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| 3rd Draft Consolidated Text for  the Conservation and Management Measures for Sharks | Explanatory note |
| Note: 1. As in the previous Draft, changes to the 2nd Draft are indicated in red (either underlines or strike-out lines).  2. Paras are tentatively renumbered based on Chair’s suggestion so that readers can make cross-reference between paras easily. | |
| NZ suggests reordering of Sections as follows: | |
| I. Objective and scope   1. II. Application of the CMM 2. III. Plan of action for conservation and management of sharks 3. IV. Reporting requirements 4. V. Full utilization of shark 5. VI. Minimizing harm and safe release 6. VII. Species specific requirements 7. VIII. Other measures 8. IX. Research 9. X. Capacity building 10. XI. Final provision | I. Objective and scope   1. II. Plan of action for conservation and management of sharks 2. III. Full utilization of shark 3. IV. Live release and safe handling 4. V. Mitigation 5. VI. Non-retention 6. VII. Reporting requirements 7. VIII. Research 8. IX. Capacity building 9. X. Review   Chair will consider them in each Section. |
| *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 economic (see Endnote No.2) and cultural importance of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of [many] shark species to [fishing pressure], the fact that some are [so overexploited as to be] threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;  ***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;  ***Adopts***, in accordance with Article 5, 6 and 10 of the Convention, that:  [I. Definition]  **I. Objective and Scope**  1. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long term conservation and sustainable use of sharks.  2. For the purposes of this CMM, the term “shark” is taken to include all species of sharks, skates, rays and chimaeras (Class Chondrichthyes).  3. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention whether: (i) they are target species or not; (ii) they are retained or not; and (iii) the nature of the fishing activity is commercial, recreational or other forms.  4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.  5. [Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction.] [When Commission Members, Cooperating non-Members, and participating Territories (CCMs) apply alternative measures, the CCMs shall annually provide to the Commission, in Part 2 of their annual reports, the description about the measures.]  **II. [Plan of action for conservation and management of sharks]**  [6. Commission Members, Cooperating non-Members, and participating Territories (CCMs) [shall/should] implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).  7. For implementation of IPOA Sharks, each CCM shall, as appropriate, submit to the Commission a National Plan of Action for sharks that includes:  (1) details of NPOA objectives;  (2) species and fleet covered by NPOA as well as catches thereby;  (3) specific authorisations to fish such as a licence and a TAC or other measure to limit the catch of shark to acceptable levels;  (4) measures to minimize waste and discards from shark catches, maintain species at or recover it to sustainable levels and encourage the live release of incidental catches of sharks;  (5) measures to avoid or reduce catch and maximise live release of species whose retention is prohibited by the Commission; and  (6) work plan and a review process for NPOA implementation.]  **III. Full utilization of shark**  8. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of shark. 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].  [Alt 1: proposal by SPC and the US  9. CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.]  [Alt 2: proposal from Dr. Clark supported by EU and WWF  9 bis. Shark finning, i.e. the practice of removing and retaining all or some of a shark’s fins and discarding its carcass at sea, is prohibited.  9 ter. In order to implement a prohibition on shark finning as well as ensure better monitoring, enforcement and scientific data collection, fins shall remain naturally attached, fully or partially, to the shark until the first point of landing[].  10. CCMs with fleets which are not able to practice fins naturally attached as described in paragraph 9 ter, are required to apply for a waiver. [Any fleet requesting a waiver for landing fins naturally attached shall have an independent observer on board.] The [Scientific Committee and the] Technical and Compliance Committee (TCC) will review the waiver application and draft a recommendation on each waiver application to be forwarded to the Commission for endorsement at the annual meeting. If the waiver application is approved by the Commission, the fleets covered by the waiver may handle sharks according to the procedures outlined in the waiver as an alternative to leaving the fins naturally attached.  