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**ON THE CONSERVATION OF SHARKS**

**SUBMITTED BY: AUSTRALIA, 27 MARCH 2015**

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*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<sup>1</sup> are critical to ecosystem function and therefore the long-term sustainability of target species (IOTC–2011–WPEB07–08). Sharks 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 their 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)<sup>2</sup>. 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 contributes to maintaining ecosystem function, which in turn is critical to the long term sustainability of tuna and tuna-like species (IOTC–2011–WPEB07–INF01). Further to the IPOA–Sharks, the need for conservation of shark species has more recently been recognised by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix II listing of five additional shark species. Implementation of the listings is intended to ensure that trade is sustainable, legal and traceable, even for highly traded fisheries commodities.

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 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 (either naturally or by other means) to their respective carcass' (SC 17 Report, paragraph 50). This recommendation is also consistent with the 2014 United Nations General Assembly's Sustainable Fisheries Resolution, which called on States to take immediate action to implement and ensure compliance with shark conservation and management measures including considering requiring that all sharks be landed with each fin naturally attached.

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

<sup>2</sup> 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 Resolution, which would supersede Resolution 05/05, aims to promote full utilisation of shark protein for food and facilitate the collection of critical data required to undertake rigorous assessments of the impact of fishing on these populations. The proposal 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 IOTC area of competence.



**RESOLUTION 15/XX**  
**ON THE CONSERVATION OF SHARKS**

**Keywords:** Sharks; full utilisation;

**The Indian Ocean Tuna Commission (IOTC),**

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

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

NOTING the Report of the 17<sup>th</sup> Session of the IOTC Scientific Committee and its recommendation that all CPCs collect and report catches of sharks and obtain and maintain the best possible data on IOTC fisheries impacting upon sharks;

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

CONSIDERING the recommendations from the 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> Sessions 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;

NOTING the listing of oceanic whitetip shark, scalloped, great and smooth hammerhead shark, and porbeagle, in Appendix II of Convention on International Trade in Endangered Species of Wild Fauna and Flora and the requirement that Parties to that Convention regulate international trade in those species to ensure that it is not detrimental to the survival of the species in the wild, including specimens taken on the high seas;

FURTHER NOTING that Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) includes a range of shark species, including long-fin and short-fin mako shark, porbeagle, scalloped and great hammerhead shark and three species of thresher sharks, 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;

RECALLING that the United Nations Food and Agriculture Organization's 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 IOTC to implement effective conservation and management measures for sharks by implementing national plans of action for 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 CPC and 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, transshipment and carrying of shark fins (dorsal, pectoral and caudal) which are not naturally attached to the shark carcass until 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, 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 fishers on vessels that fly their flag 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 (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 requirements on sharks, notably on the most vulnerable shark species identified by the IOTC Scientific Committee.
7. CPCs shall prohibit the purchase, offer for sale and sale of shark fins which have been removed on-board, or which have been retained on-board, transhipped or landed while not attached to the shark carcass, in contravention of this Resolution.
8. CPCs shall require that fishers on vessels that fly their flag are aware of and use identification guides (for example, the IOTC *Shark and Ray Identification in Indian Ocean Pelagic Fisheries* guide) and handling practices.
9. CPCs shall 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 IOTC 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 IOTC 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.*