Affoltern am Albis, 01. May 2023

Position Statement for the 27th Session of the Indian Ocean Tuna Commission (May 8th – 12th 2023)

SHARKPROJECT International is a marine conservation NGO focusing on healthy marine ecosystems and healthy shark populations, a 'conditio sine qua non' for healthy oceans that can support seafood supplies for this and future generations and are able to contribute to combatting climate change.
Therefore, SHARKPROJECT continues calling for a global transition to an ecosystem based fishery management, for ALL stocks, whether a target species or a bycatch, applying best available science and in the absence of sufficient data following a precautionary approach to immediately stop overfishing and rebuild overfished stocks with a high probability of recovery in the shortest possible timeframe.

Sharks and rays are in a crisis, and we are running out of time!
The Indian Ocean has once been famous for its unique biodiversity and being home to some of the world's most abundant fishing grounds but due to a lack of adherence to scientific advice, poor compliance with reporting requirements and the inability of agreeing to and enforcing much needed conservation measures many commercially valuable fish stocks such as yellowfin tuna and bigeye tuna have been overfished and elasmobranchs are in a catastrophic situation throughout the area of competence of the IOTC.
Therefore, it is high noon for the Indian Ocean Commission to finally progress and agree on ambitious measures to immediately stop overfishing, rebuild overfished stocks, and combat the poor compliance of many Contracting Parties and Cooperating Non-Contracting Parties with the existing requirements and further improving and extending those to ALL shark species and ALL fisheries. While the requirements for formality of reporting should acknowledge the lack of capacity in artisanal fisheries, it is clearly no longer acceptable to exempt artisanal fisheries from reporting requirements for shark catches, regardless of whether sharks are a target or a bycatch species.

SHARKPROJECT is very concerned to see that IOTC continues ignoring the dire state of sharks and rays in the Indian Ocean and the massive impact IOTC fisheries do have on these vulnerable species in the lack of effective conservation measures for bycatch species and the absence of robust management measures for targeted species. Neither scientific advice nor a precautionary approach have so far been applied for sharks by this Commission, a long-time overdue deficiency especially in view of the continued poor reporting compliance, which we note has according to IOTC-2023-CoC20-03 [E] overall decreased further in 2022 to only 65% overall, the lowest level since 2016. Compliance with reporting of mandatory statistics for sharks (Res 17/05) has also reached an all-time low of 41%. Less than 75% compliance with the conservation measures for oceanic whitetip sharks, thresher sharks, mobulids and manta rays, 37% reporting of nominal catch and catch effort for sharks and only 19% reporting of size frequency data for sharks a vicious downwards cycles further hindering stock assessments and any meaningful conservation efforts. Very concerningly not only several developing coastal nations but also large CPCs like the European Union have not been fully compliant with the mandatory reporting on sharks, and this has been a reoccurring situation over the last years. This downward trend of non-reporting and **non-compliance must be ended as a priority.**

Last year the delegation of the United Kingdom has called to this Commission **making sharks a priority** for next year's meeting! In November 2022 CITES COP19 listed 100 additional species of sharks and rays on App II thus regulating the international trade for about 90% of the species affected by the international fin trade attempting to combat the continued unsustainable removal of those species threatening the survival of
populations in the wild and exactly this is at stake today and specifically in the Indian Ocean where many stocks have either not been assessed at all or stock assessments have failed to provide statistical

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power, but many populations have been observed to be on a shockingly downward trend and yet no precautionary measures have been adopted even for many endangered or critically endangered species.

Therefore, now is the time for changing the tide:

- **as a minimum** conservation measure must be strengthened to in the first place avoid bycatch and secondly improve survival of accidentally caught sharks beyond the usual "best handling practices" in considering also mandatory gear changes and technical bycatch release measures.
- **and at least** total mortality limits with full quota allocation and improved reporting standards at species level, including dead and live discards must be achieved for all targeted shark species,
- **but ideally** the Commission should be moving towards a clear commitment to develop and implement robust harvest control rules, reference points and harvest strategies for those species wherever possible.