10. bis The waiver application shall contain:  a. A detailed explanation of why the fleet is unable to practice fins naturally attached, including specific operational, economic or other constraints which prevent this practice, and a description of any steps being taken to overcome these constraints.  b. A description of the options considered by the CCM to implement a ban on shark finning, identification of the preferred option and justification for the preferred option over other alternatives.  c. Specification of the proposed system for implementing the ban on finning including:  i. A description of and rationale for any required quantitative standards such as fins to carcass ratios with a clear statement of the application of standards to live or dressed carcasses, full or partial fin sets, any species-specific considerations, wet or dry weights, any conversion factors, etc.  ii. A description of any required operational practices such as cutting, tying, tagging, bagging, etc.  iii. A description of record-keeping requirements at sea and upon landing, including species-specific reporting for the WCPFC key shark species.  iv. A description of the monitoring system used by the CCM to compile and check these records for the incidence of finning, including the number of annual landing events by location, annual total numbers and weight of sharks and fins by species, etc.  v. A description of the inspection system used by the CCM to verify (e.g. through random, periodic audits) that the monitoring system is functioning appropriately, and the number of audits conducted each year.  vi. A list of past incidences of shark finning detected and a description of the remedial actions taken by the CCM and the vessel(s) and crew(s) involved.  vii. A commitment to including an independent observer on board as a condition of waiver.  10. ter Those CCMs receiving a waiver must annually submit a report to [the SC and] TCC on the implementation and performance of the waiver conditions. [The SC and] TCC shall annually review these reports along with any other relevant information (e.g. national MCS programme data, WCPFC high seas boarding and inspection programme reports, Port State measures data, transshipment reports, etc.) and if any of the following concerns are identified [the SC and] TCC shall refer the matter to the Commission for possible revocation of the waiver:  a. There is insufficient reporting against the conditions in the waiver;  b. There is insufficient species-specific data on the number of shark carcasses and fins landed for the WCPFC key shark species;  c. There is inadequate performance data for the national monitoring, inspection and enforcement programme, including the number of landings monitored, the number of audits conducted and the number of non-compliances observed and actioned (if necessary);  d. There is reason to doubt that the national monitoring, inspection and enforcement programme is capable of preventing shark finning;  e. The CCM holding the waiver is found to have violated the ban on shark finning and has not taken sufficient corrective action.]  [Alt 3: proposal by New Zealand  9. CCMs shall take measures to ensure that their fishers fully utilize any retained catches of sharks.  10. CCMs shall prohibit the practice of shark finning, defined as the removal of the fins from a shark and the disposal of the remainder of the carcass at sea.  10 bis. CCMs shall prohibit transhipment of shark products unless they are being landed with fins naturally attached.  10 ter. CCMs shall prohibit their vessels from landing the fins of any species of shark unless the fins are landed in association with the remainder of the carcass.  11. For the purposes of para 10ter, ‘in association’ is defined as being either naturally attached or meeting all conditions set out below:  a) For fins that are not landed naturally attached to the remainder of the shark:  (i) The pectoral fins, dorsal, and whole caudal fins shall all be landed  (ii) All fins shall be landed ‘wet’[[1]](#footnote-2);  (iii) Fins and carcasses shall be stored on board separated by species;  (iv) Fins and carcasses shall be offloaded together at the same point of landing;  and  (v) The ratio of the weight of the landed fins to the green weight of the shark shall not exceed the species-specific ratio agreed by the Commission following advice from the Scientific Committee. In the absence of an agreed species-specific ratio, a ratio of no more than 5% shall be applied.]  [Alt 4: proposal by Japan  9. In 2019, 2020 and 2021, as an interim measure, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass or compatible measures to implement the obligations in paragraph 8.  