
ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY THE IOTC**SUBMITTED BY: EUROPEAN UNION, 21 APRIL 2017**

Explanatory Memorandum

Some CPCs are seriously concerned that fisheries under the mandate of the Indian Ocean Tuna Commission (IOTC) continue to adversely impact shark populations, particularly pelagic sharks, in the Indian Ocean and adjacent seas.

As apex predators, sharks are critical to ecosystem function and, therefore, to the long-term sustainability of target species. Some sharks¹ are more susceptible to the impact of fishing than other fish species due to their low reproductive potential which includes slow growth, late maturity and low reproductive rates, as well as protracted recovery times following unmanaged exploitation. The biological characteristics of sharks coupled with increased demand for shark products and the paucity of information on the status and trend of shark populations has reduced the effectiveness of shark conservation and management approaches.

It is widely recognised that the world's pelagic shark populations continue to deteriorate due to the impact of fishing, including while fishing for tuna and tuna-like species, inadequate Conservation and Management Measures in pelagic fisheries and targeted shark fishing. Additionally, there is high uncertainty regarding the status of shark populations, in particular pelagic shark populations, due to incomplete and inaccurate catch and effort data collection and reporting for sharks.²

In 1999, the Food and Agricultural Organization of the United Nations published the International Plan of Action for the Conservation and Management of Sharks (IPOA–Sharks)³. The objective of the IPOA–Sharks is to ensure the conservation and management of sharks and their long-term sustainability, in response to growing concern about the vulnerability of sharks to overfishing. The IPOA–Sharks also recognises the need for greater international cooperation and a coordinated approach for transboundary, straddling, highly migratory and high seas shark species by applying the precautionary approach. Implementing the precautionary approach may also maintain greater ecosystem function, which is critical to the long term sustainability of tuna and tuna-like species.⁴ The IPOA-Sharks also calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data.

It is widely recognised that best practices in shark conservation and management must include:

1. Quantifying the impact of fishing on shark populations;
2. Implementing effective mitigation measures to reduce the adverse impacts of fishing on sharks; and
3. Collection and reporting of accurate, reliable data on the biology and catches of sharks.

The IOTC Scientific Committee (SC) has repeatedly and consistently recommended that 'the best way to encourage full utilisation of sharks, to ensure accurate catch statistics, and to facilitate the collection of biological information is to revise the IOTC Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by the IOTC such that all sharks must be landed with their fins attached to their respective carcass' (SC 18 Report, paragraph 47). This recommendation is also consistent with the 2016 United Nations General Assembly's Sustainable Fisheries Resolution, that called on States to take immediate action to implement and ensure compliance with shark conservation and management measures including considering taking other measures, such as requiring that all sharks be landed with

¹ The term 'shark' refers to all species of sharks, skates, rays and chimaeras (Class Chondrichthyes) unless otherwise specified.

² See reports of the Working Party on Ecosystems and By-Catch: IOTC–2011–WPEB07–INF10 and IOTC–2015–WPEB11–4.

³ FAO (1999). The international plan of action for the conservation and management of sharks. Food and Agriculture Organization of the United Nations, Rome.

⁴ See report of the Working Party on Ecosystems and By-Catch: IOTC–2011–WPEB07–INF01.



each fin naturally attached. The above-mentioned recommendation of the IOTC Scientific Committee and other recommendations from the WCPFC Scientific Committee also emphasise that the use of fin-to-carcass weight ratios is not a verifiable means of ensuring the eradication of shark finning and that it has proven ineffective in terms of implementation, enforcement and monitoring. Moreover, a fins naturally-attached policy has been adopted by the North-East Atlantic Fisheries Commission (NEAFC) in Recommendation 10:2015 on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission. More recently, the North-West Atlantic Fisheries Organisation (NAFO) has adopted the same policy (Article 12 of NAFO Conservation and Enforcement Measures on conservation and management of sharks).

The proposed amendments to IOTC Resolution 05/05 aim to ensure the implementation of an effective finning ban and the eradication of finning practices in the IOTC area of competence. In addition, it aims to promote the full utilisation of shark protein for food and to facilitate the collection of critical data required to undertake rigorous assessments of the impact of fishing on shark populations. The proposal specifically requires that sharks be landed with their fins naturally attached to their respective carcass when caught in association with fisheries targeting tuna and tuna-like species throughout the IOTC area of competence.

