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## Joint NGO Position Statement to the 24th Special Meeting of the Commission of ICCAT (Nov 11 – 18<sup>th</sup>, 2024)



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### The Writing on the Wall for Sharks

Shark populations have decreased globally although data on total mortality and stock status remain insufficient and are highly uncertain for most species and stocks due to poor compliance with reporting requirements. Despite the widespread adoption of anti-finning legislation, fishing related mortality has further increased to 79 million in 2017 and to likely 101 million in 2019, including 22-29 million of threatened sharks.<sup>1</sup> Caught by oceanic multi-year and multispecies fisheries and in lack of science-based conservation and fishery management measures, sharks are left “*undermanaged*” and their risk of extinction will further increase.<sup>2</sup>

-  Commercially fished pelagic shark species, such as blue shark and shortfin mako, are overexploited at tuna RFMOs as MSE tested Management Procedures, as commonly developed for tuna and other teleost species, have not yet been developed for any shark species.
-  Bycatch mitigation measures for sharks fail to avoid, minimize, or compensate the incidental catch of threatened pelagic elasmobranchs as adopted conservation measures mostly continue to focus on additional research and remediation instead of prioritizing avoidance of bycatch, by e.g. spatial-temporal management and/or depth prohibitions, and the minimization of mortality via gear and set modifications and catch limits.<sup>3</sup>

For this year’s Commission Meeting we specifically highlight the need for full compliance with adopted conservation and management measures.

-  ALL requirements in the active recommendations for blue sharks and shortfin mako sharks as well as the respective reporting obligations for sharks must be fully complied with by ALL CPCs
-  The SCRS must be provided with the resources to deliver the requested scientific advice and perform the tasks outlined in the active recommendations.

 **Blue Sharks:** In 2023 ICCAT adopted [Rec 2023/11](#) and [Rec 2023/10](#) for the conservation of South Atlantic and North Atlantic blue sharks caught in association with ICCAT fisheries allocating catch limits for both stocks and tasking the SCRS to inform the Commission “by 2025 on the feasibility, cost, options and tentative roadmap for developing an MSE framework (including inter alia HCR with the associated limit, target and threshold reference points) for the management of this stock in the ICCAT Convention area.”

However, at the 2024 SCRS meeting the SCRS stated it may not have the capacity to perform this task in view of other MSE processes and starting MSE for both stocks of blue sharks was not included into the [Revised roadmap for the ICCAT MSE processes](#).

<sup>1</sup> <https://www.science.org/doi/10.1126/science.adf8984>

<sup>2</sup> <https://www.science.org/doi/10.1126/science.abj0211>

<sup>3</sup> <https://onlinelibrary.wiley.com/doi/10.1111/faf.12710>

While the resource constraints of the SCRS remain an apparent, yet unresolved problem, resource constraints should not be the limiting factor for the completion of tasks and scientific work the Commission has requested for the conservation and management of stocks under its purview. We further highlight that the development of HCRs and reference points for blue sharks had already been requested by Rec 2019/08 and Rec 2019/07 to be started as part of the last stock assessment but were not performed out of similar constraints.

The sustainable management of commercially exploited blue sharks requires the development of MSE tested Management Procedures that can no longer be postponed.

Therefore, we welcome the proposal by the United Kingdom for the [Development of a new SCRS Science Strategic Plan](#) that aims to identify and provide additional resources to ensure that capacity constraints by the SCRS will no longer delay the development of important Management Procedures e.g. for blue sharks or the performance of other scientific tasks. Using additional capacity from external experts should be considered wherever needed and appropriate.

- ◆ We further note that blue sharks require Non-Detriment Findings (NDF) as the species is now listed on CITES App II. Sustainable removals can best be demonstrated if stocks are managed by ICCAT as a (secondary) target species in line with the obligations laid down in the UN Fish Stock Agreement.
- ◆ Compliance with Task I and Task II reporting requirements for sharks including blue sharks continues being poor and we note that in past years only Japan, South Korea, Chinese Taipei and Canada have reported discards of blue sharks.
- ◆ The previous TAC of 28,923 t (Rec 2019/08) for the South Atlantic stock has been exceeded by 4,000 – 5,000 t ever since its implementation and again in 2023. At a total fishing related mortality of 30,602 t this stock continues experiencing overfishing, but so far only Brazil has noticeably reduced its catches.
- ◆ At the same time blue shark catches in the North Atlantic have increased in 2023 to 24,773 t thereby substantially exceeding the catch levels realized between 2020 and 2022, which the 2023 stock assessment considered to provide a high probability of maintaining this stock in the green quadrant of the Kobe plot.