10. All CCMs shall report on the implementation of the measures in paragraph 9 no later than 30 July each year for review by TCC. The report by CCMs shall contain the detailed explanation of implementation of paragraph 9 including how the compliance can be monitored. The TCC in 2021 shall recommend the measures for 2022 and thereafter to implement the obligations in paragraph 8 to be adopted in the Commission.]  11. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board (including for crew consumption), transshipping, and landing any fins harvested in contravention of this CMM.  **IV. Minimizing bycatch and safe release**  12. 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/and]  (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.  13. [Alt 1: In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to [ensure] the release of live sharks that are caught incidentally and are not used.]  [Alt 2: Where sharks are unwanted bycatch, sharks shall be released alive using techniques that result in minimal harm.]  14. CCMs and the SC shall continue work on bycatch mitigation measures and live release guidelines to maximize the number of release of live sharks that are caught incidentally and are not used. CCMs [shall ensure that] their fishing vessels [] use any Commission adopted guidelines for the safe release and handling of sharks.  15. The development of WCPFC guidelines for safe release of sharks should take into account the health and safety of the crew.  **V. Species specific requirements**  16. 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, 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, following any applicable safe release guidelines for these species.  (3) [Notwithstanding (1) and (2), in the case of whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels’ operation, the vessel must surrender the whole whitetip shark and silky shark to the responsible governmental authorities [or discard them] at the point of landing [and transshipment]. [Whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.]]  (4) 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.    17. Whale shark  (1) 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) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any whale shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.  (3) 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.  (4) 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. [Alt 1 PNA: When CCMs apply compatible measures, the CCMs shall annually provide to the Commission, in Part 2 of their annual report, the description about the measure.] [Alt 2 SPC: Until such time as these compatible measures have been accepted by the WCPFC, sub-paras 1, 5-8 in this para shall apply.]  (5) CCMs shall require that, in the event that a whale shark is incidentally 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[.]  (6) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (5)(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-3).  (7) In applying steps under sub-paragraphs (1), (5)(a) and (6), the safety of the crew shall remain paramount.  (8) 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.  18. Manta and Mobulid  (1) CCMs shall [ensure that their fishing vessels use] the Guidelines for Best Handling Practices for the Safe Release of Manta and Mobulid (WCPFC Key Document SC-XX).]  [(1) bis CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any mantas and mobulas caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.]  [(2) CCMs shall record where possible, through observer programmes following the Regional Observer Programme Minimum Standard Data Fields, the number of discards and release of Manta and Mobulid rays with indication of species (to the extent possible), length, sex, status (dead or alive) and location caught.]  (3) Manta and Mobulid shall be considered WCPFC Key Shark Species for Assessment[[3]](#footnote-4) and thus incorporated into the WCPFC’s Shark Research Plan, noting that data gaps may preclude a traditional stock assessment approach.    **VI. Reporting requirements**  19. Each CCM shall submit data on the WCPFC Key Shark Species[[4]](#footnote-5) for Data Provision in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).  20. 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; and  (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 17(5)(b) above.  21. CCMs shall advise the Commission (in Part 2 of their Annual Report) on:  [ (1) results of their assessment of the need for a National Plan of Action;  (2) the status of their National Plan of Action for the Conservation and Management of Sharks, including a reference to the Plan, if appropriate;  (3) other actions to support implementation of the IPOA Sharks;]  (4) measures taken in accordance with paragraph 21. (3); and  (5) the implementation of this CMM and any alternative measures adopted under paragraph 16  **VII. Research**  22. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.  