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BEST PRACTICE PROCEDURES IN RFMO'S

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TECHNICAL AND COMPLIANCE COMMITTEE

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BEST PRACTICE PROCEDURES IN RFMO'S

WCPFC-TCC8-2012/23_rev1

5 September 2012

Paper prepared by the Secretariat

1. It has been noted in many WCPFC sessions that the agenda is growing, and there is a need to prioritize the agenda of WCPFC meetings. The WCPFC has adopted a Strategic Plan document as a “living document”, but has not yet committed dedicated time within the Annual Session to agreeing on priority work tasks and scheduling within the Strategic Plan in a way that might define timelines for the WCPFC’s work.

2. At WCPFC8 the Commission following a request from FFA/Vanuatu to review meeting procedures in the WCPFC tasked the Secretariat to bring forward a paper on this issue to WCPFC9 for consideration.

“FFA presented a proposal for the rationalisation of WCPFC related meetings (WCPFC8-2011-DP/48) which seeks a way to reduce meeting time and promote efficiency within the Commission. WCPFC8 agreed that the Secretariat, in conjunction with the Chair, develop a discussion paper on this topic, drawing on WCPFC8-2011-DP/48 as well as experiences in other tuna RFMOs, for consideration by WCPFC9.”

3. This paper has been structured to provide options to the WCPFC members based on experience in other tRFMO’s, observations by the Chair and Executive Director and experience over the last 9 years in the WCPFC noting that our organisation is somewhat unique and different to other tRFMO’s.

The WCPFC meeting Structure

4. The Convention establishes under Article 11, a Scientific Committee and Technical and Compliance Committee meeting. These bodies are to meet prior to the annual meeting of the Commission and shall report to the annual meeting the results of its deliberations. The Northern Committee is also established under Article 11 (7). In respect of holding of meetings, the Rules of Procedure Rule 1 states *“The Commission shall hold a regular annual session. Before the end of each regular annual session, the Commission shall, if possible, decide on the date of commencement and the approximate duration of the next regular annual session. All meetings of the Commission and its subsidiary bodies shall be held within no more than two sessions per year, unless the Commission decides otherwise.”*

5. It could be argued that the Commission has “decided otherwise” as the structure for the Commission meetings that was adopted and is yet to be modified is as follows.

- 1 **Annual meeting** 5 days December in the region and if no member offers to host the meeting default to Guam
- 2 **Scientific Committee** 8 Days August Member or default is HQ Pohnpei FSM
- 3 Tech Compliance Co 5 days Sept / Oct always Pohnpei FSM
- 4 **Northern Committee** 3 Days September in Japan at this stage (at no cost to Commission)
- 5 **Finance and Admin** Dec meets as part of Annual Commission

6. With each of these meeting FFA member countries tend to meet for 3-5 days prior to the commencement of the WCPFC meeting to discuss and align their position on issues on the meeting agenda.

7. The cost of the meetings vary on location however, the SC and TCC meetings can be accommodated at HQ in Pohnpei FSM. The Annual meeting however, will always need to be hosted away from HQ unless participation is severely limited. With the Commission now managing through its members around 60% of world tuna production restriction on number to attend the annual meeting seems unreasonable. One of the strengths of this Commission has been that it has been inclusive of people who wished to attend and contribute to or observe the meetings.

Meeting arrangements in other tRFMO's

The Inter-American Tropical Tuna Commission (IATTC)

8. This is the world's oldest tuna Commission established in 1949 with significant input and financial support for the USA and is headquartered in San Diego California. IATTC has 21 members and its convention was revised and adopted as the Antigua Convention in 2007. While approaches in the IATTC have no doubt changed over time to account for new members and issues, its major reform was with the adoption of the Antigua Convention in 2007.

9. A search of the IATTC website shows that in 2009 IATTC had 16 separate meetings held a four sessions a number of which were held back to back to save costs and travel time. This pattern continued and in 2010 there were 13 meeting at three separate sessions and in 2011 11 meetings were conducted at 6 separate sessions. (see IATTC website ..."Meetings").

10. The main IATTC meetings are the annual meeting of 5 day, the AIDCP (dolphin program) and the scientific committee. However IATTC does have a number of recurring sessions on management and science each year.