For the upcoming 27th Session we specifically note the following proposals and the potential of proposed measures on shark conservation in the Indian Ocean:

While we are aware of the large number of other important proposals to be discussed during this Commission Meeting relating to the conservation of overfished tuna stocks and reduction of bycatch of birds and cetaceans, all very important topics our statement focuses on the proposals and measures most directly impacting the status and conservation of sharks and rays:

IOTC-2023-S27-PropR[E] on the conservation of sharks caught in association with fisheries managed by IOTC, submitted by the Maldives, proposes to combine the existing shark measures into one CMM to improve clarity and consistency between them also regarding reporting requirements. In addition, the proposal suggests strengthening shark conservation measures and to close existing gaps, thereby helping the Commission to step up significantly on its intent to improve the conservation of sharks, a long-time overdue step.
We congratulate the Maldives for this proposal and highly welcome the important improvements for sharks suggested**.**
We, also urge other CPCs to step up cosponsoring and supporting this proposal ahead of the Commission Meeting next week, showing their intent to make a real difference for sharks during this year's Commission Meeting in the Indian Ocean.

The following improvements proposed are particularly noteworthy and should be supported by all parties:

- A clear definition for '*Shark'* is provided including all orders of *Selachimorpha* and the order of *Rhinopristiformes,* removing the persistent ambiguity when referring to measures and requirements for 'Sharks' and by including *Rhinopristiformes* also this most critically endangered order of rays, which compose the most valuable fins in the international shark fin trade, will thereby be covered by measures to end 'Finning'.

- 'Fins Naturally Attached' is globally the acknowledged best practice to prevent 'Finning' promoting also full utilisation of all retained sharks. Requiring CPCs to "*ensure that their vessels do not cut off any shark fins at sea and land all sharks with their fins naturally attached to the carcass"* requires all fisheries to adopt this policy – with no exceptions, no longer exempting fisheries that land sharks frozen, an inconsistency that is neither needed nor justifiable as demonstrated by many fishing nations and RFMOs that have already adopted 'Fins Naturally Attached' as the only option.

- Harmonised requirements for sharks whose utilisation is prohibited and must be released unharmed to the extent practical by all vessels flying the flag of a CPC, including all recreational or sport fishing vessels should also help facilitating reporting requirements and improve compliance. Currently IOTC has shark retention bans in place only for whale sharks, oceanic whitetip sharks, and all species of thresher sharks, while other RFMOs have also implemented retention bans for other threatened oceanic sharks, excessively exploited by the international fin trade, in an intent to remove all commercial incentives from catching those sharks. Critically endangered hammerhead sharks, endangered shortfin mako sharks, and vulnerable silky sharks are all prominent players in the

international shark fin trade but can till today be caught virtually without limits in the area of competence of the Commission. Tasking the Scientific Committee to regularly assess which other species in need of a retention ban and should be added to this list is an important step, although we note that the effectiveness of retention bans as for all other conservation measures will heavily depend on greatly improved compliance and reporting by all parties.