23. The SC shall periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks. If possible, this should be done in conjunction with the Inter-American Tropical Tuna Commission.  **VIII. Capacity building**  [24. The Commission [shall/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.]  [Alt by NZ: CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and Territories through the provision of assistance in implementation of the IPOA, including development of NPOAs and collection of data on retained and discarded shark catches.]  Reference: CMM 2017-04 para 8  CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and Territories through the provision of adequate port facilities for receiving and appropriately disposing of waste from fishing vessels.  25. 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.  **IX. Review**  26. On the basis of advice from the SC and/or the TCC, the Commission shall review the implementation and effectiveness of this CMM, including species specific measures, [within five years of adoption], and amend it as appropriate.  27. This CMM shall replace CMM 2010-07, 2011-04, 2012-04, 2013-08, and 2014-05.  Annex 1: Schematic diagram of a shark line | WWF suggests several amendments as shown, referring to a document (Dulvy et al 2014). While the original text comes from UNGA Resolution 64/72, the suggested amendments by WWF is based on one document.  Chair suggests that this issue should go to the SC since it is not clear whether or not the document has been validated by the SC.  No comment was received. The original text will stay.  No comment received. The original text will stay.  NZ suggested that the list of species should be deleted because this para will have to be amended if CITES adds additional shark species to its Appendices in the future.  While agreeing to this, Chair doubts the usefulness of this para without specifying any species names. Chair suggests deleting the entire para for streamlining.  Japan does not support this para as it is not a Party to CMS.  As in the previous para, Chair doubts the usefulness of this para without specifying any species names. Chair suggests deleting the entire para for streamlining.  Japan and US suggest deletion of the entire para. PNA (including Tokelau) suggests using only sub-para (ii) if the preamble contains reference to IPOA, CITES and CMS (Note that IPOA is a non-binding instrument of FAO and I believe that all the Contracting Parties are members to FAO, which is different from the case of CITES or CMS.). Thus, if the paras citing CITES and CMS are deleted as per Chair’s suggestion, PNA can probably support deletion of this para. Chair does not understand the view of NZ since one comment does not seem to strongly oppose deletion while another comment supports retention of this para. WWF seems to say that there should be an operational para on this point rather than in the preamble part, but Chair needs more guidance.  Chair still prefers deletion of the entire para.  No comment was received. The suggested change has been reflected.  EU suggests establishing a section for definition at the beginning for shark finning and others.  Chair would like to hear views of others, particularly what specific definitions are required.  No comment was received. The suggested change has been reflected.  Chinese Taipei suggests that the scope should be limited to WCPFC Key Shark Species since “all species of sharks, skates, rays and chimaeras (Class Chondrichthyes)” is too broad for collection of data and implementation.  For collection of data, please see para 19 in VI. Reporting requirements. Please also see the comment on the next para for implementation issue. Accordingly, the change suggested in the 2nd text has been reflected.  Japan suggests deleting “and (iii)…” because it is not consistent with the Convention. Dr. Clark pointed out that mantas and mobulas are not included in Annex I of the 1982 Convention, and questions why there should be three categories, noting that the current formulation is ambiguous on whether the species needs to meet all the three categories or one of them. She also suggests that the process of designating WCPFC Key Shark Species can cover sub-para (iii).  Chair considers that as target species, the Convention covers only highly migratory species (HMS), i.e., species listed in Annex I of the 1982 Convention (UNCLOS), which contains several shark species. However, the Convention does not limit its scope to HMS with respect to bycatch species. Some of the non-HMS such as Mantas are already included in WCPFC Key Shark Species. Shark finning prohibition shall be applied to all shark species incidentally caught in fisheries targeting HMS. Accordingly, Chair suggests the text as shown. Chair considers that addition of “whether…” is helpful to avoid any future misunderstanding or loophole.  NZ suggests that this heading is unnecessary as Section I is “Objective and Scope”.  