**Shortfin Mako - North Atlantic Stock:** Total mortality of shortfin mako in the North Atlantic has again exceeded the agreed mortality limit of 250 t, by a factor of more than six. At a total mortality of more than 1,500 t in 2023 neither stock rebuilding has been started nor overfishing been ended, when the fishing mortality by the biggest catch nation already exceeded the overfishing limit of 600 t.

Almost eight years after the SCRS found this stock to be critically overfished ([SCRS 2019](#)) little progress has been made as shown in Table 1 despite the temporary retention ban and the rebuilding plan adopted by the Commission in 2021, aiming to rebuild this stock with a probability of 60-70% by 2070, i.e. 45 years from now.

Instead of reducing catches e.g. by avoiding hotspots and introducing measures to increase the percentage of live releases, the by far biggest catch nation has increased its catches while not increasing the ratio of live releases, which remained far below the 60-80% of live releases other CPCs have demonstrated being possible. Spain is responsible for more than 2/3 of the total fishing related mortality of shortfin mako in the North Atlantic.

- ◆ We further note, that Rec 2021/09 (Para 19) mandates the SCRS to “*prioritize research into: identifying mating, pupping and nursery grounds, and other high concentration areas of North Atlantic shortfin mako; options for spatial-temporal measures; mitigation measures (inter alia, gear configuration and modification, deployment options), together with the benefits and disadvantages for the objectives of the rebuilding programme,.....*” However, [SCRS Report 2024](#) only notes that “*there is still no consensus or*

*recommendation on the most effective measures to reduce fishing mortality.*” However, NO advice has been provided to the Commission in 2024, despite the task in (Para 20 ff) and the massive increase in mortality that further jeopardizes chances for rebuilding this critically overfished stock.

- ◆ We recall that e.g. WCPFC has implemented measures to reduce mortality of threatened sharks by having banned the use of wire traces (wire leaders) and shark lines in its area of competence between 20N and 20S since January 2024 ([WCPFC CMM 2022/04](#)). The Commission followed scientific advice presented by predictive modelling research that had shown the potential to reduce fishing mortality by 30.8% and 40.5% for silky sharks and critically oceanic whitetip sharks respectively.<sup>4</sup>
- ◆ [IOTC conducted a specific workshop in April 2024](#) to evaluate the potential benefits from gear modifications in longline operations to reduce the mortality of threatened sharks, specifically of oceanic whitetip, shortfin mako, and silky sharks. The workshop reviewed a wide range of robust scientific research across ocean basins that were discussed by a number of global experts concluding that *“a prohibition on the use of wire leaders and shark lines by longline and other fisheries operating in the IOTC would likely result in a reduction in both, the observed catch and the fishing mortality of shark species.”* Based on these studies and taking a precautionary approach the Working Party on Ecosystem and Bycatch Data Preparatory recommended the implementation of additional mortality reduction measures for those shark species such as, but not limited to, the non-use of wire traces and shark lines.

The continued non-compliance of CPCs to reduce shortfin mako mortality and the inability of the SCRS to provide scientific advice on the implementation of measures to reduce mortality require urgent action by the Commission, NOW.

Existing science and numerous data from studies across oceans show that in the absence of alternative measures the single most effective measure to reduce shark mortality in combination with a retention ban is the use of monofilament leaders instead of wire leaders (wire traces).

In line with a precautionary approach and the urgent need to reduce shortfin mako mortality we call to the Commission to act and ensure compliance with Rec 2021/09.

Although we would prefer seeing measures adopted already in 2024, we fully support the suggestion by the United Kingdom in [discussion paper PA4 811](#) for an intersessional PA4 meeting between managers and scientists early in 2025 to identify appropriate measures to reduce shortfin mortality to a level in line with the 250 t limit. We also appreciate the request made to discuss this topic during this year’s Panel 4 meeting.



**Shortfin Mako - South Atlantic Stock:** [Rec 2022/11](#) attempts to limit total mortality of shortfin mako in the South Atlantic, in line with scientific advice ([SCRS 2019](#)), to 2001 t by limiting total annual retention to 1295 t. The retention allowance is allocated between the main catch nations and requires reporting of retentions, dead discards, and live releases by all CPCs. While discards have to be reported annually, retentions needs to be reported to the Secretariat monthly within 30 days and the Secretariat will notify all CPCs when a CPC has reached its limit of retention.

