

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

**Circular No.: 2017/52**

**Date: 21 July 2017**

**No. pages: 3**

**Decision on the Guidelines for Participation of Observers in Closed Meetings of the  
Commission and its Subsidiary Bodies that Consider the Compliance Monitoring Report**

Dear All,

Further to Circular No: 2017/40 which asked Commission Members to participate in an intersessional vote on the proposed Guidelines for Participation of Observers in Closed Meetings of the Commission and its Subsidiary Bodies that Consider the Compliance Monitoring Report ("the Guidelines"), I wish to advise that the votes have been counted after the closing date of Tuesday 18th July, 2017 for submission of votes.

The outcome of the votes was six (6) in support of the Guidelines, eight (8) against and one (1) formal abstention. There were no votes received from the remaining 11 members, so they were deemed to have abstained. Accordingly, the Guidelines were not approved as they did not obtain the majority required for a substantive decision.

Some of the votes were received with explanations and as required by rule 30(7) of the WCPFC Rules of Procedure a summary of the explanations is provided in Attachment 1 to this circular for information.

Any enquiries relating to this circular may be directed to me at [feleti.teo@wcpfc.int](mailto:feleti.teo@wcpfc.int).

Yours sincerely,



Feleti Penitala Teo, OBE  
**Executive Director**

**Summary of Explanations Provided with Member's Votes**

In accordance with Rule 30(7) of the WCPFC Rules of Procedure, this Attachment provides a summary of the explanations that accompanied the Members' votes on the draft Guidelines, for the information of Members.

**Cook Islands**

The Cook Islands does not support the inclusion of observers at CMS Working Group Sessions, and therefore does not agree to the Guidelines as currently drafted. They were not convinced that a closed session has any bearing on the transparency of the Commission given the reported outcomes of the CMSWG at the conclusion of each session, and therefore prefer to remain with the status quo.

**Fiji**

Fiji reiterated its comments made at WCPFC13 on this issue. While acknowledging existing provisions that enable observers to access outcomes of the CMS working group, Fiji felt it is premature to allow observers to participate in closed sessions. They noted that not all NGOs participating in the CMS have working arrangements with Members. In Fiji's case, NGOs are invited and required to sign agreement indicating their work boundaries and involvement. Fiji viewed the closed sessions as an opportunity for Members to practice their sovereign rights and must remain as such.

**Japan**

Japan basically supports the Guidelines for Participation of Observers in Closed Meetings of the Commission and its Subsidiary Bodies that Consider the Compliance Monitoring Report. Japan however, would like to propose minor changes on the Guidelines as follows:

- 3b. using information obtained during...
- ATTACHMENT 2b, use information obtained during...

**Kiribati**

Kiribati's initial comments on the draft Guidelines as requested were circulated in Circular 2017-39 dated 5<sup>th</sup> June, 2017. Kiribati noted that the guidelines lack elements to safeguards the interest of SIDS who struggle with limited resources to implement Commission decisions. Their preference is to await the outcomes of the audit of the Compliance Monitoring Scheme.

**Republic of Marshall Islands**

RMI comments as requested were circulated in Circular 2017-33 on 11 May 2017. In essence, their preference is for the development of the guidelines to await the outcomes of the audit of the Compliance Monitoring Scheme.

**Niue**

Niue supports the need to maintain closed session with respect to the Compliance Monitoring Report. Whilst they recognize the benefits of opening up the sessions for a wider audience, their preference is to reconsider this option following the Independent Review of the CMS.

**New Zealand**

New Zealand fully supports transparency of compliance processes and understands that some WCPFC members have expressed concerns about the timing of the finalisation of these guidelines while the CMS process is undertaking review. New Zealand also understands the guidelines do not yet have the full support of the NGO community, as important stakeholders, at this point. On that basis, New Zealand does not consider the guidelines are in a form that can be adopted at present but encourage this important dialogue to continue in parallel to the CMS review.

**Palau**

Palau's preference to revisit the issue after the review of the CMS.

**Chinese Taipei**

They support the Guidelines despite some provisions have not been finalized, and that further explanation is needed, especially on implementing the provisions regarding the confidentiality of meeting documents. They appreciated the work done by the US and the Secretariat in this regard, and hope to make progress in the clarification and full implementation of the draft Guidelines in the coming meetings.