

**INTER-AMERICAN TROPICAL TUNA COMMISSION**

**100<sup>TH</sup> MEETING**

**Phoenix, Arizona, USA**

**1-5 August 2022**

**PROPOSAL IATTC-100 B-2**

**SUBMITTED BY CANADA AND ECUADOR**

**JOINT PROPOSAL ON A RESOLUTION TO CONSOLIDATE EXISTING SHARK MEASURES, AND INTRODUCE ADDITIONAL PROTECTIONS AIMED AT ADDRESSING THE PRACTICE OF SHARK FINNING AND REDUCING SHARK BYCATCH**

**EXPLANATORY MEMORANDUM**

The existing conservation and management framework for shark species pursuant to the Antigua Convention area is dispersed across six key resolutions, excluding Resolution C-19-06 on whale sharks. This poses challenges with respect to the implementation, monitoring and compliance by Parties and cooperating non-Parties (CPCs) of these important obligations and requirements. Mindful of these considerations, the delegations of Canada and Ecuador propose to consolidate the following resolutions in their entirety:

- C-05-03 (Conservation of Sharks Caught in Association with Fisheries in the Eastern Pacific).
- C-11-10 (Conservation of Oceanic Whitetip Sharks Caught in Association with Fisheries in the Antigua Convention Area).
- C-16-04 (Amendment to Resolution C-05-03 on the Conservation of Sharks Caught in Association with Fisheries in the Eastern Pacific Ocean)
- C-16-05 (Management of Shark Species)
- C-21-06 (Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark)

As well as text from relevant paragraphs of the following Resolution:

- C-04-05 (Consolidated Resolution on Bycatch)

The proposed consolidation and restructuring of existing measures under logical themes is expected to improve their implementation by CPCs.

This proposal also introduces new measures, which both delegations view as necessary to more effectively address the bycatch of sharks and the practice of shark finning in the IATTC Convention Area. There are a number of issues with the shark fin requirement (i.e. ratio of fin weight to shark body weight) currently in force at the IATTC. Most notably, that this ratio varies by species, cutting practice, and processing method, allows for the practice of shark finning to continue undetected. This proposal therefore introduces a requirement for fins to be naturally attached, widely recognized as best practice. The introduction of this requirement is consistent with approaches on shark fin requirements adopted by other tuna-RFMOs, including the Western and Central Pacific Fisheries Commission (WCPFC). Moreover, this proposal also seeks to reduce the mortality of sharks caught in EPO longline fisheries by expanding the restrictions on the use of shark lines and steel leaders. The adoption of these new elements is expected to benefit conservation efforts related to sea turtles and seabirds in the EPO.

Finally, with a view to improving clarity and minimizing the potential for differences in interpretation of key paragraphs in the proposed resolution, the proposal includes a definitions section. Definitions are included for key terms including ‘sharks’, ‘shark finning’, ‘naturally attached’, ‘shark lines’, and ‘wire leaders’.

## CONSERVATION MEASURES FOR THE PROTECTION AND SUSTAINABLE MANAGEMENT OF SHARKS

*The Inter-American Tropical Tuna Commission (IATTC), gathered in Phoenix, Arizona (USA), on the occasion of its 100<sup>th</sup> Meeting:*

*Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;*

*Recognizing further that certain species of sharks and rays, including silky shark, oceanic whitetip shark, hammerhead sharks (*Sphyrna lewini*, *S. mokarran*, *S. zygaena*), as well as mobulid ray species, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);*

*Noting that sharks are part of the pelagic ecosystems in the IATTC Convention Area and are caught by vessels fishing for tunas and tuna-like species and in fisheries targeting sharks;*

*Considering that Article VII, paragraph 1 (f), of the Antigua Convention indicates that the Commission shall “adopt, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by [the] Convention”;*

*Recalling Article IV, paragraph 3, of the Antigua Convention, which states that “where the status of target stocks or non-target or associated or dependent species is of concern, the members of the Commission shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures, revising those measures regularly in the light of new scientific information available”;*

*Emphasizing the necessity of obtaining better data to develop and implement management measures in accordance with the variability of the fisheries, as well as to improve the understanding of fishing and pupping areas, catches and fishing effort that affect the fishing mortality of sharks by multi-species longline fleets, both artisanal and industrial, in the coastal countries;*

