



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

PROPOSED TERMS FOR THE CMS REVIEW

**WCPFC13-2016-DP29
2 December 2016**

Proposal from FFA Member CCMs

FFA VIEWS ON THE REVISED TERMS OF REFERENCE FOR THE INDEPENDENT AUDIT OF THE COMPLIANCE MONITORING SCHEME

Specific questions set out in the revised terms by the WCPFC Secretariat (WCPFC13-2016-24)	Proposed amendments by FFA Members
<p><i>Substantive questions</i></p> <p>a. In what ways has the CMS positively contributed to the work of the TCC and WCPFC, why? Has the CMS targeted the high risk areas for IUU fishing? Are there ways that the CMS has not positively contributed, why?</p> <p>b. What impact has the CMS had on levels of compliance by CCMs with their obligations under the Convention and CCMs? In what ways have CCMs improved in meeting their obligations over time and since this CMS has been in place, why? How much have CCMs improved in meeting their obligations over time and since the CMS has been in place? Have all management measures been implemented, and if so how effectively?</p> <p>c. What refinements should be made to the CMS to improve its efficiency, effectiveness and fairness? What is the most appropriate method for determining compliance status? How can the CMS take into account the root causes that lead to non-compliance? How can the CMS assist members to achieve compliance? What are the most appropriate methods for ensuring compliance including potential use of sanctions as a deterrent? What are the recommended ways to manage frequent or serious non-compliance in a manner that aims to improve overall compliance? What is the most effective process for encouraging and recognizing improvements in compliance by CCMs?</p>	<p>In what ways has the CMS positively contributed to the work of the TCC and WCPFC, and why? Has the CMS targeted the high risk areas for IUU fishing? Are there ways that the CMS has not positively contributed, why?</p> <p>b. What impact has the CMS had on levels of compliance by CCMs with their obligations under the Convention and CCMs? In what ways, and to what extent, have CCMs improved in meeting their obligations over time and since this CMS has been in place, and why? How much have CCMs improved in meeting their obligations over time and since the CMS has been in place? Have all management measures been implemented, and if so how effectively?</p> <p>It would be useful to clarify what exactly this last question is referring to.</p> <p>All of these questions are important. At the same time, they are quite significant, and will require extensive work.</p>
<p><i>Procedural questions</i></p> <p>d. Which elements of the CMS procedures are most effective, why? Are there elements of the CMS procedures that are not effective, why? How could these be refined to make them more effective?</p>	<p>d. Which elements of the CMS procedures are most <u>(i) effective or not effective;</u> <u>(ii) fair or not fair;</u> <u>(iii) efficient or not efficient?</u> <u>Why and how can they be improved?, why?</u> Are there elements of the CMS procedures that are not effective, why? How could these be refined to make them more effective? This proposed amendment is intended to incorporate the specific FFA comment that the reviewers check whether the CMS process</p>

e. How effective are the TCC procedures in considering the draft Compliance Monitoring Report (CMR) and the Commission procedures to adopt the final CMR, including the timeframes for review of information, and the transparency of the CMR consideration? Are there elements of the TCC and Commission procedures reviewing and developing the CMR that are not effective, why?

f. In what ways have the CMS online reporting systems contributed to the efficiency of the CMS Scheme procedures? Are there elements of the CMS online reporting systems that are not user-friendly? How could the CMS online reporting systems be refined to better support the CMS procedures?

g. In what ways have the CMS procedures ensured the effective participation of all CCMs throughout all stages of the CMS process, and ensured that consistent standards are applied amongst obligations and amongst CCMs and a consistent level of scrutiny applied to CCMs? Are there elements of the CMS procedures where this has not been achieved, why? How could the CMS procedures be refined to make them more effective in these respects?

h. In what ways have the CMS procedures identified CMMs that require altering to improve implementation with their objectives, and those which need further clarification/reviewing? How could the CMS procedures be refined to make them more effective in these respects?

