November 10th, 2022

POSITION STATEMENT FOR PLENARY
ICCAT 23rd SPECIAL SESSION IN VALE DO LOBO, PORTUGAL

Sharks and rays are in a crisis - globally and in the Atlantic, where sharks are a major bycatch in ICCAT fisheries targeting tuna and swordfish. In 2021 N. Pacoureau et al. warned that more than half of all pelagic shark and ray species are globally endangered or even critically endangered by extinction and that due to the impact of industrial fishing the abundance of pelagic sharks and rays has decreased by more than 71% over the last 50 years. Late sexual maturity, low fecundity, and a high spatial overlap with fishing operations in the High Seas make these pelagic species most vulnerable to overfishing, but nevertheless they have been massively targeted over many decades by both, industrial and artisanal fisheries.

As a result of decades of overfishing without effective management and little if any reporting of total mortality many stocks are now at the brink of collapse, like the Northern Atlantic stock of *Isurus oxyrinchus*, or they have an uncertain stock status due to the widespread non reporting or under-reporting of catch efforts and discards. The SCRS has for many years raised concerns about this non-compliance with reporting requirements and this is also highlighted in a recently published report, which reviews reporting of Task 1 and Task 2 data at ICCAT for shortfin mako between 2018 and 2020. No data means no certainty, and without certainty no effective management measures will get implemented – a vicious cycle that has severely affected the stocks of these top predators in the Atlantic.

Isurus oxyrinchus - North Atlantic

Since 2017 the SCRS has warned that the stock of shortfin mako in the North Atlantic is at the brink of collapse and that even at a total mortality of zero this stock will continue to decrease at least until 2035 and will take at least 50 years to recover to B_{MSY}. Yet it took ICCAT more than four years until finally agreeing on adequate measures to stop overfishing and start the rebuilding of this stock during last year's Commission Meeting.

The 2022 SCRS report shows, that also in 2021 reporting of discards has stayed very poor and requires improvement. However, even the reported total mortality of 1431 tonnes (571 tonnes of landed catch and 881 tonnes of reported dead discards) for 2021 exceeds the agreed limit of 250 tonnes (Rec 21/09) by more than a factor of five.

Only 147 tonnes[1] of live releases were reported for 2021, which is less than 15% of all reported discards. This ratio of live releases also varied significantly between CPCs, from less than 10% to as high as 70% respectively 60% of animals released alive by Canada and USA.

We therefore ask the Commission

- to drive improvements for compliance with reporting requirements allowing for more accurate estimates of total mortality in the next years and for the upcoming stock assessment in 2024.
- to immediately agree on a systematic mortality reduction plan consisting of two major elements and agreed targets in line with the max total mortality limit of 250 tonnes
- to avoid bycatch in the first place by agreeing on spatial and /or temporal closures of "hotspots" for shortfin mako. This will be most effective to reduce mortality mid to long term.

[1] 2022 SCRS report - SMA Table 1 v2 and Table 17.5.1

- to define immediate measures to increase the percentage of live releases to an overall level of more than 60 or 75% through improved on-board handling and safe release practice.
- to evaluate gear modifications including, inter alia, banning shark wires and steel leaders to reduce the bycatch of mako sharks and increase overall chances of survival at the time of hauling back and post release

Isurus oxyrinchus - South Atlantic

Till today no measures are in place for the Southern stock, although the SCRS has warned since 2017 that this stock also experiences overfishing and concluded in its 2019 assessment that since the biological characteristics of the stock are similar, there is a significant risk that the Southern stock could follow a similar history as in the North, and once overfished will require a long time for rebuilding even after significant catch reductions.

The SCRS also concluded that the combined probability of the Southern stock being overfished was 32.5% and that of experiencing overfishing was 41.9% despite the uncertainty of the assessment caused by the conflict of catch and CPUE data. As Rec. 11-13 calls for the Commission to immediately adopt management measures designed to result in a high probability of ending overfishing in as short a period as possible and adopt a plan to rebuild the stock taking into account, inter alia, the biology of the stock and SCRS advice.

Pursuing the stated objective of ICCAT to maintain the stocks at levels which will permit the maximum sustainable catch and immediately counteract overfishing and gradually achieve biomass levels sufficient to support maximum sustainable yield (MSY) has been long-time overdue for shortfin mako and must therefore now include precautionary management measures as described in proposal PA4_804_SPONS_1/2022 submitted by the European Union and the United Kingdom.

