



COMMISSION
ELEVENTH REGULAR SESSION
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014

LETTER TO WCPFC ON TRANSPARENCY

WCPFC11-2014-OP13
21 November 2014

From WWF, ISSF, Greenpeace, PEW Charitable Trusts, Birdlife International

The attachment was previously circulated to CCMs as WCPFC Circular 2014/98



**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

**Circular No.: 2014/98
Date: 20 November 2014
No. pages: 7**

Letter on WCPFC Transparency from Some NGO and IGO Representatives

Dear all,

Please find attached a letter from a combined group of concerned Non-Governmental Organisations who have raised a series of issues concerning the transparency of the Commission and its business. The 6 November 2013 letter was circulated to CCMs on 12 November 2013 attached to WCPFC Circular 2013/119.

Thanks,

Charles Karnella, PhD
Chair

November 12, 2014

Dr. Lara Manarangi-Trott
Interim Executive Director
Western and Central Pacific Fisheries Commission
Kaselehlie Street PO Box 2356
Kolonia, Pohnpei State, 96941, Federated States of Micronesia

Dear Dr. Manarangi-Trott:

This letter is submitted on behalf of several of the non-governmental organizations that participate in the Western and Central Pacific Fisheries Commission (WCPFC) process as accredited observers. We again write to the Commission regarding our views on continued lack of transparency, openness and information sharing within the WCPFC.

Observers share with Members the common goal of seeing Pacific tuna fisheries sustainably managed for the countries and communities that benefit from these resources. Our organizations have collectively invested substantial time and effort to engage with the WCPFC to assist in finding solutions that meet the Commission's objectives. To that end, the accredited observers who have signed onto this letter have diligently and faithfully adhered to the rules and procedures of the WCPFC and its subsidiary bodies so to fully participate in the process. We also note that previous activity that has been used by some Members to justify the exclusion of accredited observers from various meeting components was not performed by the undersigned observers.

Observers wrote to Members in a letter dated 6 November 2013 outlining our collective concerns regarding the erosion of transparency being seen in the WCPFC despite clear language in this modern treaty that includes a specific article on transparency (Article 21 of the Convention) and very clear observer rules (Rule 36 of the Rules of Procedure).

Like all participants in the Commission, we understand and respect the need to maintain a secure discussion of potentially sensitive issues, or in the consideration of data or reports that are considered non-public domain information pursuant to the Commission's rules on data access.

However, we continue to be concerned about the lack of transparency of the WCPFC CMS process, which is inconsistent with international best practices for Regional Fisheries Management Organisations (RFMOs). Moreover, as noted in our previous letter, all other tuna RFMOs allow accredited observers to attend their compliance committees, including making materials under discussion available in advance of these sessions. The WCPFC should, at a minimum, operate to these standards to maintain public confidence in the operation of the Commission to deliver the objectives of the Convention.

We note the recommendation of the TCC10 to refine the Compliance Monitoring Scheme Measure (CMM 2013-02), including whether the CMS working group should continue to be held in a closed session, and that a revision of CMM 2013-02 will be considered at the

upcoming Annual Commission meeting in Apia. We urge the WCPFC Commission to agree at the December meeting in Apia to open the CMS meetings to *all* accredited observers and to ensure the revised Compliance Monitoring Scheme CMM clearly provides for such transparency.

By ensuring such transparency, observers that provide objective and independent perspectives and represent many different stakeholder groups relevant to the work of the Commission could contribute:

- information to inform best practices and review;
- targeted technical and or capacity building assistance;
- technical reviews of WCPFC practice in the context of other RFMOs;
- gap analyses to identify necessary improvements; and
- opportunities for targeted funding to address specific needs or gaps.

We look forward to working with Members and the Commission in Apia to increase transparency in the WCPFC and support the Commission's compliance assessment processes.

Respectfully,

Alfred Slesinger



Susan Bird



Amendy L...



Karti Thomas.

GREENPEACE

Bird





**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

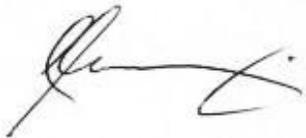
**Circular No.: 2013/119
Date: 12 November 2013
No. pages: 4**

**LETTER ON WCPFC TRANSPARENCY FROM SOME NGO AND IGO
REPRESENTATIVES**

Dear All,

Please find attached a letter from a combined group of concerned Non-Governmental Organisations and Inter-governmental Organisations who have raised a series of issues concerning the transparency of the Commission and its business.

