



**TECHNICAL AND COMPLIANCE COMMITTEE  
THIRTEENTH REGULAR SESSION**  
Pohnpei, Federated States of Micronesia  
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**TECHNICAL AND COMPLIANCE CONSIDERATIONS FOR A COMPREHENSIVE  
SHARK CMM**

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**WCPFC-TCC13-2017-17b  
22 September 2017**

**Secretariat**

## 1 Purpose

The purpose of this paper is to provide context for TCC13's discussion of the WCPFC13 tasking for SC13 and TCC13, with support from the Secretariat, to work towards the development of a comprehensive approach to shark and ray conservation and management with a view to adopting a new CMM at the Commission's annual meeting in 2018.

## 2 Background

The Western and Central Pacific Fisheries Commission (WCPFC) adopted its first shark-specific conservation and management measure (CMM) in 2006 and it became binding in 2008. The focus of the measure was to prohibit the practice of shark finning, i.e. removing and retaining the fins of a shark, whether alive or dead, and discarding the remainder of its carcass at sea. In addition to amending this measure several times to its current form (CMMs 2008-06, 2009-04 and now 2010-07), the WCPFC has adopted three other species-specific shark CMMs prohibiting the retention of oceanic whitetip shark (CMM 2011-04), whale shark (CMM 2012-04), and silky shark (CMM 2013-08). The most recent WCPFC shark CMM requires the banning of wire leaders or shark lines, and the submission of shark management plans for fisheries that target sharks (CMM 2014-05).

In addition to these five shark-specific CMMs, the WCPFC has several other guidelines, processes and binding decisions that are pertinent to sharks. These include, *inter alia*, requirements for reporting shark catch data, standards for observer data collection on sharks, whale shark safe release guidelines and a process for designating key shark species. The Commission supports an ongoing programme of shark research and assessment which since 2014 has been supplemented with funding from the Common Oceans (ABNJ) Tuna Project. An inventory of science, compliance, management and data activities related to sharks can be accessed through the WCPFC's Shark Portal at <https://www.wcpfc.int/sharks>.

## 3 Current Issue

With this diversification of tools and resources over the past decade, a desire to rationalize the WCPFC's approach to shark management and conservation has been expressed. Some CCMs may view such rationalization primarily as an opportunity to consolidate previous decisions, whereas others may seek to revisit or move beyond the existing arrangements. After much discussion in recent years, particularly with regard to operationalizing the requirements of CMMs 2010-07 and 2014-05, the Commission agreed the following recommendation in December 2016 (WCPFC13 Summary Report, para. 507):

*WCPFC13 requested that SC13 and TCC13, with support from the Secretariat, work towards the development of a comprehensive approach to shark and ray conservation and management with a view to adopting a new CMM at the Commission's annual meeting in 2018. The new CMM should seek to i) unify the WCPFC's existing shark CMMs; ii) take account of relevant national and international policies and measures; and iii) provide a framework for adopting new components as needs and datasets evolve. Elements that could be considered for the new CMM include:*

- *policies on full utilization/prohibition on finning;*
- *no retention policies;*
- *safe release and handling practices;*
- *gear mitigation, size limits or closures;*
- *management plans/catch limits;*
- *key species and their assessment schedules;*
- *species-specific limit reference points; and*
- *any data reporting requirements beyond those contained in “Scientific Data to be Provided to the Commission.”*

## **4 Progress by the Scientific Committee**

At SC13 in August 2017, the Secretariat tabled a paper comprising a catalogue of WCPFC work relating to the issues listed above, as well as a new unifying concept for a comprehensive shark management framework based on the Paris Agreement’s model of nationally determined contributions (WCPFC-SC13-2017/EB-WP-06). That paper summarized a number of proposals for the content of the new measure, and called for definition of a process to advance the work.

SC13 delegates agreed that only the Commission can decide on the extent to which a new shark CMM would modify existing requirements or add new elements. Nevertheless, in case the Commission does decide to pursue a more comprehensive approach, SC13 discussions highlighted some specific, science-related key issues that should be considered (SC13 Summary Report, Attachment G tabled as WCPFC-TCC13-2017/17a).

## **5 Consideration by the Technical and Compliance Committee**

In a similar vein, TCC13 may wish to contribute to the Commission’s decision by identifying critical shark issues from a technical or compliance point of view. This paper aims to facilitate that process by compiling existing TCC findings relevant to sharks and by developing a concise list of shark-related issues that could benefit from the Commission’s attention.