Chair agrees.  NZ suggests moving this para back to the original place as this is originally the provision attached to the full utilization concept whereas placing this para here means that this para will be applied to all the measures contained in this CMM, which I believe is the intention of PNA. Japan suggests moving the last sentence (“When Commission…”) to VI. Reporting requirement.  On NZ’s comment, Chair would like to hear views of others. On Japan’s comment, Chair agrees but it may be affected by how the first point is handled.  For para 6, EU, FFA and NZ suggest “shall”, whereas PNA, Japan and US suggests “should”.  For para 7, EU suggests that the Commission should not assess NPOA for implementation of IPOA and rather the Commission should establish its own shark management plans. This idea is somewhat similar to that proposed by NZ and WWF supported by SPREP, but it is not clear whether they propose to establish a shark management plan for all the fisheries rather than individual national management plans proposed by EU. At the same time NZ suggests replacing para 7 with old para 4 “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”. PNA suggests that the entire text relating to IPOA and NPOA should be an independent section, which clearly indicates that the section is non-binding. NZ suggests that difficulties of SIDS could be addressed in paragraph 10. Japan suggests keeping only chapeau as the content of an NPOA is up to each CCM, while US suggests deleting entire paragraph 7.  Chair considers that this CMM itself should be the management plan for sharks so that each CCM implements conservation and management of sharks, thus Chair does not see any necessity to establish a shark management plan for all the fisheries. If something is missing in this CMM as an element for a Commission’s shark management plan, it should be proposed as suggested by NZ. Then, the option could be: (i) something to encourage implementation of IPOA in a non-binding manner such as current paras 6 and 7; (ii) a new para for checking implementation of this CMM (for example, a national report will have a special section explaining how the CCM implements each requirement contained in this CMM); or (iii) both of (i) and (ii).  Chair prefers option (ii), but needs to hear views of participants.  EU and NZ suggest moving this para to a new Section dealing with all the reporting requirements to be placed before VII. Research. Chair took the suggestion of EU and NZ, and the language will be considered in VI. Reporting requirements.  This para will be discussed later in VI. Reporting requirements.  This para will be discussed later in VI. Reporting requirements.  NZ suggests that this section clarify the scope to be true sharks as the section is about utilization. On the other hand, Dr. Clark pointed out that this is not the case since full utilization is applied only to retained ones.  Chair agrees to Dr. Clark.  NZ also suggests that “except those species prohibited for retention under VI. Species specific requirements” be deleted as this is redundant.  Chair agrees.  EU and SPC suggested deletion of “or transshipment” in the 2nd Draft, but Japan wants to retain it.  Chair puts it in a bracket for further discussion.  In order to consider the several options for implementation of full utilization (please note that NZ provided concrete wordings and Japan proposed Alt. 4), Dr. Clark suggests that more information is required on how various WCPFC fisheries handle and utilize carcasses and fins as well as how fins and carcasses are removed and retained or discarded at sea.  PNA supports this proposal. EU prefers this to Alt 2.  SPC also supports Alt 2, if suggested deletion in para 9 ter is accepted.  PNA suggests deleting the first sentence since this should be placed in the preamble. EU suggests slightly amending the first sentence.  Chair agrees to PNA because para 8 already covers the full utilization concept, and there is no need to place it in the preamble.  Chair suggests deleting the second sentence as this should be handled in Safe release.  PNA suggests deleting “within the WCPF Convention Area” since para 4 already mentions that the scope is high seas and EEZs.  Chair agrees.  EU suggests moving this para to the preamble.  Chair considers that prohibition of finning is a regulation, and thus should stay in the operative part.  SPC, PNA and SPREP suggest deleting “unless there are extenuating circumstances as described in paragraph 13” as this could be a loophole. US does not support any waiver.  Chair puts it in a bracket for further discussion.  WWF suggest adding the sentence shown (“Any fleet…”), which Australia seems to support. Chair changed “must” to “shall”. EU suggests adding “the SC” as shown in order to close loopholes as much as possible. SPC considers paras 10, 10bis and 10 ter create a massive loophole, noting that the TCC cannot impose sanction against non-compliance.  