applicants are current CNMs in 2022. TCC18 considered the 8 applications and agreed to forward all applications to WCPFC19. The TCC18 decisions and recommendations to WCPFC18 are in paragraph 8 of **WCPFC19-2022-07**. The Secretariat noted that all CNM contributions for 2021 and 2022 had been paid, as indicated in Table 2 of the paper.
38. Tuvalu on behalf of FFA members stated that in light of the recommendations from TCC18, FFA members supported CNM renewal for Curacao, Ecuador, El Salvador, Liberia, Thailand and Vietnam. They stated that for Nicaragua CNM status may be conferred for 2023, but that participatory rights for 2023 should be considered separately under Agenda Item 3.3.1, and clearly specified based on the limits contained in WCPFC CMMs. They stated that for Panama, TCC18 identified a number of issues that needed to be addressed, particularly in relation to non-compliance with WCPFC CMMs. FFA members requested that these issues be considered by the CNM SWG in the first instance, noting in particular the limits prescribed in paragraph 42 of CMM 2021-01.
39. The EU stated that TCC18 had expressed concerns regarding renewal of Panama's CNM status, and that Panama was requested to provide additional information and confirm to the satisfaction of CCMs that the serious incidents involving Panama flagged vessels that had arisen elsewhere would not take place in the WCPFC Convention Area. The EU stated that as CCMs had not been able to review this information it would be difficult to make a decision, and encouraged Panama to make the requested information available as soon as possible. Japan also encouraged Panama to make the requested information available.
40. The WCPFC Compliance Manger stated that Panama had not submitted additional information following the TCC18 meeting, and confirmed that information from Nicaragua had been posted to the Secretariat's CNM webpage for consideration by CCMs. Nicaragua stated it sought to ensure that its vessels comply with the WCPFC CMMs, and requested that the Commission indicate what additional information it required. In response the Chair stated that Nicaragua had provided some information, which would be considered by the SWG.
41. Panama expressed its appreciation to the Executive Director for his work on behalf of the Commission.
42. The Commission noted and accepted the applications for CNM status in 2022 from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam. A SWG was established, chaired by Australia. The Chair noted that in accordance with the WCPFC's established practice, the SWG would provide advice to the Commission on the participatory rights of CNMs. The Commission agreed that

applicants could attend the SWG to provide clarifications and answers to questions that might be posed. Following its deliberations, the SWG would provide advice to the Commission on the participatory rights of CNMs (under Agenda Item 3.3.1).

43. The EU stated that it welcomed political expressions of commitment towards a more effective fight against IUU fishing activities in high level conferences, or as recently during the FAO Committee on Fisheries (COFI) plenary meeting in Rome in September 2022. The EU referenced a situation that it stated involved testing of actual willingness to fight IUU fishing. The EU stated that it was concerned to note that although Panama reported that the vessel that triggered the concern of TCC18 was being monitored, the EU's investigation suggested that the vessel was actually at sea. It stated it had no indication that Panama detected this situation before the EU's bilateral exchange with Panama, and noted that the letter reporting this situation to the NPFC Secretariat was sent after the bilateral exchange between the EU and Panama. The EU stated that it was both worrying and disappointing that Panama did not ensure proper reporting to WCPFC, especially when taking into consideration the level of attention that could be expected on this vessel. The EU confirmed, in that respect, its substantial reservations regarding Panama's ability to monitor the activities of its fleet. In the spirit of cooperation but reluctantly, the EU stated it would not block the agreement to grant Panama CNM status. However, it highlighted that all actions would be taken into account next year as the CNM SWG proposed. In that respect, the EU specifically encouraged Panama to ensure the settlement of the sanctions imposed before any removal of the vessel from the registry, in line with Paragraph 24 of the FAO Guidelines for Flag State Performance. Moreover, the EU noted that other WCPFC CCMs had and have a relevant role to play. The EU stated with deep regret that China, as port State, seemed to have been unable to effectively act against an IUU third-country flagged vessel in its port despite a prohibition for sailing and a request of support by the flag State. The EU also called on Chinese Taipei, which is a member of WCPFC and NPFC, to actively monitor the vessel as the last known position (dated 23 November) would be only 10 nautical miles from Kaohsiung port.
44. Chinese Taipei stated that as a responsible member of both WCPFC and NPFC it had already taken actions to monitor the vessels. It noted that its policy was to not allow vessels on an IUU list to use its ports. It stated that because the vessels were located near Chinese Taipei's waters, it would continue to monitor their activities and share that information with relevant CCMs.
45. China referenced the EU's statement that mentioned that China should play its due role as a port state. China stated that it believes that the mention of China in this statement has nothing to do with this item and is not constructive, and that it was incomprehensible and unacceptable for the EU statement to mention China. China stated that the WCPFC should not waste time talking about the issues of other organizations. China stated it attaches great importance to and has taken active measures on combating IUU fishing activities in close cooperation with the international community. It noted that the Chinese fisheries authority actively carried out domestic coordination among agencies and had been in close communication with Panama regarding this particular vessel. In accordance with Panama's requirements, the port authority was urged to postpone approval of the vessel's entry into port and make preparations for port inspection. The carrier then left the outer anchorage of the port on its own. Later, China approved the entry and inspection of another Panamanian carrier that applied to call at a Chinese port. China stated it would continue to maintain communication regarding the two