According to the Convention Article 14 (para. 1) the functions of the TCC are to provide technical advice and recommendations on implementation and compliance with CMMs. In this sense, shark issues raised at TCC over the years can all be framed within the WCPFC’s five shark CMMs. The first binding shark CMM was the former version of CMM 2010-07 which came into force in January 2008 as CMM 2006-05, with CMMs on oceanic whitetip sharks (2011-04), whale sharks (2012-04), silky sharks (2013-08) and shark mitigation and management plans (2014-05) in subsequent years. A total of nine TCC Summary Reports were thus reviewed from 2008 onward with particular reference to the annual discussions of existing CMMs. Public and non-public domain Compliance Monitoring Scheme documents were also reviewed from (compliance years) 2010-2016 to collate any implementation or compliance issues highlighted by the scheme. During this period the main shark CMM (now CMM 2010-07) was reviewed six times, the oceanic whitetip measure was reviewed twice, and the other CMMs were reviewed once (Table 1).

**Table 1.** Shark conservation and management measures included in the Compliance Monitoring Scheme each year.

CMM	2010 CMS	2011 CMS	2012 CMS	2013 CMS	2014 CMS	2015 CMS	2016 CMS
2010-07							
2011-04							
2012-04							
2013-08							
2014-05							

The compilation of issues from the review was then organized around the topics contained in the WCPFC13 recommendation concerning a comprehensive shark CMM (Section 2). Those topics form the basis for the headings below only if TCC has specifically discussed that issue. The text under each heading attempts to distill the information and then draw a conclusion reflecting TCC’s view.

### 5.1 Policies on full utilization/prohibition on finning<sup>1</sup>

- ▲ In terms of implementation and compliance assessment, TCC has recognized that enforcement experience demonstrates that it is very difficult to use the 5% ratio as a tool to prevent finning ([TCC11 Summary Report, para. 462](#)).
- ▲ In terms of technical advice, TCC concluded that an evaluation of the validity of the 5% fins to carcass ratio is not currently possible with existing information ([TCC11 Summary Report, para. 462](#), [TCC12 Summary Report, para. 391\(a\)](#), [WCPFC-TCC12-2016-20 \(rev 1\)](#)).
- ▲ TCC discussions clearly indicate concern about continued HSBI and observer reports of finning in the Convention Area.
- ▲ TCC discussions on ways to improve the situation suggest that some CCMs consider that only a fins naturally attached policy can prove finning has not occurred whereas other CCMs will not accept such a policy due to operational concerns.
- ▲ TCC has echoed SC’s call for CCMs which apply fin-to-carcass ratios to provide more details on this application in their AR-Part 2 reports ([SC10 Summary Report, para. 625](#)) including why they cannot implement a fins naturally attached policy ([TCC12 Summary Report, para. 391\(c\)](#))<sup>2</sup>.

A comprehensive shark CMM should provide explicit standards for what constitutes full utilization, either in the form of prescribing certain handling practices (e.g. fins naturally attached), or requiring specific, higher standards of compliance reporting (e.g. performance data on the number the number of landings monitored, an analysis of fin and carcass landings data, and the number of non-compliances observed and actioned (if necessary), over the past year) for those CCMs whose handling practices are more difficult to verify.

<sup>1</sup> Shark finning is the practice of removing and retaining all or some of a shark’s fins and discarding its carcass at sea. This definition is in line with standard international usage (see IUCN Shark Specialist Group (<http://www.iucnssg.org/finning>), United States government (<https://www.congress.gov/106/plaws/publ557/PLAW-106publ557.pdf> (bottom of p. 4)) and Wikipedia ([https://en.wikipedia.org/wiki/Shark\\_finning](https://en.wikipedia.org/wiki/Shark_finning))).

<sup>2</sup> Note that as yet no such details have been provided (WCPFC-TCC13-2017-dCMR).

## 5.2 No retention policies

- ▲ The CMR for (compliance year) 2015 notes an issue relating to compliance assessment when observers report retention of prohibited shark species but the observer reports are not received by the flag States ([WCPFC13 Summary Report, Attachment U](#)).
- ▲ This concern is addressed in TCC paper [WCPFC-TCC13-2017-11c](#) which confirms recent progress in flag State notification of ROP observer alleged infringements is now facilitated through the online WCPFC Compliance Case File System.
- ▲ The paper notes that the contribution of this system to supporting shark no retention policies depends on i) the suitability ROP observer-collected data fields for supporting investigations of alleged infringements; ii) the levels of observer coverage across all the fisheries where sharks may be caught and retained, and iii) the timeliness and completeness of ROP data submissions available to the system ([WCPFC-TCC13-2017-11c, para. 18\(g\)\(ii\)](#)).

