

27th regular meeting of the ICCAT Commission

Opening statement by Sea Shepherd Legal for Panel 4

Sea Shepherd Legal is grateful for the opportunity to address this Panel. In light of today's initial discussion, we would like to make the following observations on **Shortfin Mako (PA4-809)**:

While we understand the concerns voiced by CPCs during Panel 4's first session that agreement on PA4-809 may take time and we see the value in "informal discussions", we strongly believe that deliberations need to be transparent and include observers. The imperiled status of the North Atlantic population of shortfin mako sharks (NA-SMA), as well as ICCAT's role in conserving and managing this population, is a matter of great public interest -- the subject of hundreds if not thousands of social media posts and articles. Any decision that is not transparent, science-based and proportionate to the urgency and severity of the situation would risk losing the public trust.

In making this decision, as outlined in the recent [legal opinion by Rosello et al.](#), ICCAT's CPCs that are Parties to the 1995 UNFSA, should be guided by their obligation to "apply the precautionary approach widely to conservation, management and exploitation of [...] highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment". To fulfill this obligation, a Party must, among other things, "be more cautious when information is uncertain, unreliable or inadequate" and obtain and share "the best scientific information available" for improved decision-making.

Applying this approach to the NA-SMA, Rosello et al. find that a precautionary approach in line with the UNFSA would require a temporary retention ban until at least 2035, preferably until 2045 - an assessment we fully endorse.

This extended retention ban could be integrated into the text proposed in paragraph *2bis (alternative)* in document PA4-809. In paragraph *2bis (alternative)*, we would further recommend incorporating a requirement for a minimum percentage of submitted full data sets (including dead and live discards) for any future calculations of allowable retention by the SCRS, as currently included in paragraph 2 bis b), to ensure that future decisions will be based on sound data and best available science.

Incentives to improve data quality and completeness strike us as particularly important in light of today's SCRS' report highlighting that statistics are still insufficient to provide advice for most shark populations under ICCAT's mandate (except BSH, SMA and POR).

Last, but not least, we reiterate the point made by Rosello et al. that ICCAT has at its disposal stricter methods to more reliably reduce NA-SMA mortality, e.g. by making it a choke species. A temporary retention ban should, therefore, be seen as a middle-ground.