11. The IATTC process has the "Compliance Committee or as IATTC call it the Committee to review the implementation of measures agreed by the Commission" which meets for 2 days followed by the Finance and Administration committee and then the results of these feed into the Annual meeting of the Commission which then runs for the next 5 days.

12. IATTC has an annual meeting that is held in June each year and is normally held at HQ in San Diego. IATTC schedules a number of their meetings at HQ no doubt to take advantage of the staff and facilities at that location.

The International Commission for the Conservation of Atlantic Tuna (ICCAT) (1963)

13. ICCAT was established in the early 1960's and is the second oldest of the tRFMOs. ICCAT has 48 contracting parties and 5 cooperating parties. It is similar to the WCPFC in terms of membership and numbers attending meetings. ICCAT headquarters are in Madrid Spain.

14. ICCAT in 2012 held 11 individual meetings in 5 separate sessions and venues. 7 of these were held at HQ in Madrid. (See ICCAT website) ICCAT has 3 sub-Committees; Research and Statistics, Compliance with Conservation Measures and Ecosystems. ICCAT Annual meeting is conducted over a 9 day period and incorporates the reports from the Committees and the Committee on the Compliance of Conservation Measures meets as part of that process. Therefore like IATTC, Compliance with Measures, Finance and Administration and the Annual Meeting are all conducted at one time.

The Indian Ocean Tuna Commission

15. The Indian Ocean Tuna Commission was formed in the mid 1990's and is located in the Seychelles. The IOTC has 30 member countries and 2 cooperating non-member countries. IOTC has 3 Committees including a Scientific Committee, and 7 working parties in 2012.

16. In 2012 the IOTC held 12 meetings in 6 different sessions and locations. IOTC, like IATTC and ICCAT holds its Compliance Committee, Finance and Administration Committee and Annual Meeting together. This year it was in Fremantle WA over an 8 day period.

Summary

17. There are a number of consistencies amongst the Commissions as to the structure of their meetings, working parties and Committees. All have longer annual meetings than the WCPFC and all have more meetings each year overall.

WCPFC Suggestion and Considerations.

18. The questions raised at WCPFC8 centered on whether it was possible for the WCPFC to modify its meeting schedule as it was felt that:

- There are too many meetings each year, and a reference to the two session rule in the Rules of Procedure,
- The TCC does not take effective decisions and the work of this body is re-done in the Commission meeting,
- The CMR process complicates the established meeting framework, and
- Missing from the meetings was a focus on management issues to inform the WCPFC annual meeting on management decision needed to effectively manage the fishery.

19. A number of options were provided including:

- Having an annual meeting every 2 years
- Rolling the work of TCC into an expanded WCPFC meeting and not having the separate TCC meeting, and

- Doing 2 above but for the next 2-3 years use the TCC meeting to focus on finishing the management issues necessary such as VMS, ROP, Reference point and harvest strategies, and then moving to 2 meetings a year.

Implications

Option 1 Annual Meeting every 2 years

Cons

- 1 This would mean that we manage 60% of the world's tuna stocks through a meeting every 2 years when the other 4 TRFMOs with far less catch have annual meetings
- 2 Issues and the focus on members might be lost as they would be dealing with other issues and people might only ever attend one meeting
- 3 The work of the Commission would lose momentum
- 4 We would need strong out of session decision mechanisms
- 5 Increased emphasis on out of session decision mechanisms could disadvantage smaller administrations
- 6 Things such as IUU listings and CNM status would be every two years

Pros

- 2 Would save money as we would reduce the number of meetings

Option 2 Cancel the separate TCC meeting and hold TCC prior to the annual meeting which would extend the duration of the annual meeting by 3-4 days

Cons

- 1 The agenda for TCC has been very full for the last 7 years this has now been compounded by the Compliance with Conservation Measures work. This has led us to re-structure the work of the TCC for 2012 and hopefully have it better focused around real issues.
- 2 It would lead to a very full WCPFC agenda, unless some rigour is agreed to prioritizing the agenda.
- 3 Pre work on IUU listings and CNMs would have to be conducted by the Secretariat and the Chair inter-sessionally along with pre work on the CMR process, alternatively it may be able to be tagged onto Scientific Committee.
- 4 It would be difficult to undertake technical work on issues such as Observers or, VMS and management strategies.
- 5 Unless the Commission decided to fund more than one developing island delegate to participate in back-to-back meetings, developing country CCMs would be expected to shoulder a greater proportion of travel costs, if they wanted to have relevant management and technical personnel present at the single meeting each year.
- 6 The FFA/PNA would have 3-4 weeks of meetings at the end of the year around the annual meeting.
- 7 You may have a growth in working groups and standing Committee meetings to compensate for the lack of formal meetings.