The Commission may wish to consider specifying alongside or within a comprehensive shark CMM, mechanisms that would improve the coverage and availability of data and data fields that support analysis and verification of shark no retention policy implementation (e.g. modified ROP minimum data standards and fields, expedited implementation of electronic reporting and monitoring, and/or increased representative monitoring rates).

## 5.3 Safe release and handling practices

- ▲ TCC has discussed safe release guidelines for several types of marine animals with a strong preference for science- and evidence- based recommendations ([TCC11 Summary Report, paras. 450-460](#)).

The Commission may wish to include some language in a comprehensive shark CMM regarding the standard of evidence and timeframe required to adopt guidelines for safe release, noting that a higher standard of evidence will likely result in a longer delay in adopting guidelines.

## 5.4 Gear mitigation

- ▲ The CMS has not covered the portion of CMM2014-05 requiring a ban on wire leaders or shark lines, but CCMs at TCC and the Scientific Services Provider have raised questions about how this choice will be made and reported ([TCC11 Summary Report, para. 446](#) and [WCPFC-SC12-2016/EB-WP-06 "Potential implications of the choice of longline mitigation approach allowed within CMM 2014-05"](#)).

The Commission may wish to provide guidance in a comprehensive shark CMM on whether the choice of which gear type to ban as a shark mitigation measure (under CMM 2014-05) should be at the vessel or fleet level, and on the mechanism for communicating that choice to the Commission, so as to allow for accurate analysis of mitigation effectiveness.

## 5.5 Management plans

- ▲ TCC12 discussed several issues associated with shark management plans as required under CMM 2014-05 including which fisheries need to prepare them, what they should contain and what criteria should be used to evaluate them ([TCC12 Summary Report, paras. 393-405](#)). There is also an issue regarding the frequency with which the plans should be updated.

A comprehensive shark CMM should avoid using ambiguous terms such as ‘targeting’ when defining which fisheries need to submit shark management plans. A comprehensive shark CMM should also provide a list of the required contents, the required frequency of update, and a set of criteria to be used in evaluating the shark management plans.

## 5.6 Data Reporting Requirements

- ▲ In CMRs for compliance years 2013 and 2015 several CCMs have been deemed non-compliant for issues associated with reporting the number of releases of no-retention species, including the status upon release (dead or alive) in AR-Part 1 reports ([WCPFC11 Summary Report, Attachment H](#); [WCPFC13 Summary Report, Attachment U](#)). This experience has caused some CCMs to question whether these data reporting requirements might not be better handled under Scientific Data to be Provided to the Commission. TCC has not made a finding on this issue.

When considering a comprehensive shark CMM, the Commission may wish to modify the reporting requirements of the shark no-retention measures to consolidate data reporting under the Scientific Data to be Provided to the Commission.

## 6 Conclusion

While this review of TCC activities and discussions aimed to be comprehensive, it may not have captured the full range of perspectives on the five WCPFC shark measures and their component elements. Furthermore, in concisely summarizing the issues it is possible that some important nuances have been lost. Nevertheless, the results of this review, in the form of the statements reiterated below, could provide a starting point for a potential recommendation to WCPFC14 on the elements of a comprehensive shark CMM from the TCC as follows:

- A. A comprehensive shark CMM should provide explicit standards for what constitutes full utilization, either in the form of prescribing certain handling practices (e.g. fins naturally attached), or requiring specific, higher standards of compliance reporting for those CCMs whose handling practices are more difficult to verify.**
- B. The Commission may wish to consider specifying alongside or within a comprehensive shark CMM, mechanisms that would improve the coverage and availability of data and data fields that support analysis and verification of shark no retention policy implementation.**

- C. The Commission may wish to include some language in a comprehensive shark CMM regarding the standard of evidence and timeframe required to adopt guidelines for safe release, noting that a higher standard of evidence will likely result in a longer delay in adopting guidelines.**
  
- D. The Commission may wish to provide guidance in a comprehensive shark CMM on whether the choice of which gear type to ban as a shark mitigation measure (under CMM 2014-05) should be at the vessel or fleet level, and on the mechanism for communicating that choice to the Commission, so as to allow for accurate analysis of mitigation effectiveness.**
  
- E. A comprehensive shark CMM should avoid using ambiguous terms such as ‘targeting’ when defining which fisheries need to submit shark management plans. A comprehensive shark CMM should also provide a list of the required contents, the required frequency of update, and a set of criteria to be used in evaluating the shark management plans.**
  
- F. When considering a comprehensive shark CMM, the Commission may wish to modify the reporting requirements of the shark no-retention measures to consolidate data reporting under the Scientific Data to be Provided to the Commission.**

## **7 Recommendation**

TCC13 is invited to consider the paper and advise the Commission as it considers appropriate.