i. In what ways have the CMS procedures identified assistance needs for CCMs,

is procedurally fair and produces fair and reasonable outcomes. In addition, the inclusion of efficiency incorporates the questions below on the online reporting system but expands this to check other elements of efficiency or inefficiency in the CMS procedures.

e. ~~How effective are~~ **Which elements of** the TCC **and Commission review** procedures ~~in considering the draft Compliance Monitoring Report (CMR) and the Commission procedures to adopt the final CMR,~~ including the timeframes for **submission and** review of information, and the transparency of the CMR consideration, **are effective or not effective, and why? How can they be improved?** ~~Are there elements of the TCC and Commission procedures reviewing and developing the CMR that are not effective, why?~~

f. ~~In what ways have the CMS online reporting systems contributed to the efficiency of the CMS Scheme procedures? Are there elements of the CMS online reporting systems that are not user-friendly? How could the CMS online reporting systems be refined to better support the CMS procedures?~~

g. In what ways have the CMS procedures ensured the effective participation of all CCMs throughout all stages of the CMS process, and ensured that consistent standards are applied amongst obligations and amongst CCMs and a consistent level of scrutiny applied to CCMs? Are there elements of the CMS procedures where this has not been achieved, why **and how can they be improved?** ~~How could the CMS procedures be refined to make them more effective in these respects?~~

In (h), suggestion to rephrase the question:

h. ~~In what ways~~ **How effective** have the CMS procedures **been in** identifying CMMs that require **altering-modification** to improve implementation with their objectives, **or require clarification?** ~~and those which need further clarification/reviewing?~~ How could **these** CMS procedures be **improved?** ~~refined to make them more effective in these respects?~~

i. ~~In what ways~~ **How effective** have the CMS procedures **been in** identifying, **and responding to,**

<p>particularly SIDS? How effectively has assistance in response to those needs been delivered 9 to improve CCMs' capacity to meet their obligations over time? How could the CMS procedures be refined to make them more effective in these respects?</p> <p>j. What aspects of other RFMOs CMS procedures might be applicable to this Review, why? Which elements of WCPFC's CMS procedures and experience might be useful for other RFMOs to reflect on, why? How could WCPFC's CMS procedures be refined considering other RFMOs experience?</p>	<p>assistance needs for CCMs, particularly SIDS? <u>How could they be improved?</u> How effectively has assistance in response to those needs been delivered 9 to improve CCMs' capacity to meet their obligations over time? How could the CMS procedures be refined to make them more effective in these respects?</p> <p>j. What aspects of other RFMOs CMS procedures <u>or experiences could strengthen the WCPFC CMS</u> might be applicable to this Review, and why? Which elements of WCPFC's CMS procedures and experience might be useful for other RFMOs to reflect on, why? How could WCPFC's CMS procedures be refined considering other RFMOs experience?</p>
<p><i>Administrative</i></p> <p>k. What are the budgetary and resource implications of the CMS procedures, both within the Secretariat and across the Commission? How do the direct costs of the CMS procedures to the Commission compare to the positive contribution of the CMS to the work of the Commission? Are there ways that the CMS procedures could be refined to make them more efficient and cost-effective?</p> <p>l. What do you recommend for a CMS that could be adopted on a permanent basis? Should a regular review process of the CMS be considered, and if so what aspects of the CMS should be reviewed and how frequently? What do you recommend as a suitable duration for any new measure?</p>	<p>k. What are the budgetary and resource implications of the CMS procedures, both within the Secretariat and across the Commission? How do the direct costs of the CMS procedures to the Commission compare to the positive contribution of the CMS to the work of the Commission? Are there ways that the CMS procedures could be refined to make them more efficient and cost effective?</p> <p>l. What do you recommend for a CMS that could be adopted on a permanent basis? Should a regular review process of the CMS be considered, and if so what aspects of the CMS should be reviewed and how frequently? What do you recommend as a suitable duration for <u>this type of any new</u> any new measure?</p>