- We strongly support the proposal to task the Scientific Committee (SC) to intensify efforts for collection of data to perform reliable stock assessments for the most vulnerable pelagic shark species and to advice on catch limits per CPC for blue sharks noting however, that till today no target and limit reference points have been specified for pelagic sharks in the Indian Ocean and that the stock status of most pelagic sharks in the Indian Ocean is highly uncertain. A reliable stock status exists neither for *Carcharhinus falciformis*, nor for *Spyrna lewini*, nor for *Isurus oxyrinchus.* There are no precautionary management measures in place at IOTC for any of these species to limit fishing related mortality and to ensure their long-term sustainable management, although all these oceanic sharks are globally rated as threatened by IUCN and they are listed on both CMS App II and CITES App. II.
- We therefore recommend to also task the SC with setting up precautionary mortality limits and allocate catch quota for those species, not only for blue sharks, noting that e.g., for shortfin mako sharks such management measures have been adopted by ICCAT in 2021 and 2022 including but not limited to pre-agreed rebuilding targets. Based on the biology of *Isurus oxyrhincus* and in view of the failed stock assessment there is a high risk that this highly vulnerable species may be on a similar trajectory in the Indian Ocean and at a projected decline of 41.6% in the Indian Ocean over the next 10 years the "*UK CITES Scientific Authority is unable to make a non-detriment finding for offtake of shortfin mako (Isurus oxyrinchus) sharks from all regions of the Atlantic and Indian oceans"* (NDF Isurus oxyrinchus UK CITES April 2022).
- For blue sharks resolution 18/02 currently recommends that based on the preformed stock assessment in 2021 the Scientific Committee (SC) should "*advice on management measures ensuring long-term sustainability of the stock, such as mitigation measures to reduce the mortality of blue shar"k, improving selectivity of fishing gears, spatial/temporal closures or minimum conservation sizes*, however the advice provided by SC (IOTC-2022-SC25-ES17_BSH_E) continues recommending only "*to closely monitor the stock"*, despite noting that *"increasing current catches is likely to result in decreasing biomass and the stock becoming overfished and subject to overfishing in the near future".* It is therefore, long time overdue to finally agree on effective shark management measures for blue shark, shortfin mako shark but also silky sharks and hammerhead sharks beyond the continued improved reporting request, and in the absence of sufficient data and scientific reference points measures must be in compliance with Resolution 12/01 on the Implementation of the Precautionary Approach, especially when considering the poor data basis many catch estimates are based on, such as an estimated average catch for blue sharks in the past five years that has been almost double of the reported catches (IOTC–2021–SC24–R[E])**.**
- Improved bycatch mitigation measures are urgently needed to reduce fishing induced mortality of those sharks which are prohibited to utilise due to their endangered status and for discarded animals when sharks are not retained. Notably oceanic whitetip sharks but also thresher sharks, hammerhead sharks, and silky sharks are widely caught by longline vessels fishing tuna and/or swordfish. Specific gear modifications have shown to have higher mortality rates and lower chances of survival as released animals are severely injured when using wire leaders and shark lines. These will therefore be soon banned widely in the WCPFC area of competence specifically to protect oceanic whitetip sharks and silky sharks, both being species in urgent need of improved protection and reduced hooking mortality, also in the Indian Ocean. Prohibiting these gear modifications from being on board of vessels in the IOTC area of competence from 2025 onwards is therefore a much-appreciated proposal, which we would however ideally hope to see being introduced already by 2024 to protecting the most vulnerable shark species in the Indian Ocean especially in the absence of other bycatch avoidance strategies.

- We fully support the proposed strengthening of research on bycatch avoidance and bycatch mitigation measures to increase chances for post release survival of discarded sharks. While the avoidance of areas and times with high bycatch frequency and increased gear selectivity should be a priority as those are most effective in reducing mortality in the long term, we also see the need to urgently increase compliance with existing handling procedures for the safe release of sharks, but we also highlight the importance to promote the mandatory installation of best available technical mitigation measures on new vessels and evaluate potential retrofitting of older vessels. This should apply as a priority to large industrial fishing vessels such as e.g., purse seine vessels that set on drifting FADs which should be equipped with manta sorting grids and double conveyor belts to allow for the immediate and safe release of mantas and mobulids, and sharks, respectively. This has been demonstrated to substantially increase at vessel and post release survival especially for the most impacted juvenile silky sharks. (IOTC-2022-WGFAD03-09)

IOTC-2023-S27-PropO[E] on the recording and reporting of catch and effort data by fishing vessels in the IOTC area of competence updating Resolution 15/02 and **IOTC-2023-S27-PropP[E] on mandatory statistical reporting requirements for IOTC contracting parties and cooperating non-contracting parties (CPCS) updating Resolution 15/02,** both submitted by the Seychelles, propose to update recording and reporting requirements for vessels by including live bait fishing and live bait species, but unfortunately those proposals don't attempt to address existing gaps and loopholes of Resolutions 15/01 and 15/02 with regard to missing reporting requirements for sharks for several gear types.

