

## Lara Manarangi-Trott

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**From:** TAU, Shannon (LGL) <Shannon.Tau@mfat.govt.nz>  
**Sent:** Friday, October 21, 2016 1:36 PM  
**To:** Lara Manarangi-Trott  
**Cc:** Megan Linwood (Megan.Linwood@mpi.govt.nz); Don Syme  
**Subject:** CMS Review TOR

[UNCLASSIFIED]

Kia orana Lara,

Please find below some New Zealand comments on the CMS review TOR.

### Review period

In assessing the terms of review for the CMS we note that the new CMM (2015-07) hasn't had a chance to be fully tested yet and that for the first time we have a two-year measure. We agree with the views of CCMs at TCC12 that the review should cover the entire period of the CMS implementation, including all of 2017.

### Timing of review

We don't have strong views on when the review should begin but do consider that the panel should observe the TCC CMS process in 2017 including at the Commission meeting. This might require suitable confidentiality agreements etc to address some members' concerns about the process (if this issue isn't resolved more generally at the Commission meeting in December) but New Zealand would strongly support the panel being provided an opportunity to observe the process.

### Scope and draft TOR

We consider that the purpose of the CMS as contained in paragraph 1 of CMM 2015-07 is a good reference point for the review. We consider that the general question in the draft TOR should be viewed against the background of the CMS operation since it began – consistent with the comment above relating to the review period.

Important refinements have been made to the CMS over recent years (e.g. rationalisation of measures to be assessed, new compliance categories etc) and we agree it is important to consider further improvements. We anticipate that the panel will also make an assessment of the general framework within which the CMS operates (i.e. Secretariat as initial reviewer followed by member assessment) and will be interested in findings around the continued efficacy of such a structure.

We consider that the process and the associated resources required by the Secretariat and CCMs to service the process remain important issues for the review to consider. This is reflected in question (d) of the draft TOR.

We suggest an amendment to the first part of question (b) as follows to make it more targeted.

*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?*

### Panel Composition

We note the reference to the review panel being composed of 3 independent experts with significant RFMO CMS experience. If we are able to find suitably qualified candidates of this nature that sounds like a good composition but if not, then we consider members may need to be flexible about a consultancy or other suitable alternative running the process if required.

Kind regards,  
Shannon

**Shannon Tau**

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