Chair considers that these points should be further discussed.  EU suggests adding a few words as shown for more clarity.  Chair agrees.  WWF suggests adding a new item (please see para 10 above).  EU suggests addition of the SC.  NZ provided concrete texts for their alternative proposal. Chair understands that these paras will replace para 8 as well as 9 to 10 ter in Alt 2.  Chair changed “must” to “shall”.  Chair wonders whether “green weight” is a standard term. Chair has never heard about it.  Japan provided Alt 4.    Japan suggests deleting “or trading” since it is impossible to trade if retaining, transshipping and landing are prohibited.  Chair agrees.  NZ suggests changing the title to “Live release and safe handling”. EU says that the current title is misleading as it may imply “minimizing safe release” and suggests changing to “Safe release”.  Chair considers that the concept of “safe release” can cover the concept of “minimizing harm” because if harm is not minimized sharks are not safely released. Similarly, safe handling is for safe release. Chair suggests taking the suggestion of EU.  Since para 23 in the 2nd Draft has now become only one para under “Other measures”, Chair suggests moving para 23 in the 2nd Draft here and changing the title of the section “Minimizing bycatch and safe release”.  SPREP and SPC supports WWF’s proposal to make both (1) and (2) mandatory. Japan does not support WWF’s proposal. Dr. Clark suggests that the current language seems unenforceable unless further clarity is provided on whether this is a vessel, fleet or national choice, and there is a reporting requirement to the Commission.  Chair understands that this requirement could be applied on a vessel by vessel basis, but CCMs could choose one of the two measures for their entire national fleet for enforcement purposes. Reporting requirement can be included in national reports. Chair needs to hear views of others.  US suggests deleting this para. SPREP supports retaining the concept of “minimizing harm/mortality”.  Chair considers that unless concrete language is proposed, it is difficult to consider and thus suggests deletion. If Australia or SPREP wants to insert something, they can propose it as a change to this Draft.  EU suggests changing “encourage” to “ensure”.  SPC prefers the second sentence in para 9 in Alt 2 which Chair deleted.  Both suggestions will change the nature of this para from non-binding to binding.  Chair puts these two options in brackets and needs to hear views of others.  Chair suggests deleting “for food or other purposes” as this is redundant.  NZ expressed some concern that the sentence may mean that catch of shark should be avoided, which is not contained in the Convention. NZ suggests changing “catch of shark” to “incidentally caught shark” or “unintentional catch of shark”. Dr. Clark says that “unutilized” would work here as in the previous para, noting that whether the sharks are incidentally or unintentionally caught (as many are), the Commission wishes to reduce the number of sharks being caught/killed and not utilized.  Chair agrees to NZ and we need to reconsider this para when the para no longer has “silky sharks and oceanic whitetip sharks”.  Article 5 e) of the Convention says that the Commission shall minimize catch of non-target species. However, whether fishermen target a certain species or not depends on the price and other factors (non-target species may become target species next month) and thus it is subjective. If fishermen want to use it, they retain it. What the Commission wants to avoid is, as Dr. Clark pointed out, dead discard because it is a waste of resource. Chair suggests using here “the release of live sharks that are caught incidentally and are not used” in the previous para for consistency. Some may want to say that this para should also cover species which may be subject to prohibition of retention in the future, but “are not used” can cover this concept.  For the 2nd sentence, EU suggests changing “should encourage” to “shall ensure”.  Chair considers that this will change the nature of this para from non-binding to binding, and needs to hear from others.  Chair deleted “pelagic” as this is redundant.  NZ and SPC suggest deletion. EU suggests deletion, noting that the health and safety of the crew can be incorporated in another para in this section (please see the next para). US suggests modifying the first half (…crew) as shown and deleting the rest. PNA suggests deleting the whole para and providing an alternative language “CCMs shall ensure that their vessels comply with coastal state measures relating to shark bycatch mitigation and live release” since they believe that the Commission should not intervene national legislation. Dr. Clark has the same view.  