We specifically ask the Commission

- to support the measures proposed in proposal PA4_804_SPONS_1/2022 and agree on a retention ban for shortfin mako in the South Atlantic for 2023 and 2024.
- to define total mortality as all landings, dead discards, and live discards (assuming a post release mortality rate as advised by the SCRS).
- to limit the future total mortality for the Southern stock based on the most recent Kobe II strategy matrix and scientific advice provided by the SCRS in 2024 or whenever new stock assessment data become available.
- to commit to implement a rebuilding plan providing a probability of success of more than 60% (at least between 60 and 70%) to rebuild the stock by 2070 at the latest if the stock assessment in 2024 (or a later stock assessment) concludes the stock as being overfished.
- to agree that potential future retention shall be subject to an agreed allocation scheme and to all other provisions and reporting requirements as defined already in Rec 21/09 for the North Atlantic, thereby introducing consistent regulations for both parts of the Commission area to overall facilitate implementation and monitoring of compliance.
- to require that all CPCs and non-CPCs but Cooperating Parties, as part of their annual Task 1 and 2 data submissions, provide all relevant data for South Atlantic shortfin mako, including estimates of dead discards and live releases using the methods approved by the SCRS.
- to harmonise other provisions as agreed for the North thereby supporting the monitoring and enforcement of compliance with reporting requirements according to Rec 21/09.

Isurus paucus

Due to the look alike potential of this species there is a risk that catches and landings or discards of shortfin mako may be reported as longfin mako and thereby disguise the total mortality of shortfin mako hindering assessment of total mortality of shortfin mako and hindering future stock assessments. Although the SCRS has not been able to detect any increases in the reporting of *Isurus paucus* the overall reporting of this species has also been very poor and has indeed decreased during the last couple of

years. Therefore, the SCRS recommends in its 2022 report, "*that the Secretariat undertake an analysis of catch data for longfin mako shark as per Rec. 21-09 as it has for other species*".

We therefore ask the Commission

- to ask the Secretariat to undertake this analysis for both, the North and the South Atlantic
- to request all parties to provide all relevant data for longfin mako as part of their annual Task 1 and 2 data submissions.

Prionace glauca

Rec 19/08 highlights the obligation of CPCs to annually report Task I & II data for sharks in accordance with ICCAT data reporting procedures and the *Recommendation by ICCAT on the Development of Harvest Control Rules and of Management Strategy Evaluation* (Rec. 15-07).

It defines an annual Total Allowable Catch (TAC) of 28,923 tonnes for South Atlantic blue shark and proposes that an allocation of the TAC shall be provided in 2021. Furthermore, it defines that "based on the next stock assessment of South Atlantic blue shark, the SCRS shall provide, if possible, options of HCR with the associated limit, target and threshold reference points for the management of this species in the ICCAT Convention area."

However, none of this has been accomplished till date but the stock assessment and all measures postponed to 2023 instead.

Landings from the South Atlantic in 2020 and 2021 have exceeded the limit of Rec 19/08 by more than 4,000 tonnes each year, or by 17%. In addition, discards of around 200 tonnes were reported only by Japan, Korea and Chinese Taipei, while none of the other CPCs has so far reported any discards in the South Atlantic at all, despite the obligation to do so. Thus, total mortality has been far above the agreed 28,923 tonnes for two years in a row.

We therefore ask the Commission

- to immediately, in 2022 fully allocate the current TAC for blue sharks in the South Atlantic until full HCRs can be developed and adopted in 2023 including total mortality limits, precautionary target and reference threshold points for the management of this species as advised by SCRS
- to intensify scientific research to provide information on "*key biological/ecological parameters, life-history, migrations, post-release survivorship and behavioural traits*" of blue sharks and provide this information to the SCRS.
- to develop and implement HCRs also for blue sharks in the North Atlantic by 2023 applying the same approach as for the South Atlantic.

Lamna nasus

We support the SCRS recommendation not to increase total removals for any of the porbeagle stocks in the Atlantic and to require all CPCs to implement requirements for releasing all live animals also in their coastal fisheries.

Due to the low compliance with reporting requirements for discards and live releases the extent of total removal is most probably underestimated and any further increase over current removal mortality or even targeted fisheries for porbeagle must be avoided to ensure recovery of all porbeagle stocks in the Atlantic.