We therefore suggest further amending Res 15/01 and 15/02 by including ALL oceanic sharks and rays to be reported at species level for ALL gear and specifically include, regardless of whether retained or discarded,

- silky sharks should be included for reporting at species level also for gill nets fishing,
- manta rays, devil rays and oceanic stingrays should be included in the list of mandatory reporting for all gear types instead of being listed for optional reporting only.
- all species of hammerhead sharks should be reported at species level for all gear,

as also SC had noted in its 2022 report "*to revise the list of sharks, rays and Endangered, Threatened and Protected (ETP) species included in Appendix II of Resolution 15/01 to ensure that all species under broad categories such as hammerhead sharks (Sphyrna spp.) are reported separately by species.*"

Given the threatened status of those species and the existing gaps on population status in the Indian Ocean this would be a long-time overdue update needed.

IOTC-2023-S27-PropC[E] on a high seas boarding and inspection scheme, submitted by the European Union, based on last year's proposal and adapted to be in coherence with the already existing HSBI scheme in the Indian Ocean under the Southern Indian Ocean Fisheries Agreement (SIOFA) and took into account the oral and written comments received during the discussions held during the 19th Session of the Compliance Committee and 26th Session of the IOTC.

Agreeing on a joint boarding and inspection scheme is essential to improve compliance with IOTC regulations at sea, fight against IUU and ensure that adopted conservation measures are indeed complied with.

Especially in view of the overall low observer coverage at IOTC with many fisheries not even having achieved the mandatory 5% coverage, a coverage rate that is insufficient to provide reasonable estimates of total bycatch and the bycatch of individual species we welcome the proposal as a long-time overdue step to progress compliance in the competence area of the convention, which we strongly advise the Commission should adopt.

IOTC-2023-S27-PropH[E] on electronic monitoring standards for IOTC fisheries, submitted by Australia, recalls that IOTC observer coverage is as low as 2.15% and completely exempts coverage of the artisanal fleets although those comprise a large portion of IOTC catches. The proposed Regional Electronic Monitoring Program (REMP) is intended to include all gear types and all vessels operating in the High Seas regardless of vessel size and gear.
We welcome the approach to develop minimum standards of electronic monitoring for all gear types and vessel sizes. While the proposal already provides detailed provisions on technical details for hardware, software, and differences in those specific to different gear and vessel types, we suggest to also add a minimum level of review coverage of all footage by EM reviewers/observers which should generally not be lower than 20% of all fishing effort and representative for all fleets, gear, and vessels. Furthermore, we hope to also see the Commission including a clear commitment in this proposal to stepwise increase mandatory observer coverage for the area of competence by a combination of REMP and human observers, defining a mandatory overall coverage rate for all gear types and fleets of at least 20% in a first step and a clear intent to further increase coverage rates thereafter. A combination of REMP and human observer coverage will be important to ensure biological sampling and other tasks that can only be performed by humans but should acknowledge that especially artisanal fleets may have to rely solely on such a REMP. It is however, important to also note that artisanal fleets will struggle most with the associated costs of such a REMP and that therefore, the Commission needs to consider how to support artisanal fleets and CPCs in achieving this in order to reach and overall increase in coverage, which is a clear benefit for all the Commission and all CPCs for combating IUU and for improving overall compliance with reporting requirements to assist stock assessments and conservation measures alike and thereby clearly assisting the Commission to reach its objectives for the conservation of tuna stocks and all tuna like species caught in the area of competence.

