



**COMMISSION**  
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**COOPERATING NON-MEMBER REQUESTS FOR 2021**

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**WCPFC17-2020-07<sup>1</sup>**

**17 November 2020**

**Paper by the WCPFC Secretariat**

**Purpose**

1. The paper presents the requests received for grant of Cooperating Non-Member (CNM) status in 2021 for the consideration and decision of WCPFC17.

**Background**

2. The Sixteenth Regular Session of the Commission (WCPFC16) adopted amendments to the Conservation and Management Measure ‘Cooperating Non-Members’ (CMM 2019-01<sup>2</sup>). The decisions to be made by the Commission are set out in paragraphs 6-8 and 12-13, 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*

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<sup>1</sup> Update of WCPFC-TCC16-2020-07

<sup>2</sup> 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 2009-11 process (see **Annex 1**).
4. **Annex 2** to this paper provides information on WCPFC16 decisions regarding Cooperating Non-Members and their Participatory Rights. It also provides the paragraphs from WCPFC16 that are relevant to WCPFC/IATTC Overlap Area and CNM general process.

### **CNM requests for 2021**

5. On 26 March 2020, the Executive Director sent letters to all 2019 CNM applicants confirming the outcomes from WCPFC16 in relation to their CNM requests and the financial commitment expected from each CNM for 2020. The letter also drew attention to the latest version of the electronic form to be used when requesting for grant of CNM status in 2020.<sup>3</sup>
6. The Secretariat received ten (10) requests for the granting of Cooperating Non-Member status in 2021 (see **Table 1** below). Two of these applications are new – the Bahamas and the Democratic People’s Republic of Korea (DPRK) although DPRK had previously held CNM status for three years. 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*

<b>Applicant</b> <i>(New applicant)</i>	<b>Date request for new/renewal of status was received*</b>	<b>Format of Request</b>	
		<b>E-form submitted and directly imported (not pre-scanned)</b>	<b>2020 version of template used?</b>
<i>Bahamas</i>	21 July 2020	Yes	Yes
<i>Democratic People’s Republic of Korea</i>	21 June 2020	Yes	Yes
<i>Curacao</i>	26 August 2020	Yes	Yes
<i>Ecuador</i>	1 August 2020	Yes	Yes
<i>El Salvador</i>	25 July 2020	Yes	Yes
<i>Liberia</i>	1 August 2020	Yes	Yes
<i>Nicaragua</i>	8 July 2020	Yes	Yes
<i>Panama</i>	13 July 2020	Yes	Yes
<i>Thailand</i>	22 July 2020	Yes	Yes
<i>Vietnam</i>	16 July 2020	Yes	Yes

\* Completed template due to the Secretariat by 25 July 2020

<sup>3</sup> 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 payments of financial contributions for 2020.

*Table 2: Financial contributions from Cooperating Non-Members for 2019 and 2020 (to date)*

<b>Cooperating Non-Member</b>	<b>2019 assessed financial contribution</b>	<b>2019 payments</b>	<b>2020 assessed financial contribution</b>	<b>2020 payments</b>
Curacao	n/a	n/a	21,715	-
Ecuador	32,708	32,708	40,155	40,155
El Salvador	24,801	24,722	23,169	23,169
Liberia	14,458	14,458	14,714	14,714
Nicaragua	16,116	16,116	15,921	-
Panama	23,559	23,559	25,166	25,166
Thailand	21,042	21,042	21,688	21,688
Vietnam	16,552	16,552	17,296	17,296

8. Copies of letters and communications to CNMs related to WCPFC16 outcomes are provided on the CCM section of the WCPFC website and accessible to authorized CCM users (<https://www.wcpfc.int/cooperating-non-members>) (*TCC16-2020-07-Attachment 1*). A copy of the information that was submitted by CNM applicants is also available (*TCC16-2020-07*). The information submitted on the .pdf form has been extracted (*TCC16-2020-07-Attachment 2*).

**TCC16 Outcomes**

9. TCC16 reviewed the requests for CNM status and made the following decisions and recommendations:

TCC16 provided the following decisions and recommendations to WCPFC17 on Cooperating Non-Member (CNM) requests: (*TCC16 draft summary report, para 65*)

- a. TCC16 has reviewed the following applications for renewal of CNM status and is forwarding them to WCPFC17 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam. TCC16 has also reviewed new applications for CNM status by the Bahamas and Democratic People’s Republic of Korea (DPRK) and is providing advice and recommendations to the Commission to inform consideration of those requests.
- b. TCC16 noted with appreciation the attendance and participation of Ecuador, El Salvador, Nicaragua, Panama and Vietnam at this year’s meeting.
- c. TCC16 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 11(a), which states that CNMS shall “comply with all conservation and management measures adopted by the Commission.”
- d. TCC16 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.”