Thanks



Professor Glenn Hurry
Executive Director

November 6, 2013

Professor Glenn Hurry
Executive Director
Western and Central Pacific Fisheries Commission
Kaselehlie Street PO Box 2356
Kolonia, Pohnpei State, 96941, Federated States of Micronesia

Dear Professor Hurry:

This letter is submitted on behalf of several of the non-governmental organizations that participate in the Western and Central Pacific Fisheries Commission (WCPFC) process as accredited observers. We are writing to bring to the attention of the Commission our views on what we see as a disturbing trend regarding the level of transparency and openness in WCPFC meetings and information sharing.

With respect to meetings, the WCPFC is more often following the practice of having closed sessions for discussions that exclude observer representatives. Regarding information and documents, we note with concern that an increasing number of documents and other information is posted only on the secure side of the WCPFC website, including information about upcoming meetings or working groups. In addition, draft meeting reports are circulated only to CCMs and not accredited observers that attended and contributed to the meetings, such as the recent TCC9 meeting. We believe that much of this information is unnecessarily limited in its distribution and too many discussions are inappropriately designated as confidential.

The WCPF Convention is one of the most modern of regional fisheries management treaties, and during its negotiation a significant effort was made to ensure the text incorporated the principles and norms set by the UN Straddling and Highly Migratory Fish Stocks Agreement (article 12). During the Multilateral High Level Conference and Preparatory Conferences, the transparency provisions of Article 21 and rule 36 of the Commission's Rules and Procedures were difficult to negotiate, but the resulting texts in the Convention and the Rules set a high standard for transparency among tuna RFMOs. This was a noteworthy achievement. As a result, the Commission is in a good position to demonstrate a high degree of openness.

However, in our view the practice of the Commission has not lived up to this high standard. And more concerning is that over the last several years, we have seen an erosion of transparency in the WCPFC. The Commission has, increasingly, seriously considered or held closed sessions for working groups that we strongly believe should have been open. At the 9th Technical and Compliance Committee (TCC) meeting, observers were excluded from almost half of the meeting due to the Compliance Monitoring Review being held in closed sessions. In fact, all of the compliance discussions in the WCPFC to date have been held in closed sessions. We understand and respect the need to maintain a secure provisional discussion of potentially sensitive issues, or in the consideration of data or reports that might be considered non-public

Professor Glenn Hurry
November 6, 2013
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domain information pursuant to the Commission's rules on data access. However, the Commission's Rules and Procedures on closed sessions (rule 15) states that the meetings of the Commission and its subsidiary bodies shall be open unless the Commission or the subsidiary body concerned decides *that exceptional circumstances require that meetings be held in closed session* (emphasis added). Further, we note that the 2007 data rules classify the Part 2 annual reports on compliance as low risk and yet the Commission keeps these reports confidential.

Again, we understand that certain negotiations and Heads of Delegation meetings need to be closed. However, we believe that accredited observer NGOs should be allowed to attend other Commission meetings and working groups. If deemed necessary, procedures could be developed to ensure that certain matters discussed in such meetings not be made public, which is the practice in some other tuna RFMOs.

We believe it is important to consider the transparency issues in the context of the practices of other RFMOs. The fact is that the WCPFC's use of closed sessions for discussion of CCM compliance with WCPFC obligations and conservation and management measures, and the lack of any detailed reports by WCPFC on the level of compliance, is not consistent with international best practices for RFMOs. Indeed, the Indian Ocean Tuna Commission (IOTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and Inter-American Tropical Tuna Commission (IATTC) all allow accredited observers to attend the compliance committees in their respective regions and make materials under discussion such as compliance reports publically available ahead of these sessions. We believe that the WCPFC should adhere to a standard at least commensurate with its sister organizations and consistent with international best practices and standards.

The WCPFC must maintain open and transparent procedures and operations to ensure the credibility and integrity of the process. Closed sessions, posting of information on the secure side of the WCPFC website, and limiting distribution of draft meeting reports to only CCMs should only be employed when there is a clearly defined need to ensure the confidentiality or security of information discussed in accordance with agreed rules and procedures. Moreover, closed sessions should be the rare exception, not the rule. Therefore, we respectfully request that the WCPFC Commission urgently reevaluate its policies and criteria for what information will be posted on the secure side of the WCPFC website or have limited circulation, as well as to make more transparent the compliance review process and ensure that other working group sessions are open to observers.

We kindly request your urgent attention to this very important issue.

Very Respectfully,

Professor Glenn Hurry
November 6, 2013
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Alfred Schumann



Susan Bell



Si Van



Brian Hallman



W. Clapnet



Secretariat to the Agreement on the Conservation of Albatrosses and Petrels

Elizabeth Mitchell



David



Wayne Okkila



Anna