IOTC-2023-S27-PropI[E] to enhance cooperation in the Indian Ocean Tuna Commission decision making process, submitted by Korea, urges CPCs to engage in good faith negotiations to achieve decision making by consensus is certainly an objective we support as consensus decisions will ensure widest acceptability and therefore be most effective for driving changes.
However, having observed the negotiations during this year's Special Session of the Commission when negotiations of the parties to achieve a consensus on proposed measures on FADs were blocked by the unwillingness of a few CPCs to compromise forcing those CPCs in support of the proposal to go for voting, we are extremely concerned to see that a worrying number of CPCs are now rejecting to comply with a duly adopted measure by submitting objections. This approach seriously undermines the decision making of the Commission and its mandate to drive conservation efforts in the future. Objecting against a measure, that has been adopted in line with IOTC regulations by more than a 2/3 majority is neither helping these overfished stocks, nor in line with a precautionary approach, as similar measures have been adopted successfully in all other tuna RFMOs already and all alternative measures have failed demonstrating effectiveness for many years.
Although consensus is clearly always preferred, we would urge all CPCs to support the overall objective of the IOTC to conserve tuna and tuna like species in the Indian Ocean in the interest of all CPCs and this can only be achieved if all CPCs also agree to abide from objecting against duly adopted measures, thereby undermining the existing decision framework.

IOTC-2023-S27-PropD[E] on management of drifting fish aggregating devices (dFADs) in the IOTC area of competence, submitted by the EU for this Commission Meeting, provides a new proposal to restart discussions on measures for drifting FADs addressing critical topics on which no compromise was achieved during the Special Session, the number of dFADs allowed per vessel and temporary FAD closures. The proposal aims to task the "*Scientific Committee [..] to express itself on the expected outcomes of establishing a closure* [and that] *at its 2024 annual meeting, the Commission shall take into account the conclusions of the SC and act in consequence*".

We support an ambitious reduction in the number of operational dFADs and time closures for dFADs as this will also decrease fishing pressure on juvenile silky sharks (and other elasmobranch bycatch) a massive, but still widely underreported bycatch in dFAD fisheries. With almost 1,000 tons of silky shark discards reported by only 28 vessels in 2018 (IOTC-2022-WPEB18-29_rev1 and IOTC-2022-WGFAD03-10_rev1) estimates of total discards of mostly juvenile silky sharks by purse seiners in the Indian Ocean exceeding 100,000 animals per year are most probably still at the lower range of the true extent, especially when considering the poor compliance with Res. 15/01 Annex II 2.4, that requires shark discards to be reported for those species listed in the resolution.

We hope for a precautionary FAD closure coming into effect also in the absence of specific scientific advice rather sooner than later. We note that Res 23/02 as adopted also foresees a review of the timing and length of the closure based on the 2024 advice from the Scientific Committee. This new proposal postpones a possible closure in 2024 by another year, a delay that considering the urgency and the delays in rebuilding overfished yellowfin and bigeye stocks in the past years, is now neither precautionary nor wise. Furthermore, we note that the proposed reduction in the maximum number of operational instrumented buoys of 240 by 2028 falls substantially short of the proposed reduction to 200 by 2026. We appreciate the agreement on the mandatory use of only completely non entangling dFADs and that there must be a timely transition to fully biodegradable dFADs by 2027 but hope to see programs for removing all entangling, partially entangling or non-biodegradable FAD debris from the water as quickly as possible.

We therefore urge the EU and all other CPCs to withdraw their objections and negotiate in good faith to achieve a real compromise at this Commission Meeting, e.g., by considering a precautionary closure in 2024 and having this measure again reviewed or adjusted at the next Commission meeting in 2024 for 2025 and beyond based on scientific advice and compromise on a maximum number of operational instrumented buoys e.g., on 240 by 2026.

We hope that this information on our position and our recommendations will be helpful to the Commission and all delegations, and we will gladly work together with all parties and support drafting improved management measures for sharks and rays in the Indian Ocean based on best available science and a precautionary approach.

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SHARKPROJECT International is
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