For 2023 a total mortality of 1355 t was reported to the Commission of which less than 800 t were retained, as the European Union did not retain any shortfin mako in 2023, since its Scientific Review Group does not consider shortfin mako being managed sustainably in the South Atlantic.

Based on the provided retention and discard data several questions of compliance remain:

<sup>4</sup> <https://repository.library.noaa.gov/view/noaa/42470>

- ◆ Despite the requirement to report dead discards and live releases none of the CPCs has reported live releases or provided estimates for these for the South Atlantic. Only Japan, Chinese Taipei, Brazil and the European Union have reported dead discards.
- ◆ Despite the monthly reporting obligation for retentions Namibia exceeded its retention allowance of 256 t by a factor of more than two in 2023 and has apparently failed to notify the Secretariat when reaching its allowance and not started discarding shortfin mako once having reached its allowance. The recommendation foresees that CPCs have to payback any excess of their allowance in full in the following year. Therefore, Namibia should not be entitled to retain any shortfin mako in 2024 and will also have a reduced allowance for 2025.
- ◆ Rec. 22-11, para 21 a) requires all CPCs to submit by end of April 2024 all *“technical and other management measures they have implemented for reducing total fishing mortality of South Atlantic shortfin mako sharks”* to the SCRS for review and providing advice to the Commission on tools and approaches that have demonstrated to be most effective in reducing shortfin mako mortality.

The continued non-compliance with reporting requirements jeopardizes the intent of the adopted conservation and management measures and requires action by the Commission. Furthermore, CPCs have failed to provide required information on effective measures to reduce shortfin mako mortality and SCRS was therefore unable to provide the requested advice to the Commission. In the absence of alternative measures presented the Commission should therefore take a precautionary approach and refer to the best available measure at this time, i.e. banning the use of wire leaders and mandating the use of monofilament leaders in both parts of the Atlantic.



**Existing Retention Bans and Exemptions:** ICCAT has been a pioneer in removing commercial incentives that are derived from the bycatch of threatened sharks in its fisheries by adopting retention bans for several threatened shark species over the past 10-15 years, including a retention ban for critically endangered oceanic whitetip sharks, threatened hammerhead sharks (all species in the family *Sphyrnidae* except of *Sphyrna tiburo*), vulnerable bigeye thresher sharks, and vulnerable silky sharks. However, as highlighted in last year's report from the Shark League for the Atlantic and the Mediterranean<sup>5</sup> many exceptions apply and those are neither consistent in their definition nor are the respective provisions enforced by the CPCs, resulting in substantial catch and international trade in this species continuing contradictory to the stated conservation intent.

We welcome the attempt by the European Union to harmonize requirements for retention bans and the applicable exemptions in [PA4 805](#). However, we strongly recommend not to combine the protection of threatened sharks from commercialization with requirements applicable to sharks that can be retained either as a (secondary) target species or as a bycatch. The latter require full utilization and should therefore only be landed with all fins naturally attached. Furthermore, a harmonization of existing measures should not be done as a paper exercise but result in an improvement by eliminating existing gaps and inconsistencies. Exemptions from retention bans should be truly limited to local consumption and not provide a loophole for feeding international markets. Furthermore, compliance with reporting requirements of Task I and Task II data should be a prerequisite for any exemption. Therefore, only subsistence fisheries in developing coastal states where measures are in place to prevent any part of these sharks entering the international trade should be exempted from existing and future retention bans and all exemptions should be condition to compliance with the respective reporting requirements.

<sup>5</sup> [https://www.sharkleague.org/wp-content/uploads/2024/07/SLAM\\_GAPAnalysis\\_FINAL-9JULY-compressed.pdf](https://www.sharkleague.org/wp-content/uploads/2024/07/SLAM_GAPAnalysis_FINAL-9JULY-compressed.pdf)



**Whale Sharks and Mobulid Rays:** At last year's ICCAT Commission Meeting retention bans were provisionally adopted for whale sharks and mobulid rays, but condition to the formal scientific advice by the SCRS.

We therefore welcome the proposal [PA4 804](#) submitted by the European Union and the United Kingdom to see both conservation measures coming into effect in 2025 as projected in the respective recommendations after the requested SCRS advice has now been provided.



**Fins Naturally Attached (FNA):** The European Union has been a pioneer in ensuring full utilization of sharks through the adoption of its Regulation (EU) No 605/2013 and many other CPCs have also implemented similar regulations in their jurisdiction, requiring all sharks to be landed with their fins naturally attached. At past ICCAT meetings, proposals to replace the outdated ICCAT Rec 2004/10 by a ban on the removal of shark fins at sea and the requirement to land all sharks with all of their fins naturally attached to the carcass. Despite strong support from many CPCs these proposals have so far unfortunately failed because of very few CPCs claiming that existing measures are sufficient and that no finning occurs in their fleets.