We therefore ask the Commission

- to follow scientific advice and adopt measures as recommended by SCRS
- to improve requirements for and compliance with reporting of discards and live releases

Fins Naturally Attached (FNA)

An FNA policy prohibits the removal, retention, and transhipment of fins on board of vessels and requires all sharks that are landed to be landed with all fins naturally attached to the body of the animal. This allows unambiguous quantification of the number and species of animals caught and is therefore globally acknowledged as the best practice to prevent finning from happening and to enforce compliance with finning bans as it is evident that an offense has happened when detached fins are discovered on board or at the time of first landing, providing clear evidence and allowing successful prosecution of offenses. All other policies including fins to carcass ratios or the artificial reattachment of fins after cutting are known to be full of ambiguity and loopholes and offenses are almost impossible to detect let alone to prosecute.

Therefore, many of ICCAT's CPC have introduced a strict FNA policy already, some of them more than a decade ago in their commitment to finally stop finning, a wasteful and cruel practice that severely hinders the evaluation of total mortality and thereby also the outcome of stock assessments.

However, ICCAT has till date failed to adopt an FNA policy while other RFMOs like NAFO or GFCM have already done so several years ago.

It should also be noted that the Marine Stewardship Council (MSC), one of the biggest ecolabels, has introduced a strict FNA requirement as part of its recently published new Fisheries Standard 3.0, now requiring an FNA policy to be in place at the lowest scoring eligible for certification - without exemption. Therefore, all fisheries aspiring MSC certification will have to demonstrate that an FNA or non-retention policy is in place and enforced with a 'very high degree of accuracy' if catching Selachimorphae or Rhinopristiformes either as a target or bycatch species.

The 2022 SECRETARIAT REPORT ON RESEARCH AND STATISTICS (PLE 105/2022) shows that only 76% of flag CPCs, including 7 late-reporting flag CPCs, have reported T2CE in 2021, while at least 18 flag CPCs (24%) have not yet properly submitted their T2CE statistics . For sharks this is specifically evident, has been substantially hindering stock assessments in the past, and thereby failed the implementation of effective management measures to prevent overfishing.

We therefore ask the Commission

- to adopt proposal PA4_805 "Draft Recommendation by ICCAT concerning the conservation of sharks caught in association with fisheries managed by ICCAT" and to introduce a Fins Naturally Attached policy – without exemptions for all sharks caught in association with ICCAT fisheries.
- to improve reporting of catch efforts and dead or live discards as part of the Task 2 reporting for all sharks, as these are vital data for stock assessments and scientific Kobe II plot model projections.
- to require measures being implemented to avoid bycatch by designing research plans to identify, define and thereafter close (spatial and/or time closures) of shark hot spots for pupping or nursery areas.
- To improve gear selectivity by banning the use of shark wires and steel leaders which can significantly decrease shark bycatch and improve the overall rate of survival for all bycatch species.

Measures and targets to reduce the bycatch of Endangered, Threatened and Protected (ETP) species

We appreciate the proposed measures in PA4_803/2022 and PA4_806_SPONS_1/2022 for the conservation of turtles, which we propose to discuss by combining the good intents of both but deleting some weaknesses. As such especially the implementation of maximum potential bycatch thresholds, based on advice from the SCRS as proposed in PA4_803/2022 is an important step into the right direction to require fisheries to continuously reducing their bycatch of ETP species in the first place and to reduce the mortality of this bycatch.

However, modification of gear and fishing practices to increase selectivity and reduce mortality are also important improvements needed and will also benefit other bycatch species.

We therefore ask the Commission

- to require the use of fishing gear modifications to reduce bycatch and increase post release survival of turtles and other bycatch.

- to require the use of large circle hooks and the use of finfish bait inter alia as other, improved measures become available and recommended by SCRS for shallow set longlines
- to apply these measures to the complete Commission area
- to require species specific best handling practices for the release of bycatch and minimisation of post release mortality
- to task SCRS to also propose precautionary bycatch thresholds for all other ETP (endangered, threatened and protected) species caught as a bycatch - including many Chondrichthyans - in ICCAT fisheries, at least until effective management measures can be developed and implemented.

Accelerate the adoption and implementation of comprehensive, precautionary harvest strategies

This is a mandatory prerequisite for any long-term sustainable management of fisheries and therefore a longtime overdue task for many species caught in association with ICCAT fisheries.

In an ecosystem-based fishery management however, this must apply to all species, whereas MSY may not be a suitable reference point for all. Large predator species such as sharks should be managed at 80% of MSY instead.

