



**COMMISSION  
FIFTEENTH REGULAR SESSION**  
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**PROPOSAL TO AMEND THE RULES OF PROCEDURES – RULE 36**

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**WCPFC15-2018-DP27  
9 December 2018**

**FFA Member CCMs**



9 December 2018

Feleti P. Teo OBE  
Executive Director  
Western and Central Pacific Fisheries Commission  
Federated States of Micronesia

Dear Feleti,

**FFA Member proposal to amend the Rules of Procedures – Rule 36**

I am writing to you in my capacity as the Chair of the Forum Fisheries Committee. Following on from our Delegation Paper 15 (DP15) on the Consideration for SIDS to host WCPF Commission meetings, FFA Members thank the authors of Observer Paper 03 (OP03) namely Pew, WWF, Birdlife, EDF, IELP, ANCORS and IPNLF for their constructive efforts and suggestions outlined in their paper on how we may address this issue. In response, FFA Members wanted to share our thoughts on some of those suggestions and make an associated proposal.

The Finance and Administration Committee (FAC) has considered minimum hosting requirements in the past, and while they may seem reasonable, FFA Members would not support implementing hard rules for hosting Commission meetings. Minimum hosting requirements would effectively prevent some of our Members from potentially hosting Commission meetings in the future.

In line with the FFA's DP15, we believe that limiting delegation sizes may at times be necessary, but in such circumstances, flexibility needs to be applied so as to ensure all members of the Commission have equal opportunity for hosting. It would be for potential Commission Meeting hosts to inform the Commission of what capacity they have, to enable Commission members to adjust and accommodate for reductions in delegation sizes.

The suggestion provided in OP03 regarding deregistration of observers is useful, and FFA Members consider there is utility in considering amendments to the Rules of Procedures. Whilst we recognise that the most significant increases in meeting size over time has been in CCM delegations, increases in observer delegations have also occurred. The Commission has a very low threshold for entities to become an accredited WCPFC observer. There are currently some Observers who do not participate and/or have demonstrated little value in the work of WCPFC, and therefore fail to 'demonstrate' real or genuine interest in matters considered by the Commission, but have the potential to further contribute to meeting size. In contrast, there is a very high threshold established for CCMs to prevent an NGO from becoming accredited, so an amendment to the Rules of Procedure is proposed to add more balance to this process for all observers, not just NGO's. FFA Members propose an amendment to Rule 36 of the Rules of Procedure as follows:

- "4bis The Commission will automatically revoke the observer participation of:*
- (a) any observer organisation, State or fishing entity referred to in paragraph 1 (c), (d), or (e); and/or*
  - (b) a non-governmental organization pursuant to paragraph 4,*  
*unless that observer has participated in at least one (1) session of any of the Commission or its subsidiary bodies in the preceding three (3) years, with the three years being a rolling three-year period. The Executive Director shall notify the relevant organisation, State,*

*fishing entity, or non-governmental organization in writing where this rule has been triggered, and observer status revoked, for that organization.*

*4ter The automatic revocation of any observer status described in paragraph [4bis] (a) does not preclude that organization, State or fishing entity from reapplying for observer status to the Commission at any time. The automatic revocation of any observer described in paragraph [4bis] (b) does not preclude that non-governmental organization from reapplying for observer status at any time pursuant to paragraph 4.”*

A SIDS impact assessment has been undertaken as follows:

**a. Who is required to implement the proposal?**

The proposal would require administrative action by the WCPFC Secretariat to advise observers of a revoked observer status. Where observer status has been revoked, and an organization, state or fishing entity wishes to reengage in Commission meetings, they would need to request observer status as outlined in para.4 of Rule 36 of the Rules of Procedure, and as proposed in the FFA proposal, paragraph 4ter.

**b. Which CCMs would this proposal impact and in what way(s) and what proportion?**

No CCMs are expected to be impacted by this proposal.

**c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?**

No. This proposal is WCPFC specific, with no external associated processes.

**d. Does the proposal affect development opportunities for SIDS?**

No. The proposal is an administrative process managed by the WCPFC Secretariat, with the Commission’s oversight.

**e. Does the proposal affect SIDS domestic access to resources and development aspirations?**

There are no expected impacts on domestic access or development opportunities.

**f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?**

Nil. The responsibility for implementation would rest with the WCPFC Secretariat.

**g. What mitigation measures are included in the proposal?**

This is not applicable.

**h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?**

No disproportionate burden on SIDS has been identified by this proposal.

FFA submit this associated proposal in the interests of affording all members of the Commission equal opportunity to consider hosting Commission Meetings and ensuring better balance between access and participation responsibilities for Commission Observers. FFA members look forward to hearing the views of others on this proposal, and welcome any enquiries, which should be directed to the FFA Secretariat ([pamela.maru@ffa.int](mailto:pamela.maru@ffa.int)).

Yours sincerely

Tepaeru Herrmann  
Chair

Forum Fisheries Committee