|  |  |
| --- | --- |
| Draft Consolidated Text for the Conservation and Management Measures for Sharks (see Endnote No.3) | Reference/Note |
| *The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), in accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);*  ***Recognizing***the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);  ***Recalling***that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;  ***Recognizing***the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;  ***Recognizing further***that certain species of sharks and rays (see Endnote No.1), such as basking shark; great white shark; whale shark; scalloped, smooth and great hammerhead sharks; oceanic whitetip shark; porbeagle shark; manta rays; silky shark; and bigeye, common, and pelagic thresher sharks; and mobulid (devil) rays have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);  ***Mindful*** that conservation and management efforts are required specifically for oceanic whitetip shark, silky shark and whale shark;  ***Adopts***, in accordance with Article 5 and 10 of the Convention, that:  **I. Plan of action for conservation and management of sharks**  1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) should implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).  2. National Plans of Action or other relevant policies for sharks should include measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.  **II. Reporting requirements**  3. Each CCM should include the Key Shark Species[[1]](#footnote-1), in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures.  4. CCMs shall advise the Commission (in Part 1 of their Annual Report) on:  (1) the estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means,  (2) any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the details required under paragraph 14(4)(b) below.  5. CCMs should advise the Commission (in Part 2 of their Annual Report) on:  (1) their implementation of the IPOA Sharks, including, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks;  (2) annual retained and discarded catches of the key shark species  6. CCMs shall advise the Commission (in Part 2 of their Annual Report) on:  (1) the implementation of this Conservation and Management Measure (CMM) and any alternative measures adopted under paragraph 11  (2) measures taken in accordance with paragraph 14. (3)  **III. Full utilization and safe release**  7. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.  8. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.  9. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 8 shall be periodically reviewed by the SC and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 8 are required.  10. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this CMM.  11. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.  12. Nothing in this Section shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plans of action for the conservation and management of sharks, within areas under their national jurisdiction.  **IV. Species specific requirements**  13. Oceanic whitetip shark and silky shark  (1) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel, or landing any oceanic whitetip shark, or silky shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.  (2) CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark or silky shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.  (3) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project approved by the SC. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion shall be presented to the SC.  (4) CCM’s and the SC shall continue work on bycatch mitigation measures and live release guidelines to avoid the initial catch of silky sharks and oceanic whitetip sharks, and maximize the number of incidentally caught individuals that can be released alive.  (5) This paragraph shall be reviewed periodically and amended as appropriate, taking into account relevant stock assessment results.  14. Whale shark  (1) This paragraph shall apply to the high seas and exclusive economic zones of the Convention Area. CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.  (2) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.  (3) Notwithstanding sub-paragraph (1) above, for fishing activities in exclusive economic zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure.  (4) CCMs shall require that, in the event that a whale shark is not deliberately encircled in the purse seine net, the master of the vessel shall:  (a) ensure that all reasonable steps are taken to ensure its safe release.; and  (b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).  (5) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (4)(a) above, CCMs shall require the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)[[2]](#footnote-2).  (6) In applying steps under sub-paragraphs (1), (4)(a) and (5), the safety of the crew shall remain paramount.  (7) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.  15. Manta and Mobulid rays  CCMs should give due consideration to WCPFC’s Best Handling Practices for the Safe Release of Manta and Mobulid Rays.  **V. Other measures**  16. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels comply with at least one of the following options:  (1) do not use or carry wire trace as branch lines or leaders; or  (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See Annex 1 for a schematic diagram of a shark line;  17. For longline fisheries targeting sharks in association with WCPFC fisheries, CCMs must develop a management plan for that fishery that includes specific authorisations to fish such as a licence and a TAC or other measure to limit the catch of shark to acceptable levels. These plans must explicitly demonstrate how the fisheries aim to avoid or reduce catch and maximise live release of specimens of highly depleted species such as silky and oceanic whitetip sharks caught incidentally.  **VI. Research**  18. CCMs should as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and rare earth metal shark deterrents).  **VII. Capacity building**  19. The Commission should consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.  20. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.  **VIII. Final provision**  20. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention as well as mantas and mobulas.  21. On the basis of advice from the SC and the TCC, the Commission shall review from time to time the implementation and effectiveness of this CMM, and amend it as appropriate.  22. This CMM shall replace 2010-07, 2011-04, 2012-04, 2013-08, and 2014-05.  Annex 1: Schematic diagram of a shark line | CMM 2010-07 1st preamble and 2nd preamble combined  CMM 2010-07 3rd preamble  CMM 2010-07 4th preamble  CMM 2010-07 5th preamble  CMM 2010-07 6th preamble (updated)  New preamble as a basis for specific measures for these species  CMM 2014-05 Chapeau  CMM 2010-07 Operative para 1  See Endnote 4  CMM 2010-07 Operative para 3  CMM 2010-07 Operative para 4 (first sentence). See Endnote No.4  CMM 2011-04 Operative para 3 and CMM 2013-08 Operative para 3 combined  CMM 2012-04 Operative para 6  CMM 2010-07 Operative para 2  See Endnote No.4  CMM 2010-07 Operative para 4 (second sentence)  CMM 2010-07 Operative para 12  CMM 2012-04 Operative para 3 (last part)  CMM 2010-07 Operative para 6  CMM 2010-07 Operative para 7  CMM 2010-07 Operative para 8  CMM 2010-07 Operative para 9  CMM 2010-07 Operative para 10  CMM 2010-07 Operative para 11  CMM 2011-04 Operative para 1 and CMM 2013-08 Operative para 1 combined  CMM 2011-04 Operative para 2  and CMM 2013-08 Operative para 2 combined  CMM 2011-04 Operative para 5  and CMM 2013-08 Operative para 5 combined, “will” has been changed to “shall”.  CMM 2013-08 Operative para 6 has been revised, taking into account a decision of WCPFC 14  CMM 2011-04 Operative para 6 and CMM 2013-08 Operative para 7 combined  CMM 2012-04 Operative para 1  CMM 2012-04 Operative para 2  CMM 2012-04 Operative para 3 (last part was moved to para 5 (4))  CMM 2012-04 Operative para 4  CMM 2012-04 Operative 2nd para 4 (revised)  CMM 2012-04 Operative para 5 CMM 2012-04 Operative para 7  A new sentence to reflect the decision of WCPFC 14.  CMM 2014-05 Operative para 1  CMM 2014-05 Operative para 2  (updated)  CMM 2010-07 Operative para 4 3rd sentence See Endnote No.4  CMM 2010-07 Operative para 5  See Endnote No.4  CMM2010-07 Operative para 16, CMM2011-04 Operative para 4 and CMM 2013-08 Operative para 4 combined  CMM 2010-07 Operative para 15  New para based on CMM 2010-07 Operative para 13, and CMM 2014-05 Operative para 3  New para |

**Note:**

1. Text in red indicates either an addition or an amendment to the existing text.
2. The following paragraphs are not incorporated into this draft CMM as they are redundant or obsolete.

CMM 2010-07 Para 14 and 17

CMM 2011-04 Para 7

CMM 2012-04 Para 8

CMM 2014-05 Para 4

1. In the WCPFC’s Process for Designating Key Shark Species for Data Provision and Assessment (agreed by WCPFC8 in March 2012), the term “shark” is inclusive of all chondrichthyan taxa, i.e. all species of sharks, rays skates and chimaeras. The IWG chair needs input from IWG members how this comprehensive CMM treats this issue.
2. The CMM2010-07 consists of “resolves” and “adopts” section. Regarding the paragraphs in “resolves” section, “shall” is changed to “should”, because “resolve” section is not-legally binding.

1. The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and manta and mobuild rays. [↑](#footnote-ref-1)
2. Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.” [↑](#footnote-ref-2)