carriers with Panama and the EU through bilateral channels and continue to work closely with all parties to jointly combat IUU fishing activities.

46. The Commission approved the applications for CNM status for 2023 from Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam.
47. WCPFC19 noted the significant concerns expressed by TCC18 regarding recent serious incidents involving Panama's flagged vessels in the NPFC Convention area. The Commission noted that Panama provided further information to the Commission requested by TCC18, including evidence of Panama's submission of relevant information to NPFC to include the flagged vessel on the NPFC IUU vessel list.
48. WCPFC19 reiterated TCC18's reminder to encourage Panama to make efforts to make improvements to the management of its vessels. WCPFC tasks TCC19 to consider the outcome of NPFC IUU listing process and further efforts on Panama's improvements to manage and monitor its vessels when considering Panama's CNM application in 2023. The Commission noted the NPFC IUU listing process was ongoing and as such, recommends the approval of the renewal of Panama's CNM status for 2023.

### 3.3.1 Participatory rights of CNMs

49. The Commission reviewed the limits of participatory rights of CNMs under various CMMs in accordance with paragraphs 12 and 13 of CMM 2019-01. The Commission considered the findings of the CNM SWG, which recommended that Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam retain the same participatory rights in 2022 as they had in 2021. The CNM SWG also noted that in both 2020 and 2021, Nicaragua requested that the CNM SWG and the Commission consider revising their participatory rights to increase purse seine fishing from one to two vessels. Nicaragua indicated that the addition of one vessel would greatly assist in allowing the timely submission of financial contributions and further enhance their ability to implement WCPFC CMMs in the WCPFC Convention Area. CNM SWG participants were again unable to support the requested addition to Nicaragua's participatory rights for 2023 due to the existing purse seine capacity limits as stipulated in paragraph 42 of the current TTM (CMM 2021-01). However, to assist the Commission with considering any increased participatory rights in the future, the CNM SWG invited Nicaragua to put forward any proposed changes to participatory rights when submitting their CNM application in future years, to allow TCC to properly consider the implications of such a request prior to the Commission's annual meeting.

50. WCPFC19 considered the request for participatory rights of CNM for 2023. The SWG considered an application from Nicaragua to increase its purse seine capacity from one vessel to two vessels. The Commission noted that the request has implications for capacity limits under paragraph 42 of CMM 2021-01 and recommended that any further capacity increase is considered when the relevant CMM is reviewed.

51. WCPFC19 approved the following participatory rights for 2023:



- i. **Curacao:** The participatory rights of Curacao are limited to carrier vessels to engage in transshipment activities in the Convention area.
- ii. **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 2021-01 or its replacement measure.
- iii. **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 2019-01 and CMM 2021-01 or its replacement measure.
- iv. **Liberia:** The participatory rights of Liberia are limited to carrier vessels to engage in transshipment activities in the Convention area.
- v. **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 2021-01 or its replacement measure.
- vi. **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.
- vii. **Thailand:** The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.
- viii. **Vietnam:** The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

#### **WCPFC/IATTC Overlap Area**

52. In accordance with the decision of WCPFC9 regarding the management of the overlap area of 4°S and 50°S between 130°W and 150°W, vessels flagged to Ecuador, El Salvador and Nicaragua and Panama will be governed by the IATTC when fishing in the overlap area.
53. 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.
54. 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.