



November 13<sup>th</sup>, 2023

### **Sharkproject International – Statement to the Plenary of the 28<sup>th</sup> Regular Meeting of the Commission**

We thank the Government of the Arab Republic of Egypt for hosting this year's Commission Meeting of ICCAT and we also thank the ICCAT Secretariat for organizing this meeting in a hybrid format, allowing for in person participation. Direct interactions and discussions amongst delegations are important for achieving agreements and making progress on important conservation measures, including urgently needed measures for sharks.

SHARKPROJECT appreciates the progress made for sharks at ICCAT over the last couple of years, especially for shortfin mako during 2021 and 2022, but we note that much still needs to be done to prevent stocks from collapsing in the Atlantic within the next decades and many pelagic shark species potentially disappearing, which will have not only hugely negative effects on marine ecosystems but also massive socio-economic impacts on all fisheries depending on healthy stocks of tuna and tuna like species.

The sustainable management of tuna and tuna like species is an important mission of ICCAT and we strongly support all measures to this end but note that ICCAT has yet to fully fulfil its obligations to sustainably manage shark species caught in its area of competence.

#### **A: Commercially Exploited Sharks need to be managed as a (secondary) Target Species**

As a marine conservation and biodiversity organisation, SHARKPROJECT is concerned about the continued overexploitation of blue sharks by several fisheries in the convention area. Developing comprehensive management procedures for sharks at ICCAT is an indispensable prerequisite for the long-term sustainability of shark removals and for maintaining shark populations at levels vital for fulfilling their role in the marine ecosystems.

Therefore, we are calling to the Commission to step up conservation measures for sharks this year by introducing new measures and improving existing ones to explicitly protect these most vulnerable species, that can no longer sustain targeting and at the same time commit to comprehensively manage those species that still can sustain fishing pressure, but may not be able to do so for much longer if not finally managed the same way as tuna and other target species.

In this context we also refer to a legal opinion, we have commissioned recently highlighting the obligations of States under UNCLOS and UNFSA for the sustainable management of commercially exploited sharks as a (secondary) target species in all tuna RFMOs. The opinion emphasizes the importance of comprehensive harvest strategies for the sustainable management existing in tuna RFMOs to support scientific NDFs for the Introduction from the Seas (IFS) under CITES for App II listed shark species, including but not limited to blue shark. [Untangling the Net of 'Bycatch' in Commercial Shark Fisheries: The Interplay between International Fisheries Law and CITES](#). We also reference to the [Relevant Notes from the 2023 CITES Standing Committee Meeting](#) and reiterate that CITES requirements apply to all App II listed shark species, regardless whether a (secondary) target species or a bycatch species.

##### **1. Blue Sharks (*Prionace glauca*)**

As highlighted in [the PA4 820 joint statement from Oceana, Pro Wildlife, Shark Guardian and Sharkproject](#) urgent actions are needed to develop long-term sustainable harvest strategies for blue sharks at ICCAT and to maintain both Atlantic stocks of this heavily targeted shark species in the green quadrant of the Kobe plot with a high probability throughout the next 10 years. In pursuing this a precautionary approach providing at least 60% probability for this is essential, noting that 60% is by now widely considered necessary even for more productive species especially in view of the high uncertainty of total removals and the increase of external stressors affecting these stocks. We therefore appreciate that both, the European Union and the United Kingdom, submitted proposals tasking the SCRS to attempt developing a MSE framework for both stocks, a long-time overdue task that now should be accomplished as quickly as possible.



**North Atlantic Blue Shark:** Proposal [PA 813 submitted by the European Union](#) suggests a TAC of 32,689 t, which will provide only a 51% probability of keeping this potentially already overfished stock in the green quadrant by 2033 and this probability will even drop to less than 50% in the years before.

⇒ SHARKPROJECT therefore supports the more precautionary approach outlined in PA4\_818 submitted by the United Kingdom proposing a TAC of 23,403 t, in alignment with the SCRS recommendation “that the Commission reduces the current TAC to catch levels that will maintain the stock in the green quadrant of the Kobe plot with a high probability”.

As neither the European Union nor Japan have fished their allocated quota in the recent years, the proposed, lower TAC can be realized for all CPCs by maintaining current catch levels and no CPC should have to reduce their current catches. Furthermore, the proposed TAC provides a more than 60% probability for the stock being in the green quadrant from 2027 onwards and it provides a high probability of more than 70% for the following years. At an even lower TAC of 20,000 t a probability of more than 60% could already be achieved by 2026.

**South Atlantic Blue Shark:** We appreciate that proposal [PA 814 submitted by the European Union](#) intends to end overfishing immediately with a probability of more than 60% by lowering the TAC to 27,711 t. It also includes a suggestion for an allocation key between major catch nations to prevent that the TAC will once again be exceeded in the absence of allocated quotas. Other than in the North an actual reduction of catches will be required by all CPCs to bring the Southern stock back into the green quadrant, while being aware that the proposed TAC will still be too high doing so beyond 2029 and probabilities beginning to decrease afterwards to a mere 54% in 2033.

