OCEAN CONSERVANCY * SHARK ALLIANCE * PEW ENVIRONMENT GROUP * GREENPEACE INTERNATIONAL * CONSERVATION INTERNATIONAL * WILDAID
HUMANE SOCIETY INTERNATIONAL * IUCN SHARK SPECIALIST GROUP * ECOLOGISTAS EN ACCIÓN * PROGRAMA RESTAURACION DE TORTUGAS MARINAS
BIRDLIFE INTERNATIONAL * SHARK TRUST * INTERNATIONAL GAME FISH ASSOCIATION * MEGAPTERA * MARINE CONSERVATION SOCIETY * SHARKLAB
SEYCHELLES ISLANDS FOUNDATION * INTERNATIONAL FUND FOR ANIMAL WELFARE * THE OCEAN FOUNDATION * PADI * BLOOM ASSOCIATION
D'ARROS RESEARCH CENTRE * VIVAMAR SOCIETY * GUY HARVEY RESEARCH INSTITUTE * NATURE TRUST MALTA * OCEANIA DIVING WORLD
AILERONS * MALDIVES WHALE SHARK RESEARCH PROGRAMME * EYES ON THE HORIZON MOZAMBIQUE * DEEPWAVE * FLYING SHARKS LIMITED
THE BILLFISH FOUNDATION * SOCIETY FOR THE CONSERVATION OF MARINE MAMMALS * SHARKCHANCE * CORAL REEF CARE * CO-HABITAT
PORTUGUESE ASSOCIATION FOR THE STUDY AND CONSERVATION OF ELASMOBRANCHS * NATURE AND BIODIVERSITY CONSERVATION UNION
SEAS AT RISK * CARIBBEAN CONSERVATION CORPORATION * SOS GRAND BLANC * REEF CHECK GERMANY * EAST AFRICAN WHALE SHARK TRUST
LONGITUDE 181 NATURE * SWEDISH ELASMOBRANCH SOCIETY * SUBMÓN * FONDAZIONE CETACEA * PACIFIC SHARK RESEARCH CENTER
SAVE OUR SEAS SHARK CENTER SOUTH AFRICA * SAVE OUR SEAS FOUNDATION * GERMAN ELASMOBRANCH SOCIETY * SHARK SAVERS
PROJECT AWARE * MOTE MARINE LABORATORY CENTER FOR SHARK RESEARCH * AMERICAN ELASMOBRANCH SOCIETY * SHARKMAN'S WORLD
WILDLIFE CONSERVATION SOCIETY * MAREVIVO * CORAL REEF CARE * SHARK RESEARCH INSTITUTE * EUROPEAN ELASMOBRANCH ASSOCIATION
SAVE THE BLUE * CRAM FOUNDATION * FLORIDA PROGRAM FOR SHARK RESEARCH * ENSENADA CENTER FOR SCIENTIFIC INVESTIGATION
GREAT PLAINS SEYCHELLES * SHARKWATER * MEDSHARKS * NATIONAL COALITION FOR MARINE CONSERVATION * KENNA ECO DIVING

Rondolf Payet, Chair
Indian Ocean Tuna Commission
IOTC Secretariat
PO Box 1011
Victoria, Seychelles

March 30, 2009

Dear Mr. Payet:

On behalf of our organisations, we are writing to express our views with regard to proposals from the European Community (EC), Australia and France for revising the Indian Ocean Tuna Commission (IOTC) ban on shark finning. We respectfully request that you share this letter with the IOTC Parties.

Overview

Our organisations are united in our strong opposition to shark finning (cutting off a shark's fins and discarding the body at sea). This practice is associated with unsustainable levels of mortality and unacceptable levels of waste. We appreciate that the IOTC, like other Regional Fishery Management Organisations (RFMOs), has adopted a ban on finning. We are eager to help ensure that the ban is enforceable and effective.

- We strongly **oppose abandoning the use of fin to carcass weight ratios for finning ban enforcement unless this method is replaced by a requirement that, without exception, all sharks be landed with their fins *naturally* attached,** as recommended by most experts.

- We are concerned that alternatives proposed by the EC and Australia to place fins in bags that are then attached to shark carcasses present serious problems in terms of enforcement and, particularly in the case of plastic bags, marine pollution. At the very least, the ratio should remain in effect while this new method is tested.

- Until a *fins naturally attached* strategy is adopted, the IOTC should specify that the existing 5% fin to carcass ratio applies to dressed weight, as this ratio is supported by scientific findings and is more precautionary than a 5% whole weight ratio.

- We strongly object to the EC's proposed option to allow shark fins and bodies to be stored separately, under no ratio backstop, after being marked with corresponding numbers. We see this method as riskier than the plastic bag option in terms of enforcement difficulties.