Chair agrees to PNA and Dr. Clark, but considers that the health and safety of crew is important. Chair agrees to EU that this concept could be incorporated in the previous para, but is concerned that addition of this concept would make that para a bit complicated.  Accordingly, Chair suggests taking US suggestion, but modified “safe release and handling” to “safe release” as explained above. Chair believes that this could address the concern of American Tunaboat Association to some extent.  US suggests placing this para under V. Species specific requirement and creating a new para for guidelines for developing safe release guidelines. EU suggests a similar idea proposing three elements to be considered: (i) minimize harm and mortality; (ii) increase survival chances; and (iii) health and safety of crew.  Chair suggests placing this para under V. Species specific requirement, but not creating a new para because para 15 covers the health and safety of the crew and para 14 can cover (i) and (ii).  NZ suggests dividing this section into “Mitigation” and “Non-retention”. Chair does not support this idea because species specific measures may include TAC for certain species in the future. Chair suggests keeping “Species specific requirements”.  Japan suggests deleting “trading” since it is impossible to trade if retaining, transshipping and landing are prohibited, and deleting “storing on a fishing vessel” to keep consistency with para 11.  Chair agrees.  No comment was received. The suggested change has been reflected.  PNA does not support this para since it is not consistent with the laws and practice of some PNA Members and difficulties with interpretation of “unintentionally” would make such a provision unenforceable. NZ suggests deleting the last sentence as this is a valid problem. Japan suggests adding an option of discard in addition to surrendering such products to the government as doing so all the time is too much burden. Japan also suggests adding “and transshipped” since unintentionally caught sharks may be found at transshipment (Chair assumes it is in-port transshipment by PS).  Chair puts all of them in brackets.  NZ suggests keeping “provided that the samples are part of a research project approved by the SC” in order to prevent any loopholes.  Chair does not support this view because samples are taken by observers, and if observers sell sharks for their profit, the observer provider will punish them.  Accordingly, the suggested changes in the 2nd Draft have been reflected.  The proposal of EU to delete this para in the 2nd Draft was supported by NZ and US, while Japan wants to keep it because para 29 in 2nd Draft is a general review while this para is a species specific review.  Chair suggests deleting this para and adding some words in the review clause to address Japan’s point.  No comment was received. The suggested change has been reflected.  NZ and Dr. Clark suggest adding non-retention requirement for whale shark.  Chair considers that while CMM 2012-04 does not clearly specify prohibition of retention of whale shark, it is clear that retention is virtually prohibited unless there is any other fishing gear which can catch whale shark. Chair suggests adding a sentence as shown.  No comment was received. The original text will stay.  US suggests deleting “that have been reviewed by the SC and the TCC and approved by the Commission to be”, which is supported by PNA.  Chair agrees.  PNA suggests adding the same language in the last sentence in para 5 above as shown in Alt 1. SPC suggests adding Alt 2.  Chair puts them in brackets as two options. Please note that PNA’s suggestion is closely related to how to deal with para 5.  NZ suggests changing “not deliberately” to “incidentally”.  Chair agrees.  NZ suggests moving the deleted part to VI. Reporting requirements and making it also a mandatory reporting requirement in the national report in addition to reporting to the flag CCM. NZ further suggests incorporating this reporting requirement in WCPFC Key Document Data-01 (Chair assumes that if this happens, this reporting requirement does not have to stay in this CMM.).  Chair considers that NZ’s suggestion will change the nature of this para, and thus puts it in a bracket for further discussion.  US suggests deleting this para as it is duplicative with old para 19.  Chair suggests deleting old para 19 and keeping this here.  Chair does not understand NZ’s comment.  No comment was received. The original text will stay.  No comment was received. The original text will stay.  Japan suggests deleting this para as it is not a Party to CMS. US, NZ and EU support deletion.  Chair agrees.  Japan suggests deleting “rays” from the title for consistency.  Chair agrees.  US suggests deleting this para as it is duplicative with 19.  