⇒ SHARKPROJECT supports the submitted proposal from the European Union and urges CPCs to agree on a just allocation scheme, but we would hope to see an even lower TAC of 25,000 t being adopted by the CPCs, thereby providing a consistently high probability throughout the complete projection period in view of existing uncertainties.

## 2. Shortfin Mako (*Isurus oxyrinchus*)

Despite the agreed objective of [Rec 2021/09](#) to limit total mortality of shortfin mako in the North Atlantic to not more than 250 t, fishing mortality in 2022 has exceeded this amount by far. As long as catches and at-board mortality remain at current levels, neither overfishing will stop, nor can stock rebuilding be started. The majority of discarded animals is still discarded dead with some CPCs achieving only 35% of live releases compared to other CPCs that have demonstrated live releases of 70 - 80% are possible.<sup>1</sup>

⇒ Therefore, SHARKPROJECT urges all CPCs to further improve discard reporting including the state at release, intensify their efforts to decrease shortfin mako bycatch, and to reduce at-board mortality of shortfin mako bycatch. When evaluating potential bycatch mitigation measures such as gear selectivity, time, or area closures, demonstrated best practices by other fishing fleets should be followed and a precautionary approach applied, taking the dire state of the North Atlantic Shortfin Mako population into account.

For Southern Atlantic shortfin mako we appreciate that the European Union and Brazil have published negative NDFs<sup>2</sup> as has the United Kingdom, as the management measures agreed by ICCAT last year in [Rec 2022/11](#) have been coming very late and still have to demonstrate whether they will be effective in reducing mortality to the required levels, especially as retention of live animals continues being allowed until 2024 and total mortality remains highly uncertain in the absence of reporting of discards and discard status by most CPCs and no or little data provided from artisanal and recreational fishing.

⇒ SHARKPROJECT calls to all CPCs to ensure that scientists will be provided with complete data sets of shortfin mako removals in a timely manner including all catches and discards and the state of the discarded animals. This is extremely important to allow for assessment of the effectiveness of adopted measures and to enable scientifically sound models being developed for stock projections. Only then will the Commission be able to agree on adequate management measures for returning and maintaining this stock into the green quadrant at the latest by 2070 with a high probability of 60 – 70%.

<sup>1</sup> Report of the Standing Committee of Research and Statistics, 25-29 September 2023

<sup>2</sup> NON-DETRIMENT FINDING FOR SOUTH ATLANTIC SHORTFIN MAKO SHARKS (*Isurus oxyrinchus*). EUROPEAN UNION. EU Scientific Review Group for CITES Working Group on Sharks 2022; IBAMA, 'Non-detrimment Finding of Brazil for the Mako Shark' (2023); UK CITES Scientific Authority, Non-detrimment Finding: *Isurus oxyrinchus* (Shortfin mako), 2022. <https://cites.org/eng/virtual-college/ndf>



### 3. Allocations and Compliance with Reporting obligations

As experienced for the TAC for blue sharks in the South Atlantic, TACs do have little effect if not allocated between all main fishing nations and if other CPCs are not obliged to maintain catches at the levels evaluated for adoption of the TAC.

⇒ SHARKPROJECT therefore, appreciates the attempts made in all submitted proposals for blue sharks to include / update draft allocation schemes for both stocks. However, when discussing the allocation of quotas and when having to reduce quotas for CPCs to reflect reduced TACs, we strongly urge all CPCs to give priority access to these stocks to developing nations and to acknowledge that industrial fishing nations should have to be subject to larger catch reductions. Developing countries should be entitled to maintain their most recent catch levels for commercially exploited sharks, whenever possible, except if they have not reported or increased their catches substantially since the adoption of the TAC.

As emphasized in all proposals, full reporting of Task 1 and Task 2 data must be complied with by all CPCs to reduce the current uncertainty of total removals and to allow SCRS to establish scientifically sound outcomes in future stock assessments. This should apply to both industrial and artisanal fisheries alike and also include recreational fisheries where applicable.

### 4. Fins Naturally Attached

While 'Finning' has been prohibited in the ICCAT area of competence and in most CPCs' waters for many years, it is also well known that this wasteful practice continues hindering progress in the sustainable management of sharks and conservation of threatened shark species being made, as it blurs total removals and availability of biological data for stock assessments and the evaluation of the effectiveness of adopted management and conservation measures. 'Fins Naturally Attached' is globally accepted as the best available measure to prevent 'Finning' from happening and for allowing successful prosecution of detected offenses. As the evidence submitted in COC\_313 [Information submitted under Rec. 08-09 and responses Appendix A and D submitted by EJF and Greenpeace](#) shows cases of suspected finning continue to happen and unequivocal proof of such evidence remains to be difficult or impossible to obtain on basis of the fins to carcass ratio regulation in place in ICCAT. Indeed, it is one of the major additional benefits of a 'Fins Naturally Attached' policy without exceptions to allow successful prosecution and conviction of infringements, which is otherwise impossible to achieve in absence of comprehensive observer coverage and effective Monitoring, Control and Surveillance mechanisms in the High Seas. This is also the reason why after many years of discussions the Marine Stewardship Council (MSC) finally acknowledged this as well and consequently introduced a requirement that all fisheries must demonstrate having a 'Fins Naturally Attached' policy in place as a prerequisite for certification. This already applies to all new assessments and will also become mandatory for all currently certified fisheries by 2028 at the very latest.

