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**FFA MEMBERS COMMENTS ON DEVELOPMENT AND IMPLEMENTATION OF
THE WCPFC CMS, PROVISIONAL CMR AND OPERATION OF TCC**

**WCPFC8- 2011- DP/06
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Paper prepared by FFA Members



4 November 2011

Dr Charles Karnella
Chair
Western and Central Pacific Fisheries Commission
PO Box 2356
Kolonia
Federated States of Micronesia

Dear Dr Karnella,

FFA members' comments on development and implementation of the WCPFC Compliance Monitoring Scheme, the Provisional Compliance Monitoring Report and the operation of TCC

I write in my capacity as the Chair of the Forum Fisheries Committee on behalf of the 17 FFA Members.

Please find attached comments from FFA members on a range of issues relevant to the Compliance Monitoring Scheme. FFA members have been supportive of the development of robust measures to allow the TCC and Commission to assess the implementation of measures as well as identifying areas for improvement. We believe that the Compliance Monitoring Scheme adopted in 2010 provides a good starting point for that and wish to extend that measure, while noting a few key areas for focus to ensure that the scheme operates effectively and in the best interests of CCMs, particularly SIDS.

In our discussions on this issue, FFA members also reflected on means to ensure that the Technical and Compliance Committee itself is appropriately focused on its core functions and our comments in that regard are also attached.

Please circulate these comments to other CCMs. Should you or others require further information, please do not hesitate to contact Mr Mark Young (mark.young@ffa.int).

Yours Sincerely

Faalavaau Perina Sila
Chair,
Forum Fisheries Committee

A. Comments to Australia on Improving CMM 2010-03, the Commission Compliance Monitoring Scheme (CMS)

1. As outlined by paragraph 126 of the draft TCC7 Summary Report stating that CCMs should provide comments on refining the Commission CMS to Australia by 05 November 2011, the following is provided and represents a collective view of FFA Members:

- It is vital that the Commission actively facilitate the effective participation of SIDS CCMs in the work of the Commission. As part of this, sub-regional Agencies supporting CCMs such as the Forum Fisheries Agency, the PNA Office and Secretariat of the Pacific Community should be allowed an opportunity to participate fully in all the work of the Commission. This includes being able to participate in any and all Working Groups and having access to relevant documents and receiving all correspondence from the Commission Secretariat to allow for their advisory roles. This is particularly important for the Working Group processes in developing the draft Provisional Compliance Monitoring Report (PCMR) and FFA members take this opportunity to express our disappointment at the exclusion of the FFA Secretariat at TCC7.
- The PCMR should include an Executive Summary which not only provides an overall summary status of compliance issues identified, but also prioritizes these areas of non-compliance and concisely highlights the most salient and important compliance issues. This would ensure that major non-compliance issues such as catch and effort data gaps would not be lost amongst the compliance monitoring processes. This Executive Summary should also highlight any collective implementation difficulties CCMs are experiencing with measures developed by the Commission. This would allow for the development of provisional recommendations for addressing those difficulties, including where amendments to measures is required. It would also assist SIDS to identify capacity building or other assistance requirements.
- The criteria used by the Working Group to assign a CCM's overall compliance status should be refined further to provide greater distinction of a CCM's level of non-compliance, especially relating to high priority areas such as data submission or catch and effort levels. Consideration should also be given to either modifying the use of the term "*compliance*" to the term "*implementation*" or including the use of a form of the term "*implementation*" as a component within the criteria used by the Working Group. This inclusion would reflect that the CMS is not just about compliance, but also implementation as well as perhaps removing some of the stigma associated with the current wording.

2. FFA Members collectively agree that the Commission CMS be extended for another year so that the CMS has the opportunity to develop and its processes can be further streamlined and refined.

B. Comments on WCPFC Secretariat Support to the Commission CMS

1. FFA Members suggest the WCPFC Secretariat consider making it a priority work item in the coming year to fast-track the development of an Information Management System (IMS) to directly support the CMS. Not only would an IMS support a CCM's ability to submit timely information, but the use of an IMS with an on-line reporting capability for Part 2 reports directed at the use of "drop down" menu fields to capture information may reduce potential unwarranted subjectivity with the current criteria used by the TCC Working Group to determine a CCM's overall compliance status.

2. In a similar vein, as outlined by paragraphs 102 and 103 of the draft TCC7 Summary Report which recommended the adoption of the streamlined Part 2 Annual Report, the following comments are provided regarding the proposed template for this streamlined Report:

- Adjust the submission date of the Part 2 Annual Reports to 01 July of each year to facilitate the ability of the Secretariat to implement the processes for compiling CCM Draft Compliance Monitoring Reports required for the development of the PCMR.
- There should be an opportunity for inclusion within the streamlined Part 2 Annual Report of a "*not applicable*" field if this applies to a specific CCM.
- An IMS supporting the new streamlined Part 2 Annual Report should not only include "drop down" menu fields, but also include the capability for CCMs to insert remarks in specific areas providing them the ability to provide an explanatory note for non-compliance including identification of any need for capacity building support or other assistance.
- To support timely submission of the Part 2 Annual Report, the envisaged IMS should include the functionality for CCMs to repopulate the Part 2 Annual Report with data from the previous year maintaining a historical record and provide an easy recall function.

FFA members will continue to work with the WCPFC Secretariat to further streamline the reporting process through the development of an on line system for Part 2 reports as a matter of priority. It is envisaged that a similar process may then be used for Part 1 reports.

C. Comments on the Overall Role and Structure of TCC

1. There is a need to revisit the overall role and work of TCC to focus efforts towards compliance and effective implementation of, those measures developed by the Commission. As such, the scope of work of TCC should be seriously reviewed to ensure that there is time in plenary for adequate focus on core business such as the implementation of the Commission CMS, IUU listing and consideration of applications for Cooperating Non-member status.
2. FFA members will be looking to propose a streamlined agenda for TCC8 that will focus more strongly on the key matters that require consideration to allow TCC to achieve its objectives under the Convention. In particular, the full implementation of measures that ensure the sustainable management of key tuna stocks in the Convention Area should drive the identification of such priorities.