- We support France's proposal to prevent shark fins and bodies from being landed separately.

Expert Advice
The IOTC Working Party on Ecosystems and Bycatch (WPEB) October 2008 report mentions that the International Union for Conservation of Nature (IUCN) and the European Elasmobranch Association (EEA), through a 2007 report on European Shark Fisheries[1], support requirements that sharks be landed with their fins attached, while the IOTC Scientific Committee (SC) December 2008 report mentions only that the IUCN and the EEA do not recommend fin to carcass weight ratios. We offer details on this advice.

EEA
The EEA report authors, who include leading shark scientists and management experts, noted the following benefits of a *fins naturally attached* policy:

- Calculation, decisions and alterations of ratios are unnecessary.
- Enforcement burden is reduced.
- Information on species and quantities of sharks landed is vastly improved.
- "High-grading" (mixing bodies and fins from different animals) is impossible.
- Precise fin cutting can increase the value of finished fin product.

The EEA report also contains the following conclusions that we find relevant for the upcoming IOTC debate:

- Fins (naturally) attached strategies "would not be too burdensome for the industry, because many onshore processing facilities already deal with whole sharks, and any port that can handle shark carcasses can also handle shark fins".

- Setting ratios at the upper end of (or above) scientifically derived ratios leaves species with small fins and/or low value meat at particular risk of finning.

- Finning regulation implementation is seriously hampered by allowing transhipment and separate landings of fins and carcasses.

- Species-specific fisheries statistics on landings, markets and trade are severely lacking and yet vital for shark population assessments and effective fisheries management; and

- High fishing pressure coupled with the inherent vulnerability of most shark species makes the need for effective shark conservation measures urgent.

IUCN
In October 2008, the IUCN World Conservation Congress adopted by an overwhelming majority a Recommendation that:

"Calls on those States with fisheries that capture sharks, whether in directed fishery activities or as accidental by-catch of other fisheries, to require at the point of first landing that sharks be landed only if their fins are naturally attached to their bodies, though allowing for partial detachment of fins to permit efficient storage and species identification.

Fins naturally attached policies: a responsible trend
The fins attached option is the only one recommended in the IOTC WPEB report and the preferred option of the IOTC SC.

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[1] European Shark Fisheries: a preliminary investigation into fisheries, conversion factors, trade products, markets and management measures. *Hareide, N.R., J. Carlson, M. Clarke, S. Clarke, J. Ellis, S. Fordham, S. Fowler, M. Pinho, C. Raymakers, F. Serena, B. Seret, and S. Polti. 2007.* European Elasmobranch Association

Central and South American Examples
In recent years, Costa Rica has been at the forefront of efforts to effectively implement shark finning bans. Following negative experiences associated with attempts to enforce a rule that allowed shark fins to be un-naturally attached, as mooted in some IOTC proposals and advice, Costa Rica passed a law to require that shark fins remain naturally attached. Similar legislation has since been adopted by several other countries in the region, including Panama, El Salvador, Ecuador, and Colombia, and is under consideration in Uruguay. To overcome storage and safety issues, Costa Rican fishermen developed a method for partially cutting sharks' fins (about 3/4 of the way through) and laying them flat along the carcass. This technique allows fishermen to process and freeze sharks on-board without removing the fins. Partial cutting of shark fins is now described in and permitted under El Salvador's shark finning legislation. This rule has now been implemented effectively for entire national fleets, including freezer vessels, demonstrating that:

- Sharks can be frozen with fins attached and still stored in a safe and efficient manner; and
- It is not necessary to remove shark fins on-board in order to use all shark parts effectively.

In addition to the South and Central American countries that have now followed Costa Rica's lead and adopted fins attached policies, this method has also been adopted for U.S. Atlantic fisheries, some States and Territories of Australia, and Oman. In its 2007 Sustainable Fisheries Resolution (62/177), the United Nations General Assembly (UNGA) specifically encouraged consideration of *fins naturally attached* policies to better enforce finning bans.

We urge the IOTC to lead the world's RFMOs toward vastly improved finning bans and a brighter future for sharks by requiring that sharks be landed with their fins naturally attached.

Attaching Bags of Fins to Sharks
The EC and Australia have both proposed replacing the ratio with an option for placing shark fins in bags (specified as plastic by the EC; not specified but likely to be plastic under Australia's proposal) which would then be affixed to the carcass, in line with IOTC SC advice. Whereas we appreciate managers' efforts to propose measures in line with scientific advice, in this case of technical measures for enforcement purposes (as opposed to results from a population model or similar scientific exercise), we must voice opposition based the high potential for enforcement difficulties and unnecessary threat to the marine environment.

Concerns for Enforcement
We are deeply concerned that enforcement using this method would be exceptionally time consuming and difficult, particularly for non-scientists, leaving much room for abuse of the finning ban. Similar methods were tried in Costa Rica with horrendous results, including high-grading of fins.