SHARKPROJECT therefore very much welcomes PA4\_809 [Draft Recommendation by ICCAT concerning the conservation of sharks caught in association with fisheries managed by ICCAT](#) submitted by the United States, Belize, France (on behalf of Saint-Pierre and Miquelon), Saint Vincent and the Grenadines, South Africa, the United Kingdom, the European Union, Canada, Albania, El Salvador, Senegal, Algeria, Guatemala, Honduras and Gabon, and Ghana and hopes that this year - after many failed attempts in the previous years – the Commission will adopt this proposal supported by so many CPCs of ICCAT.



## B: Protection of Shark Species that can no longer support Exploitation

As stated above an increasing number of sharks has been overexploited to such a degree that they can no longer support any commercial fishing and therefore need to be protected also from the exploitation by artisanal fisheries especially if not used for subsistence only but ending up in international trade. ICCAT has been leading this approach of granting special protection to threatened sharks by already having adopted Recommendations that ban the retention of hammerhead sharks, oceanic whitetip sharks, bigeye thresher sharks, and silky sharks, while requiring to continue complying with relevant reporting requirements. However, the existing exceptions for developing coastal states from these Recommendations for local consumption has proven to be create substantial loopholes, threatening the effectiveness of the intended protection. In particular oceanic whitetip sharks, scalloped hammerhead sharks, great hammerhead sharks caught by several ICCAT CPCs are now undergoing Review of Significant Trade (RST) by CITES as substantial international trade in these CITES App II listed species has continued and has raised substantial concerns in the sustainability of such continued trade by several States. This demonstrates that these existing exceptions from ICCAT Recommendations should be revisited and may have to be substantially tightened.

⇒ SHARKPROJECT welcomes the proposals submitted by the European Union and the United Kingdom to protect critically endangered whale sharks, endangered mantas and endangered / vulnerable mobulids by proposing retention bans for these threatened sharks. Such measures are also in line with retention bans already having been adopted for these species by other RFMOs. We therefore urge all CPCs to support and adopt these proposals. [PA4 807 Draft Recommendation by ICCAT for the conservation of whale sharks \(Rhincodon typus\) interacting with ICCAT fisheries](#) submitted by the European Union and the United Kingdom and [PA4 808 Explanatory note on proposed Recommendation by ICCAT on manta and mobulid rays \(family Mobulidae\) caught in association with ICCAT fisheries](#) submitted by the United Kingdom.

## C: Additional Topics relevant to Sharks

Besides the specific shark proposals SHARKPROJECT also supports all efforts to improve Monitoring, Controls and Surveillance at sea and port measures to combat Illegal, Unreported, and Unregulated fishing. Therefore, the implementation of minimum standards for electronic monitoring and agreeing on a High Seas Boarding and Inspection scheme need to be progressed this year and the level of independent monitoring should be increased stepwise to at least 20% for all fisheries through a combination of human observer coverage and / or electronic monitoring. Such monitoring should also apply to artisanal fisheries while providing additional support for artisanal fisheries for the implementation and operation of electronic monitoring measures.

We also call to maintain the current closure period for dFADs and the 15-day ban of deployment of dFADs prior to the closure, an immediate transfer to fully non-entangling dFAD construction designs without any netting and meshed materials, and to finally make progress to transfer to fully biodegradable materials providing a clear timeline for this transfer. Noting, that the bycatch of vulnerable silky sharks and critically endangered oceanic whitetip sharks makes up the biggest single bycatch in dFAD purse sein fisheries with up to 2% of the total catch. These sharks are almost exclusively juvenile animals not having reproduced yet requiring urgent process for effective bycatch mitigation measures, by first of all avoiding bycatching these sharks in the first place, especially in view of the high mortality rates of silky shark bycatch in purse seine fisheries setting on dFADs. Furthermore, measures should be taken to reduce bycatch mortality by equipping vessels with technical measures, such as double conveyor belts or dedicated release ramps for shark bycatch.

Finally, we hope all CPCs will progress in signing the [Mallorca Protocol, to amend ICCAT's statutes as agreed in 2019](#) thereby officially designating migratory oceanic sharks such as blue sharks, shortfin mako and porbeagle as ICCAT species, so that ICCAT does have a direct mandate to manage "*elasmobranchs that are oceanic, pelagic, and highly migratory found in the Atlantic Ocean*".

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