

DRAFT PRINCIPLES DOCUMENT REQUESTING CMS-IWG PARTICIPANTS PROVIDE COMMENTS AND INPUT

CMS IWG participant are asked to provide comments on the list of principles provided and add any others if they are missing. The comments should be in view of the working groups task to develop a CMM proposal for consideration at WCPFC15 this December.

DRAFT list of principles for the proposed CMM on CMS	Possible ref to current CMS (CMM 2017-07)	Comments
I. PREAMBLE	<i>preamble</i>	
II. CMS PURPOSE	<i>para 1</i>	
III. CMS SCOPE AND APPLICATION	<i>para 2 – 4, 8–11, 12 -14, 15–21 Annex I</i>	
a. BALANCE ACROSS FLEETS AND FISHERIES		<i>We support inclusion of this principle, but see balance being achieved by raising standards of oversight, data collection and management of fleets and fisheries to at least the minimum level achieved by the purse seine fishery, particularly with respect to the in-zone fishery. This requires additional CMMs, such as mandating 100% observer coverage of the longline fishery, that are outside the scope of this CMS. However, this principle in the CMS would set a key aspirational objective for the Commission, and the CMS could identify priority areas for the Commission to address.</i>
b. CCM IMPLEMENTATION AS A FOCUS		
c. HANDLING INVESTIGATIONS OF VESSEL LEVEL INFRINGEMENTS		
d. ZONE-BASED MANAGEMENT ARRANGEMENTS		
e. ACCEPTANCE OF NATIONAL LAWS AND JUDICIAL PROCESSES		
f. EFFECTIVE AND EFFICIENT CMS		
g. GUIDANCE TO CCMs AND CLEAR AUDIT POINTS		
h. EFFECTIVE CCM PARTICIPATION AND PROCEDURAL FAIRNESS		
i. COLLABORATIVE, QUALITY IMPROVEMENT AND CORRECTIVE ACTION, <u>INCLUDING PENALTIES</u>		<i>The principles should explicitly reference penalties for non-compliance. Once a CMS is in place, it would be difficult to develop penalties. Establishing them as</i>

Circulated to CMS-IWG participants on 11 April 2018
Comments are requested to CMS IWG Chair and Secretariat by Friday 27 April 2018

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		<i>a principle at the outset is essential. Without penalties, the effectiveness of the CMS in encouraging compliance with conservation measures will be undermined, threatening its validity as a deterrent to bad behavior and the ability of the Commission to achieve its conservation and management goals.</i>
IV. SPECIAL REQUIREMENTS OF DEVELOPING STATES, PARTICULARLY SIDS AND TERRITORIES	para 21	
V. TECHNICAL ASSISTANCE & CAPACITY DEVELOPMENT	para 5 – 7, 12 - 14, Annex I	
VI. PROCESS PRIOR TO TCC	para 22 - 26	
VII. PROCESS DURING TCC	para 27 – 31, Annex I	
VIII. PROCESS FOR DETERMINING COMPLIANCE STATUS AND ENSURING FAIRNESS IN OUTCOME	para 19 – 20, Annex I	
IX. ANNUAL COMMISSION MEETING	para 32 – 35, Annex I	
X. FOLLOW THROUGH ON COMPLIANCE OUTCOMES	para 32 – 36, Annex I	
XI. APPLICATION AND REVIEW PROCESS FOR CMS	para 40 - 41	<i>Predictability and efficiency would be enhanced by specifying the CMS applies without an end date, on a permanent basis, with provisions for external and Commission review at appropriate intervals.</i>
XII. TRANSPARENCY	<i>para 17, Article 21 of WCPFC Convention</i>	<p><i>The principle of transparency in a proposed CMS should refer to the language of the WCPFC Convention, including Article 21 on the rights of observers to participate in the meetings of the Commission and subsidiary bodies.</i></p> <p><i>In addition, the principle of transparency relates to the communication of outcomes. The CMS should result in an output that is easy to comprehend with respect to compliance, non-compliance and the need for capacity assistance. A well-designed CMS should confer benefits on flag and coastal States that are meeting their responsibilities and obligations, and</i></p>

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		<i>should recognize those flag and coastal states in a transparent manner. This would send a clear signal to civil society, industry and market actors relative to where investments and buying decisions should be made, and identify areas in which capacity development assistance can be provided.</i>
XIII. ADDRESSING ADMINISTRATIVE BURDEN AND RESOURCE IMPLICATIONS FROM CMS		
a. FOR CCMs		
b. FOR THE SECRETARIAT		
XIV. OTHERS		

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