Pros

- 1 Would only have to do the TCC work once but the technical discussion on issues would be caught up in that of the strategic decision making at the Annual meeting however, that happens to a degree anyway.
- 2 Would have a focused agenda to be able to get through the work.

- 3 Savings on funding would save Commission perhaps \$140K a year on this meeting however some of this would be offset by a longer annual meeting. Although, if the Commission funded more than one developing island delegate to back-to-back meetings, this might be near to cost-neutral.

Option 3 Do 2 above but for the next 2-3 years use the TCC meeting to focus on finishing implementing and strengthening the management issues necessary such as VMS, ROP, Reference points and harvest strategies, and then moving to 2 meetings a year

Cons

- 1 As in 2 above
- 2 No savings
- 3 Additional 3-4 days of meetings for say 3 years.

Pros

- 1 Would allow for a number of important management issues to be dealt with

Options for moving forward

20. The pros and cons of the following three options are listed above. There are a number of potential scenarios that the Commission could discuss and consider. This paper lists some of those options but there may be others members would like to contribute by way of suggestions.

21. There doesn't seem to be any real commentary that would lead to a discussion of changing the structure of the Science committee. There is potential to re-consider the role and utility of the Northern Committee and whether it is still required as we move forward as consideration on the status of these stocks could be dealt with in the broader commission meeting.

Further commentary on the options are as follows:

Option 1 Annual or Bi-Annual meeting of the Commission.

22. No other tRFMO or fisheries Commission that we could find held its Commission meeting every 2 years all were on an annual basis. This is not to say that it could not be done but it is suggested that while this Commission is still in the development stage and not all the management arrangements are in place that it would be premature to consider this option.

23. The difficulty with this approach would include but is not limited to.....Budgets, IUU listings, CNM arrangements, and stock assessments and out of session decision making on key issues. The decision the Commission would have to take is whether these difficulties could be managed. If they could then you could move to this type of structure and it would mean that a lot more business would need to be discussed and conducted out of session. Smaller member administrations may find it challenging to fully participate in increased intersessional activities.

24. This approach may save the Commission somewhere around \$250,000 every 2 years, however there would be additional expenses on a longer annual meeting.

Option 2 Expand length of the Annual meeting to deal with CMR and TCC issues (have TCC as a session before the annual meeting), and consider whether some technical advice and review of compliance jobs could be tagged to the end of SC

25. This suggestion appears to have some support amongst members. It ensures that these issues are only discussed once and it would put some onus on the Secretariat to undertake some pre-work on issues such as IUU listings, CNM applications and CMR process. This could all be done. The downside may be what we see in the other Commission and that is two main meetings but a plethora of working group and standing committee meetings.

26. The decision for the Commission would need to center on whether they believe the Commission is mature enough to move to a different model that would have only two (2) meetings a year and that it could deal with the management issues in that environment while avoiding a growth in working groups. Some greater rigour will need to be applied to prioritizing and strategic planning of WCPFC work to keep the agenda manageable.

27. Some consideration could be given to whether there is a need for any technical measure evaluation or some compliance discussions to occur a couple of days immediately following Scientific Committee sessions.

28. It should be noted that most of the other Commissions have adopted this or a similar model.

Option 3 Extend the Annual meeting but for 3 years retain the TCC as a Management forum to complete outstanding work.

29. This model may be a useful compromise as it provides the Commission with a main forum at its annual meeting but allows for technical discussion on management and technical issues at the old TCC meeting so that that would can be progressed to completion.

30. For 3 years this would add a further 3 days of meeting to the annual meeting and much of this would be utilized to deal with the CMR process which would free up the old TCC to focus on management issues.