RESOLUTION 17/XX

ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY IOTC

Keywords: sharks, finning, naturally-attached fins, NEAFC, NAFO

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING Resolution 12/01 *On the implementation of the precautionary approach* calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to apply the precautionary approach in accordance with Article V of the United Nations Fish Stocks Agreement;

CONCERNED by the continued failure of IOTC CPCs to submit complete, accurate and timely catch records for sharks in accordance with existing IOTC Resolutions;

RECOGNISING the need to improve the collection of species specific data on catch, discards and trade as a basis for improving the conservation and management of shark stocks and aware that identifying sharks by species is rarely possible when fins have been removed from the carcass;

RECALLING that United Nations General Assembly Resolution on Sustainable Fisheries, adopted annually by consensus, since 2007 (62/177, 63/112, 64/72, 65/38, 66/68, 67/79, 68/71, 69/109,70/75 and A/RES/71/123) calls upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organisation or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with fins naturally attached;

FURTHER RECALLING that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data;

AWARE that despite regional agreements on the prohibition of shark finning, shark fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

EMPHASISING the recent recommendations of IOTC and WCPFC Scientific Committees that the use of fin-to-carcass weight ratios is not a verifiable means of ensuring the eradication of shark finning and that it has proven ineffective in terms of implementation, enforcement and monitoring;

NOTING the adoption of Recommendation 10:2015 *on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC)* and Article 12 of the North-West Atlantic Fisheries Organisation (NAFO), which establish the fins attached policy as exclusive option for ensuring the shark finning ban in the NEAFC and NAFO fisheries;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. This measure shall apply to all fishing vessels flying the flag of a Contracting Party or Cooperating Non-Contracting Party (CPC) and on the IOTC Record of Authorised Vessels, or authorised to fish for tuna or tuna-like species managed by the IOTC.
2. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks, with the exception of species prohibited by the IOTC. Full utilisation 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.



3. CPCs shall prohibit the removal of shark fins on board vessels. CPCs shall prohibit the landing, retention on-board, transshipment and carrying of shark fins which are not naturally attached to the shark carcass until the first point of landing.
 4. In fisheries in which sharks are unwanted species, CPCs shall, to the extent possible, encourage the release of live sharks, especially juveniles and pregnant sharks that are caught incidentally and are not used for food and/or subsistence. CPCs shall require that fishers are aware of and use identification guides (e.g. *IOTC Shark and Ray Identification in Indian Ocean Fisheries*) and handling practices.
 5. Without prejudice to paragraph 3, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the shark carcass, but shall not be removed from the carcass until the first point of landing.
 6. CPCs shall report data for catches of sharks no later than 30 June of the following year, in accordance with IOTC data reporting requirements and procedures in Resolution 15/02 *mandatory statistical requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's)* (or any subsequent superseding resolution), including all available historical data, estimates and life status of discards (dead or alive) and size frequencies.
 7. CPCs shall prohibit the purchase, offer for sale and sale of shark fins which have been removed on-board, retained on-board, transhipped or landed, in contravention to this Resolution.
 8. The Commission shall develop and consider for adoption at its regular annual session in 2017 mechanisms to encourage CPCs to comply with their reporting requirement on sharks, notably on the most vulnerable shark species identified by the IOTC Scientific Committee.
 9. The IOTC Scientific Committee shall request that the IOTC Working Party on Ecosystems and Bycatch continue its work on identifying and monitoring the status of sharks until such time as comprehensive assessments are possible for all relevant shark species/groups. In particular, the IOTC Working Party on Ecosystems and Bycatch will establish the Terms of Reference for the Commission to establish a long term-project on sharks in IOTC, with the aim to ensure the collection of data required for performing reliable stock assessments for key shark species. The project will include:
 - a) the identification of data gaps for key shark species in IOTC;
 - b) the collection of relevant data, including through direct contacts with CPC national administrations, research institutes and stakeholders;
 - c) any other activity that could contribute to improving the collection of data required for performing stock assessments of key shark species in IOTC.
- The IOTC Scientific Committee will incorporate results of the project in its reports on sharks and based on progress achieved will propose a timeframe for performing stock assessment of key sharks species. CPCs are encouraged to contribute financially to the implementation of the project.
10. The IOTC Scientific Committee shall review annually the information reported by CPCs pursuant to this Resolution and, as necessary, provide recommendations to the Commission on ways to strengthen the conservation and management of sharks within IOTC fisheries.
 11. CPCs shall undertake research to:
 - a) identify ways to make fishing gears more selective, where appropriate, including research into the effectiveness of prohibiting wire leaders;
 - b) improve knowledge on key biological/ecological parameters, life-history and behavioural traits, migration patterns of key shark species;



- c) identify key shark mating, pupping and nursery areas; and
 - d) improve handling practices for live sharks to maximise post-release survival.
12. The Commission shall consider appropriate assistance to developing CPCs for the identification of shark species/ groups and the collection of data on their shark catches.
13. This Resolution supersedes Resolution 05/05 *concerning the conservation of sharks caught in association with fisheries managed by the IOTC.*