IOTC–2014–S18–PropE[E]

ON THE CONSERVATION OF SHARKS

SUBMITTED BY: AUSTRALIA, 1 MAY 2014

Explanatory Memorandum

Australia is gravely 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 the long-term sustainability of target species (IOTC–2011–WPEB07–08). Sharks[1] 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 (IOTC–2011–WPEB07–INF08). 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.

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)[2]. 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 (IOTC–2011–WPEB07–INF01).

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 (IOTC–2011–WPEB07–INF01; IOTC–2011–WPEB07–INF10). 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 (IOTC–2011–WPEB07–INF10).

It is widely recognised that best practice 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 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 C*oncerning the conservation of sharks caught in association with fisheries managed by the IOTC* such that all sharks must be landed with their fins attached (either naturally or by other means) to their respective carcass' (SC 15 Report, paragraph 111). This recommendation is also consistent with the 2011 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 to consider taking other measures, such as requiring that all sharks be landed with each fin naturally attached.

[1] The term 'shark' refers to all species of sharks, skates rays and chimaeras (Class Chondrichthyes) unless otherwise specified.
[2] FAO (1999). The international plan of action for the conservation and management of sharks. Food and Agriculture Organization of the United Nations, Rome.

The proposed amendments to Resolution 05/05 aim to promote 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 these populations. The proposal specifically requires that sharks be landed with their fins attached to their respective carcass when caught in association with fisheries targeting tuna and tuna-like species throughout the Indian Ocean Tuna Commission area of competence.

RESOLUTION 14/XX
ON THE CONSERVATION OF SHARKS

The Indian Ocean Tuna Commission (IOTC),

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

RECALLING that since 2007 the United Nations General Assembly calls upon States to consider the adoption of measures that require all sharks to be landed with each fin naturally attached;

CONCERNED by the continued failure of IOTC Contracting Parties (Members) and Cooperating Non-Contracting Parties to submit complete, accurate and timely catch records for sharks in accordance with existing IOTC Resolutions;

NOTING the Report of the 16th Session of the IOTC Scientific Committee and its recommendation to develop mechanisms to encourage CPCs to comply with their reporting requirements on sharks;

NOTING the listing of oceanic whitetip shark, scalloped, great and smooth hammerhead sharks, and porbeagle, in Appendix II of Convention on International Trade in Endangered Species of Wild Fauna and Flora;

FURTHER NOTING that Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) lists seven shark species, including long-fin mako shark, short-fin mako shark, porbeagle, northern hemisphere populations of spiny dogfish and whale shark, and that range States parties to the CMS are encouraged to develop cooperative arrangements to improve the conservation status of species listed in Appendix II;

CONSIDERING the recommendation from the 15th Session of the IOTC Scientific Committee that encouraging full utilisation of sharks is best undertaken by requiring that sharks be landed with their fins attached;

CONSCIOUS that the use of fin to carcass weight ratio is not the most effective means to prevent discarding of shark carcasses;

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 the Food and Agriculture Organization (FAO) of the United Nations' International Plan of Action for the Conservation and Management of Sharks expressly calls on States to co-operate through regional fisheries management organisations such as the Indian Ocean Tuna Commission (IOTC), to implement effective conservation and management measures for sharks by implementing National Plans of Action of the Conservation and Management of Sharks;

ALSO RECALLING the recommendations adopted in accordance with the KOBE II workshop on bycatch in 2010 that regional fisheries management organisations should consider adopting binding measures or strengthen existing mitigation measures, including the development of mandatory reporting requirements;

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 either on the IOTC Record of Fishing Vessels or authorised to fish tuna and tuna-like species managed by the IOTC on the high seas.

2. CPCs shall prohibit the removal of shark fins on board vessels. CPCs shall prohibit the landing, retention on-board, transhipment and carrying of shark without their fins (dorsal, pectoral and caudal) naturally attached to the shark carcass until landed, and that fins and carcasses are offloaded together at the first point of landing.

3. Without prejudice to paragraph 2, 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. Sharks may be processed, that is 'trunked': headed and gutted. The tail tip may be cut off at the sub-terminal notch, but the caudal lobe must be left attached.

4. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks.

5. 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 10/02 *Mandatory statistical requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's)* (or any subsequent amendment), including all available historical data.

6. The Commission shall develop and consider for adoption mechanisms to encourage CPCs to comply with their reporting requirement on sharks, notably on the most vulnerable shark species identified by the Scientific Committee.

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. 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.

9. 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.

10. The Scientific Committee shall request that the 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.

11. The Scientific Committee shall annually review 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.

12. CPCs shall, where possible, undertake research to:

    a) identify ways to make fishing gears more selective, where appropriate, including research into the effectiveness of prohibiting wire leaders;

    b) identify shark nursery areas; and

    c) improve handling practices for live sharks to maximise post-release survival.

13. 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.

14. This Resolution supersedes Resolution 05/05 *concerning the conservation of sharks caught in association with fisheries managed by the IOTC*.