- e. For those CNM applicants that have expressed interest in becoming a full member of the Commission, TCC16 noted that the issue of membership was not considered, as it is outside the mandate of TCC. This is a matter for further consideration by the Commission, which may invite States to accede the Convention.
- f. For the eight applications for renewal of CNM status, from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam, TCC16 noted the following gaps or issues for individual applicants:
- **Curacao:** TCC16 noted that Curacao had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 requested a clear statement from Curacao on whether any vessels flagged to Curacao were the subject of IUU fishing allegations, as well as any actions taken in the event of such allegations.
  - **Ecuador:** TCC16 noted that Ecuador had submitted its financial contribution for 2020, had met all of the data provision requirements, and had no potential compliance issues listed for the current period.
  - **El Salvador:** TCC16 noted that El Salvador had submitted its financial contribution for 2020, had met all of the data provision requirements, and had no potential compliance issues listed for the current period.
  - **Liberia:** TCC16 requested additional information from Liberia, in advance of WCPFC17, on two of its vessels included on the IUU vessel lists of other RFMOs, including: i) *New Bai I No. 168*, listed by ICCAT; and (ii) *Labiko 2*, listed by NEAFC. TCC16 noted that Liberia had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential ongoing compliance issues for Liberia and encouraged it to fulfil any pending obligations in advance of WCPFC17.
  - **Nicaragua:** TCC16 noted that Nicaragua had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential compliance issues for Nicaragua and encouraged it to fulfil any pending obligations in advance of WCPFC17.
  - **Panama:** TCC16 noted that Panama had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged them to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential ongoing compliance issues for Panama and encouraged it to fulfil any pending obligations in advance of WCPFC17.
  - **Vietnam:** TCC16 noted that Vietnam had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17.
- g. For the two new CNM applications from the Bahamas and DPRK, TCC16 included the following advice and recommendations:
- **Bahamas:** TCC16 requested additional information from the Bahamas on the participatory rights it would be seeking as a CNM, including: the number of refrigerated cargo ships for which it would be seeking participatory rights and the proposed types of activities that

these ships would undertake in the Convention Area. TCC16 requested a clear statement from the Bahamas on whether any vessels flagged to the Bahamas were the subject of IUU fishing allegations, as well as any actions taken in the event of such allegations.

- **DPRK:** TCC16 expressed strong concerns regarding DPRK's application. TCC16 noted DPRK's failure to comply with WCPFC CMMs during previous periods when it held CNM status in WCPFC (2012-2014). TCC16 noted in particular non-payment of financial contributions in any of the years for which DPRK was previously granted CNM status and data gaps, including missing data submissions for current and historical fishing data related to catch, effort, and operational information. TCC also noted the lack of sufficient information on the participatory rights sought by DPRK, as well as information on the effectiveness of the MCS capabilities of the applicant. TCC16 noted with concern reports of IUU fishing by DPRK vessels in the region and expressed a lack of confidence in DPRK's willingness and ability to act as a responsible flag State. Some members also noted the relevance of UN Security Council resolutions and sanctions to the consideration of DPRK's application. TCC16 recommends that the Commission deny CNM status for DPRK at WCPFC17.

10. On 9 October 2020, the Secretariat sent letters to all CNM Applicants and forwarded the relevant TCC16 outcomes and the provisional CMR outcomes (CMM 2009-11 paragraph 4). Copies of these letters and relevant additional information received post-TCC16 including letters of reply from the Bahamas, Liberia and Curacao, are also provided on the CCM section (<https://www.wcpfc.int/2020-cooperating-non-member-applications>). A list of all CNM-related documents will be maintained as part of the WCPFC17 List of Documents (**WCPFC17-2020-03**).

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 WCPFC17 and as maybe relevant to any reviews of Cooperating Non-Member participatory limits.

### **Recommendation**

12. WCPFC17 is invited to decide with respect to each Cooperating Non-Member applicant whether to accord Cooperating Non-Member status for 2021.

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).

**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).

CNM status is not renewed or accorded by the Commission.

**Cooperating Non-Member and Participatory Rights Decisions from WCPFC16  
(paragraph numbers refer to WCPFC16 Summary Report – Issued 2 April 2020)**

**Application for CNM Status**

51. The Commission agreed to amend paragraph 3 and paragraph 6 of CMM 2009-11 to include consideration of the attendance by an applicant for CNM status at the TCC and Commission meetings where it is application is considered, subject to the applicant being able to attend the meeting as an observer (CMM 2019-01, Attachment F)

52. The Commission approved the applications for CNM status for 2020 from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam.

**Participatory Rights of CNMs**

58. 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 WCPFC 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 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);
- 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.

***Participatory rights of each CNM in 2020***

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

60. **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.

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 2019-01 and CMM 2018-01 or its replacement measure
62. **Liberia:** The participatory rights of Liberia are limited to carrier vessels to engage in transshipment activities in the Convention area.
63. **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.
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.
65. **Thailand:** The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.
66. **Vietnam:** The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

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

65. 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.
66. 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.
67. 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.