Fins Naturally Attached is the globally recognized best practice to prevent finning from occurring as it allows effective detection and successful prosecution of offenses. At this year's Commission Meeting, these CPCs should stop objecting to adoption of a FNA policy or provide scientific evidence that demonstrates the effectiveness and efficiency of the current systems they claim to have in place.

We therefore welcome proposal [PA4 806 Rev 4](#) submitted by the United States, Canada, Belize, South Africa, the European Union, Guatemala, Nicaragua, Panama, Norway, Liberia and Mexico requiring all sharks to be landed with their fins naturally attached without exceptions.



**Improved Management of drifting FADs:** The transition to non-entangling dFADs without any netting of meshed materials used in any part of the construction is longtime overdue and all vessels should be required to only set on non-entangling dFADs by January 2025 removing all entangling or lesser entangling constructions from the water that they encounter. A plan should also be provided for the transition by 2028 to fully biodegradable dFADs and to set up a recovery policy for beached dFADs should be developed and the number of dFADs limited, including time and spatial dFAD closures to protect juveniles and ETP species.

A dFAD measure should also include best handling practices for the release of ETP bycatch, technical measures to minimize ETP bycatch, and measures to increase at vessel and post release survival, such as but not limited to release ramps, with a specific focus on juvenile silky sharks, sea turtles and mobulid rays.

A dFAD register and a system for mandatory near real time notification of the flag state and ICCAT in case of lost dFADs should be installed, including the time and last available position of the lost dFADs.

We recommend that the Commission adopts a stand-alone dFAD management measure including these requirements.



**Consideration of Climate Change Impacts for TAC Setting:** Climate change impacts all fish stocks and the commercial viability of fisheries in all oceans as well as the livelihoods of people depending on fishing and fish for an income and subsistence. Therefore, clear priorities are needed to advance the work on an ecosystem-based approach to fisheries management and climate considerations must be included in MSEs and the development of Management Procedures.

The establishment of a climate change experts' group is important to guide and help prioritize these efforts within ICCAT.

We welcome the establishment of a standing working group dedicated to the dialogue between fisheries scientists and managers ("SWGSM") as submitted by the chair of the Joint Experts' Meeting on Climate Change [PLE119](#).

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**Additional Information on Shortfin Mako**

Table 1: Fishing related mortality of shortfin mako in the North Atlantic since 2018, including landings (L), dead discards (DD), and live releases (DL)

Catch per CPC in mt	2018		2019		2020		2021		2022*		2023*	
	L+DD	L+DD	DL	L+DD	DL	L+DD	DL	L+DD	DL	L+DD	DL	
Spain	1,165 +0	866 +0	-	870 +0	-	0 +585	329	0 +588	331	0 +936	705	
Portugal	272 +0	289 +0	-	342 +11	20	202 +14	26	1 +141	256	0 +87	158	
<b>EU Fleet</b>	<b>1437</b>	<b>1156</b>	<b>1</b>	<b>1223</b>	<b>20</b>	<b>802</b>	<b>355</b>	<b>731</b>	<b>587</b>	<b>1024</b>	<b>863</b>	
Maroc	594	501	-	382	-	299	-	0	-	0 +125	216	
Japan	20 +0	4 +30	-	0 +28	17	0 +15	11	0 +10	7	0 +14	10	
Canada	53 +2	63 +1	12	1 +20	81	0 +22	63	0 +26	83	0 +12	23	
USA	165 +2	57 +1	24	48 +3	31	39 +4	68	41 +10	47	0 +29	43	
LL+DL Others**	29 +26	46 +25	10	21 +17	10	10 +2	4	5 +7	11	56 +11	14	
<b>Total Mortality in mt***</b>	<b>2,392</b>	<b>1,902</b>		<b>1,794</b>		<b>1,364</b>		<b>1,077</b>		<b>1,673</b>		
<b>Exceeds 250 mt</b>	<b>x9.6</b>	<b>x7.6</b>		<b>x7.2</b>		<b>x5.4</b>		<b>x4.3</b>		<b>x6.7</b>		

\* ICCAT retention ban according to [Rec 2021/09](#) active since 2022

\*\* all other CPC with landings or DD of 1 mt or more

\*\*\* total mortality as provided by [SCRS 2024](#) table on p.290 based on a post release mortality of 34% ([Bowlby et al., 2021](#)) for sharks released alive