



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FISHERIES (AMENDMENT) ACT 2016

Sponsored by:

HON. SENATOR DAVID PAUL

Approved:

HON. SPEAKER KENNETH A. KEDI /s/

1
2

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



3
4

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FISHERIES (AMENDMENT) ACT 2016

5

Index

6

Section

Page

7

FISHERIES (AMENDMENT) ACT 2016

1

8

BILL NO.42

ERROR! BOOKMARK NOT DEFINED.

9

§1. Short Title5

10

§2. Amendments.....5

11

§3. Effective Date7

12

1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016



3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

5 **FISHERIES (AMENDMENT) ACT 2016**

5 A BILL FOR AN ACT to amend Title 51, Chapter 2 of the MIRC, in order to address
6 the issue of shark by catch with practical implications on commercial fishing.

7 BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

8 **§1. Short Title.**

9 This Act may be cited as the Fisheries (Amendment) Act 2016.

10 **§2. Amendments.**

11 (1) Section 230 of the Fisheries Act is hereby amended as follows:

12 **“§230. Prohibition of taking of sharks, possession, sale and trade.**

13 (1) No person shall catch, capture or intentionally engage in fishing for
14 shark or retain or be in possession any part thereof or intentionally
15 remove the fins or tail of any shark or otherwise mutilate or injure on
16 land or within the fisheries waters of the Republic of the Marshall
17 Islands.

18 (2) Except where ~~Notwithstanding subsection (1):~~

19 (a) A ~~ny~~ person who holds a license or permit from the Marshall
20 Islands Marine Resources Authority to conduct research on
21 sharks and carries out activities in accordance with that license
22 or permit; ~~shall not be subject to the penalties in this~~
23 ~~section.~~

24 (b) A person is ~~Fishing~~ for shark for subsistence use ~~is permitted,~~
25 provided that no person shall harvest shark that has been

declared as protected species. The Authority may make Regulation imposing restrictions or catch limit on all or certain species;

(c) Any purse seiner, long-liner or carrier or other support vessels in possession of shark or shark fins or any other parts of shark, caught outside of the fishery waters of the Republic of the Marshall Islands, provided that the shark or shark fins or any other parts of shark shall be:

(i) validated by catch records or relevant transfer documentation, if transshipped; and

(ii) reported together with an entry notice prior to the entry into the Republic of the Marshall Islands fisheries waters.

~~(3)~~ (d) Any In the case where a purse seiner shark that is inadvertently caught or captured any shark, the purse seiner shall act to immediately release, as soon as such event is recognized, whether the shark is dead or alive. No shark shall be retained even if caught as bycatch. For the purpose of this section, "such event" means the selective removal and release of sharks when visibly identified within the catch during transshipment.

~~(4)~~ (3) No person shall ~~possess, receive, sell, transfer, store or have on board or~~ or transship or trade any shark, shark fins or any other parts of shark, whilst in RMI waters including ports. ~~For the purpose of this subsection it shall be rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of a shark, is deemed possessed or transferred in violation of this subsection.~~

~~(5)~~ ~~Notwithstanding subsection (4), any person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research and possesses shark fins in accordance with that license or permit shall not be subject to the penalties in this section.~~

~~(6)~~ (4) No person, operator, or fishing vessel licensed to fish in the fishery waters of the Marshall Islands shall have fishing gear or equipment constructed or manufactured with trace wire ~~possess, use or caused to use a trace wire.~~ The Authority may make regulations and fishing license condition including restrictions on type of fishing gear in

1 order to further reduce the mortality of sharks, in accordance with
2 this Title.

3 ~~(6)~~ (5) Nothing contained in this section shall affect the rights of innocent
4 passage within the territorial waters of the Marshall Islands and the
5 freedom of navigation within Exclusive Economic Zone of the
6 Republic of the Marshall Islands exercised in accordance with
7 UNCLOS, subject to subsections (2)(c) and (2)(d) of this Act.”

8 **§3. Effective Date**

9 This Act shall take effect in accordance with the Constitution and the Rules
10 of Procedures of the Nitijela.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016

FISHERIES (AMENDMENT) ACT 2016

3 **BILL SUMMARY**

4 This Bill proposes to amend section 230, Title 51, Chapter 2 of the MIRC, which
5 relates to the prohibition of commercial shark fishing. The law was passed in 2011-
6 prohibiting shark fishing as a targeted fishery or as bycatch in the Republic of the
7 Marshall Islands Fishery waters.

8 Section 230 (1) of the Act, gives a general prohibition of commercial shark
9 fishing in the Republic of the Marshall Islands Fisheries Waters.

10 Section 230 (2) provides for exceptions to the fishing for shark. Paragraph (a)
11 for conduct of research, paragraph (b) fishing for shark for subsistence use. The Bill
12 now proposes a new exception, which is paragraph (c), to sharks caught outside of
13 the fishery waters of the Republic of the Marshall Islands. Paragraph (c) is to
14 distinguish sharks caught outside the Marshall Islands Economic Exclusive Zone
15 (EEZ) and those within. It is the understanding that the current law does not
16 purported to enforce outside of RMI's EEZ. The proposal provides however a
17 reporting requirement, that if the shark is caught outside of RMI fisheries waters, (i)
18 it should be validated by catch records or relevant transfer documentation, if
19 transshipped, and (ii) and shall report together with an entry notice before the vessel
20 enters into RMI fisheries waters for the purposes of transshipping or even innocent
21 passage.

22 The bill also proposes a new exception, paragraph (d) taking into
23 consideration large commercial fishing, especially purse seiners, recognizing that
24 purse seiners captures large school of skipjack together with sharks and other

1 fisheries, scooped and poured into fish-holds and mixed. It is impractical to identify
2 for immediately release as required under the legislation as non-targeted species.
3 Base on the nature of the type of this fishing, the law should not considered bycatch
4 of sharks by purse seiners as illegal until visibly identified, provided that when such
5 is identified during transshipment, it cannot be transshipped subject to Subsection
6 (3).

7 The bill proposes subsection (3) to impose a prohibition on transfer or
8 transshipment or trade of any shark, shark fins or any other parts of shark that are
9 caught both within and outside of the RMI fisheries waters, even when they are
10 being validated.

11 The Bill also proposes a new subsection (4) imposing a prohibition on the use
12 of a trace wire as a branch line attached to hook within fishery waters of the
13 Marshall Islands.

14 The Bill also proposes subsection (5) to ensure that rights of innocent passage
15 of other vessels within fisheries waters of the Marshall are protected – that boarding
16 and arresting vessels carrying sharks caught outside of RMI EEZ, without
17 reasonable grounds – stating that the sharks have been captured in violation of the
18 RMI laws is in itself a violation of right of innocent passage and freedom of
19 navigation recognized by the UNCLOS. Subsection (5) further states that in with the
20 exercise of innocent passage, it is a requirement also to reporting that sharks are on
21 board subject to subsection (2)(c) and subsection 2(d) on the prohibition of
22 transshipment or transfer.

23 Noting also the implications of WCPFC CMM 2013-08 whereby the retention
24 of silky shark is prohibited effective first of July 2014.
25

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**

FISHERIES (AMENDMENT) ACT 2016

SIGNATURES

DATE: *_AUG.19,2016_* **INTRODUCED BY** *_SEN. DAVID PAUL_* *____/S/_*

DATE: *_AUG.19,2016_* **INTRODUCED BY** *_V.SPEAKER ANTON JEJWARICK_* *____/S/_*

DATE: *_AUG.19,2016_* **INTRODUCED BY** *_SEN. ALVIN JACKLICK_* *____/S/_*