We therefore ask the Commission

- to fully allocate existing Total Allowable Catch (TAC) limits and to adopt procedures to identify and address non-compliance with TAC allocations
- to agree on and implement comprehensive, precautionary HCRs for all species, including all major shark species, caught by ICCAT fisheries
- to define limits, targets and threshold reference point for sharks following a precautionary approach

Strengthen drifting FAD management provisions

Proposal PA1_501/2022 tries to strengthen the management of dFADs. We certainly welcome this approach but hope to see more ambitious objectives than those that were made in Rec 21/01 last year.

We therefore ask the Commission

- to extend the closure period to meet the targets of reduced TACs and to continuously review best timing for these closures and update as needed.
- to further reduce the number of dFADs in use by each vessel to at least 250
- to strengthen Appendix 5 by explicitly requiring using only fully non-entangling dFAD designs without any netting or meshed materials, as the current wording is still too unspecific in this aspect. In addition, all dFADs with entangling or lower entangling constructions (i.e., rolled up netting) must be removed from the water when encountered by a vessel and this removal must be documented and reported in a timely manner
- to agree on a binding timeline for a timely transitioning to 100% biodegradable FADs, noticing that the initial target of 2021 has not been met
- to require the timely provision of all dFAD data necessary to confirm/validate the implementation and assess the efficacy of the dFAD closure in advance of the next ICCAT Annual Session.
- to require at the latest by 2023 the provision of near real-time dFAD position and acoustic records data for broad scientific use.
- to develop a fully transparent dFAD-recovery policy, a dFAD marking scheme, clearer rules for dFAD ownership and stronger rules for activation and deactivation of dFAD buoys.
- to improve reporting on discards of bycatch species at species level
- to require best handling practices being applied and the installation of technical improvements, like release ramps, double conveyor belts, and manta grids, to minimise time to release, on board mortality and post release mortality.
- to increase research on spatial distribution of bycatch to advise spatial and/or time closures and specifically protect juvenile silky sharks and oceanic whitetip sharks, which are especially

vulnerable to being caught around dFADs due to the high habitat overlap with this fishing practice and the high at vessel and post release mortality.

Increasing independent observation

The development of minimum standards for an electronic monitoring program and a timeline for the implementation of an ICCAT EM Program must be accelerated through the EMS Working Group

We therefore ask the Commission

- to require 100% observer coverage (human and/or electronic) for all industrial ICCAT fisheries, including support vessels and all those engaged in at sea transhipment, by 2024 and encourage reporting for artisanal fleets.
- to promote the use of EMS as a measure to increase coverage of independent monitoring and substitute such for small vessels unable to carry human observers
- not to see EMS as an alternative to reduce the requirement for human observer coverage which is essential for biologic sampling and verification of bycatch levels detected by EMS

Our opinion on the proposed CITES listings of Carcharhinidae sharks

We are aware that fisheries at ICCAT are concerned about the proposal to list all Carcharhinidae on CITES App II at CITES COP19 in Panama next week.

Therefore, we would want to remind the Commission that this proposal should not be seen as competing with or even contradicting ICCAT's objectives for the sustainable management of all species caught by ICCAT fisheries. On the contrary this should be considered as a trigger to progress pending tasks the Commission has committed to, specifically to develop and implement Harvest Control Rules and Harvest Strategies for blue sharks and at least total mortality limits with full quota allocations for other shark species taken by ICCAT fisheries as a target or a bycatch species.

We note that ICCAT has so far however failed to implement HCRs and HSs for blue sharks and other commercially exploited shark species despite Rec 19/08 and Rec 19/07 requiring these to be developed for blue sharks by 2021. These are inevitable prerequisites for a sustainable stock management, but till today only Total Allowable Catch limits exist for Northern and Southern Atlantic blue shark and in the South Atlantic this TAC has not even been allocated and therefore been exceeded ever since.

Therefore, a CITES App II listing should be considered as an incentive to progress with the implementation of effective management measures, as CITES regulates the trading of listed species but trading is allowed to continue based on a CITES non detrimental finding for the introduction from the High Seas and the export if the harvesting has been demonstrated to be sustainable. This also applies to blue sharks.

SHARKPROJECT International and its country organisations in Germany, Austria and Switzerland is a marine conservation NGO focusing on healthy shark populations, a 'conditio sine qua non' for healthy oceans that support seafood supplies for this and future generations and can help to combat climate change.

Therefore, SHARKPROJECT calls 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 following a precautionary approach in the absence of sufficient data to immediately stop overfishing and to rebuild overfished stocks with a high probability of success.