It is highly likely that inspectors will not have time to examine and match each carcass and bag of fins. Whereas we see that this method could improve the quality of scientific data on shark landings, we note that such sampling is rare in the Indian Ocean and stress that a ratio would still be a necessary and more realistic back-up means of enforcement. Considering that carcasses and bags of fins will be separated soon after landing, even if attached in the hold and during landing, comparing the two total weights (fins v. bodies) is far more practical than pairing up and comparing hundreds of individual carcasses and corresponding fin sets.

Concerns for the Environment
As you are likely aware, there are many international initiatives aimed at minimising marine pollution, particularly plastics. According to the United Nations Environment Programme, "Marine litter is one of the most pervasive and solvable pollution problems plaguing the world's oceans and waterways." Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), which aims to minimise and prevent operational and accidental pollution from ships, prohibits disposal of any plastics into the sea. Whereas "accidental loss" of plastic fishing gear is exempted, the same circumstances that argued for the adoption of this Annex, including persistence and potential harm to endangered species, argue against promoting the use of plastic bags in fishing operations.

More specifically, plastic debris poses threats to hundreds of species of marine wildlife, many of which are threatened with extinction. Sea turtles, in particular, are often killed as a result of ingesting plastic bags, which they mistake for jellyfish, a preferred food. Seabirds are also vulnerable to plastic bag ingestion due to their indiscriminate eating habits.

Simply put, we cannot support a measure that promotes the use of potentially damaging plastic bags on board potentially thousands of fishing vessels, especially when a much simpler, cleaner, more reliable alternative for ending finning (fins remain naturally attached) is feasible.

Storing marked fins & bodies separately

We are also deeply concerned about the EC option to replace the fin to carcass ratio with an option for separating fins and bodies after marking with matching numbers. We believe this untested alternative would represent a significant step backward, leaving a door wide open for abuse.

Clearly, this method would be particularly time-consuming and impractical for fisheries inspectors and scientists, especially for large catches. In fact, we cannot imagine how such a method could be effectively enforced. Moreover, whenever fins and bodies are handled separately, a fin to carcass ratio is also needed to bolster the ability of agents to enforce the finning ban.

Backstops needed unless fins remain attached

Whereas most experts agree that landing sharks with their fins naturally attached is by far the best method for implementing a finning ban, the fin to carcass ratios have been used successfully to punish violators (including for a South African seizure of a Taiwanese vessel just weeks ago) and, in our opinion, hold much more promise for enforcement purposes than do the two new options before the IOTC. France's proposal to require simultaneous landings of shark bodies and fins, in line with the new EC Plan of Action for Sharks, would improve the current situation and indeed all scenarios under which shark fins can be removed.

Until a *fins naturally attached* rule is adopted, it is imperative that the 5% fin to carcass ratio is retained and not increased. Moreover, it should be immediately specified that the ratio applies to *dressed* (not whole) weight of sharks, as this ratio is supported by sound scientific studies, is being used by several countries, has been proposed in the EC Shark Action Plan, and is more precautionary. The IUCN has found that a 5% *whole* weight ratio allows two or more sharks to be finned for each shark kept. Whereas different cutting techniques can result in higher ratios, a precautionary approach through a conservative ratio is warranted.

Summary

- Most experts and a growing number of countries agree that requiring natural attachment of fins on landed sharks is by far the best option for implementing finning bans, in terms of both compliance monitoring and scientific data collection.

- Measures that permit shark fins to be removed on board must always be combined with a fin to carcass weight ratio limit to enable inspectors to monitor compliance. Requiring simultaneous landings of shark fins and bodies also guards against abuse.

- **For these reasons, we urge the IOTC to prohibit the removal of shark fins at sea. We strongly oppose the other alternatives under consideration unless the fin to carcass weight ratio (5% maximum) is retained as a backstop. The ratio should be specified as dressed weight. We remain concerned about promoting the use of plastic bags at sea. We support France's proposal to prevent shark fins and bodies from being landed separately.**

Conclusion
It is important to note that finning bans are only a first step toward shark fisheries management and alone will not safeguard sharks. Bycatch reduction measures and meaningful limits on catch are urgently needed around the world to reverse population declines, ensure sustainability of fisheries, and, in some cases, prevent extinction of species.

Demand for fins is rising and markets for shark meat are developing in the face of a complete lack of international catch limits for sharks. As the finning ban is the only measure currently in place to curb shark mortality in IOTC fisheries, it is crucial that it is effectively enforced.

Thank you for considering our views.

Sincerely,

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Ocean Conservancy

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Director of Conservation
Shark Trust

Uta Bellion
Director
Shark Alliance

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President
Humane Society International

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