Chair suggests deleting para 19 and keeping this here.  EU suggests changing “give due consideration to” to “ensure that their fishing vessels use”.  Chair considers that this will change the nature of this para, and puts it in a bracket for further discussion.  NZ suggests adding the non-retention requirement for manta and mobulid. Dr. Clark pointed out that WCPFC 13 decided not to apply the non-retention requirement to mantas and mobulas.  Chair considers that this will change the past decision of the Commission, and puts it in a bracket for further discussion.  US suggests deleting this para if it is duplicative. NZ supports this. Dr. Clark agrees, noting that SC has already handled and the Commission has already adopted this recommendation at WCPFC14. On the other hand, EU suggests making this a general obligation for all shark species and moving this to VI. Reporting requirements.  Chair needs to hear views of others.  NZ suggests deleting this para. Dr. Clark pointed out that this para should stay here as this particular decision does not appear in any of the Commission’s adopted shark documents (and because they are only Key Shark Species for Assessment they will never be incorporated into the Scientific Data to be Provided to the Commission (Data-01)).  Chair agrees to Dr. Clark.  Japan suggests deleting this para as it is not a Party to CMS. EU and US also support deletion.  Chair agrees.  This para has been moved to para 12.  US suggests deletion of this para as this is duplicating another reporting requirement while agreeing that WCPFC Key Shark Species should be defined somewhere. SPREP suggests adding “No data, no fish policy” to incentivize CCMs to provide data.  Chair considers that avoidance of duplication is important but a certain reminder here is probably useful. Accordingly, Chair suggests the text shown.  Regarding the comment from SPREP, Chair believes that this has a wider implication and if the Commission decides “No data, no fish policy”, it should be applied to not only sharks but also tunas.  Dr. Clark pointed out that the estimated number of releases of oceanic whitetip shark and silky shark is contained in Guidelines for the AR-1(SC-01) rather than Scientific Data to be Provided to the Commission (Data-01) and if these provisions are deleted from this paragraph as Chair indicated in the 2nd Draft, these reporting requirements will become non-binding.  Chair agrees to Dr. Clark and reinserted the provision, which should be kept until Data-01 will incorporate such reporting requirements.  NZ suggests that this requirement should be incorporated in Scientific Data to be Provided to the Commission (Data-01) so that this sub-para can be deleted.  Chair agrees, but the sub-para should be kept until Data-01 will incorporate such reporting requirements.  This para closely relates to discussion on IPOA and NPOA. Chair needs to see settlement of such discussion first.  No comment was received. The suggested change has been reflected.  SPC suggests making “if possible in conjunction with the Inter-American Tropical Tuna Commission” an independent sentence after the first one. EU suggests changing “should” to “shall”.  Chair agrees.  SPC suggests deleting this para as the contents have been already covered by para  22 and 23. US also suggests deleting as it is duplicative with para 23.  Chair agrees.  US suggests reverting “shall” to “should”.  Chair puts it in a bracket although “shall consider” should be OK.  NZ suggests a different formulation (Alt), taking into account CMM 2017-04 para 8.  Chair considers “provision of adequate port facilities” in CMM 2017-04 para 8 is somewhat different from “the provision of assistance in implementation of the IPOA” because the former is very specific while the latter is broad. Also, whether we should retain IPOA and NPOA or establish WCPFC shark management plans is subject to further discussion  Chair puts both in brackets for further discussion.  No comment was received. The original text will stay.  NZ suggests changing the title to “Review”.  Chair agrees.  Chair suggests adding “including species specific measures” instead of para 16 sub-para (5).  NZ suggests “within five years of adoption”.  Chair needs to hear views of others.  Chinese Taipei suggests adding “the alternative measures adopted by coastal CCMs per this CMM” for review.  Chair considers that this is a task of TCC rather than review here. |

1. ‘Wet’ is defined as ‘fins that have not undergone any drying and have not been air blast frozen’. [↑](#footnote-ref-2)
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-3)
3. The WCPFC Key Shark Species for Assessment are those species to be included in the WCPFC’s Shark Research Plan per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08). [↑](#footnote-ref-4)
4. The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01). [↑](#footnote-ref-5)