



Mr Glen Joseph
Chair
CMS Intersessional Working Group

30 March 2018

Initial PNA Comments on the Report of the CMS Review Panel

Dear Glen

I am writing in my capacity as Chair of the Parties to the Nauru Agreement in response to your call for initial views on the report of the independent panel on the WCPFC Compliance Monitoring Scheme. The information below is provided on behalf of all PNA members and Tokelau, and is without prejudice to individual submissions from any Party.

Firstly, PNA thanks the panel members for the comprehensive and detailed report. The level of analysis on the key issues that were raised in written submissions from FFA members and in our individual discussions with the Panel is greatly appreciated. In particular, the exploration of issues such as fairness in process and outcome, burden on SIDS and small administrations, the imbalanced focus on the purse seine fishery and the delineation between CCM obligations and vessel level compliance is very valuable.

Having said that, PNA do not agree with the overarching premise of the recommendations, which is that the current CMS is “fundamentally sound” and “achieves its objectives” and therefore do agree that the current CMM is an adequate starting point for the future of the CMS.

The matters that PNA have raised about administrative burden, procedural and outcome fairness, incompatibility with zone-based management approaches and intrusion on sovereignty are deeply held concerns and will require more creative and fundamental reform than anticipated in the recommendations. The insistence of PNA and other FFA members at WCPFC14 that the existing measure could not be rolled over beyond 2018 was to encourage other CCMs to recognise the depth of concerns and embrace the level of work that will be required.

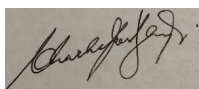
The detail of the report is a useful backdrop to inform discussions on these and a range of other issues and I do not seek to discuss that in detail at this stage. However, PNA do have views on a few matters of Principle that will be useful for other CCMs to consider in the early stages of the IWG process:

- The current level of focus on the purse seine fishery must be balanced with other fisheries. In particular, any future CMS should increase scrutiny and transparency on high seas fishing, the longline fishery and “other fisheries” noting their importance to the effective management of WCPO stocks;

- Any future CMS must remain focussed on CCM level implementation of Commission obligations. The future CMS should not be considered as part of the MCS framework which quite properly has a focus on individual vessel compliance with national laws. PNA do acknowledge that it is important that the Commission has confidence that each CCM is taking action in response to non-compliant behaviour, however that does not require the level of detail that is currently employed, nor placing power in the hands of individuals to criticise national laws or judicial processes.
- The primary focus of any new CMS should be on collaboration, quality improvement and corrective action. The coercive, confrontational and punitive nature of the existing process is not seen as supportive of the overall objectives of the Commission. Importantly any interactions between CCMs must be improved so that CCMs, particularly SIDS, feel supported and empowered by the process rather than lambasted and chastised.
- Greater attention is needed (in line with the Panel's recommendations) on providing guidance to CCMs as to what level of detail must be provided to demonstrate implementation to ensure consistency. Importantly, this also applies to consistency in the level of information that is demanded by other CCMs in any review.
- The recommendations regarding fairness do not go far enough to address the very real concerns raised by FFA members. As pointed out in the review report the new CMS will require a very high level of CCM buy in. PNA will not buy in to any CMS that is not procedurally fair or that is not capable of producing fair outcomes.
- Any CMS must take account of the Commission's core role of managing high seas fisheries in a manner compatible with the management regimes of coastal States. PNA does not support the one size fits all approach of the current CMS or that proposed in the review report. Indeed, this would be totally inconsistent with zone based management and the sovereign rights of coastal States.
- The volume of work in terms of the number of obligations to be assessed needs to be refined and balanced.
- PNA view with some concerns the review recommendations regarding increasing the costs to administer their proposed new CMS. We would like to invest in a new more cost effective CMS that has significantly lower administrative and transaction costs.

PNA remains absolutely committed to seeing a well designed and efficiently operated CMS. Given our social and economic reliance on the fisheries in question we cannot afford to have stocks undermined by incomplete or inconsistent application of CMMs amongst Commission members. We look forward to working with you Chair, and with other CCMs through the IWG and TCC processes. In that regard, PNA wishes to nominate Mr Wez Norris as the PNA Office representative to the IWG. I anticipate that some of my colleagues will provide their own national nominations.

Yours Sincerely



Charleston Deiyé
Chair

Parties to the Nauru Agreement