*Recognizing therefore the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;*

*Desiring to consolidate IATTC resolutions C-05-03, C-11-10, C-16-04, C-16-05, and C-21-06, as well as relevant paragraphs of Resolution C-04-05 with a view to streamlining and improving obligations applicable to the conservation and management of sharks and rays at the IATTC;*

*Agrees as follow:*

### DEFINITIONS

1. For the purposes of this Resolution:

***shark*** includes all species of sharks, skates, rays and chimaeras, as included within the Class Chondrichthyes.

***shark finning*** means the practice of removing the fins from a shark and discarding the remainder of the shark while at sea.

***full utilization*** means retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing.

***naturally attached*** means that all fins of the shark must be fully, or partially connected to the carcass

of the shark by connective tissue, or cartilage.

**shark lines** means individual lines or leaders used for the purpose of targeting sharks that are constructed of steel, metal, wire trace or other materials, and that are attached to the float line or to the floats directly.

**wire leaders** means individual lines or leaders that are constructed of steel, metal, or wire trace, and that are attached to the main line or a branch line.

## APPLICATION

2. This resolution shall apply only to sharks caught in association with fisheries managed by IATTC.

## FULL UTILIZATION AND SHARK FINNING MEASURES

3. Each CPC<sup>s</sup>, cooperating fishing entity or regional economic integration organization (collectively “CPCs”) shall take the measures necessary to require ~~that the~~ fishers operators and crew of vessels flying their flag, and which are authorized to retain sharks, to fully utilize any ~~retained~~ catches of sharks. ~~Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing.~~
4. CPCs shall ensure that the practice of shark finning is prohibited.
5. CPCs shall require their vessels to land sharks with the fins naturally attached to the carcass.
6. Fishing vessels are prohibited from retaining on board, transshipping, landing or trading in any fins harvested in contravention of this Resolution.

## GENERAL GEAR RESTRICTIONS

7. CPCs shall prohibit longline vessels flying their flag and targeting tuna or swordfish, or engaged in multi-species fisheries in the Convention Area from using “shark lines” ~~(individual lines attached to the floatline or to the floats directly, and used to target sharks Figure 1).~~ **See Annex 1.**
8. CPCs shall prohibit longline vessels flying their flag and targeting tuna or swordfish or engaged in multi-species fisheries in the Convention Area from using “wire leaders” as of January 1, 2023.

## MEASURES SPECIFIC TO THE PROTECTION OF SILKY SHARKS

9. ~~Members and Cooperating Non-Members~~ (CPCs) shall prohibit their vessels from retaining on board, transshipping, landing, or storing, in part or whole, carcasses of silky sharks (*Carcharhinus falciformis*) caught by purse-seine vessels in the IATTC Convention Area. CPCs shall require that their purse-seine vessels release live silky sharks whenever possible. However, if silky sharks are unintentionally caught and frozen as part of purse-seine vessel’s operations, if the flag CPC’s governmental authorities are present at the point of landing, the whole silky shark must be surrendered to them. If the flag CPC’s government authorities are unavailable, the whole silky shark surrendered may not be sold or bartered but may be donated for purposes of domestic human consumption. Silky sharks surrendered in this manner shall be reported to the Secretariat.
10. CPCs shall require all **their** longline vessels whose fishing licenses do not include sharks as a fishing

target but catch sharks incidentally, to limit bycatch of silky sharks to a maximum of 20% of the total catch by fishing trip in weight. The 20% limit is set as an interim limit in the absence of data and scientific analysis on which to base conservation and management measures, and will be revised, based on recommendations by the scientific staff, once improved species-level catch and composition are made available.

11. CPCs shall require their multi-species fisheries using surface longlines<sup>1</sup> to limit the catch of silky sharks of less than 100 cm total length to 20% of the total number of silky sharks caught during the trip.
12. CPCs that allow retention of silky sharks by their longline vessels, shall ensure compliance with the measures established in paragraphs ~~103~~ and ~~114~~ by means of control and inspection mechanisms, for Port CPCs and Flag CPCs, as applicable. At a minimum, such mechanisms shall require effective inspections at the time of first unloading in port or the submission of catch logbooks that will allow for species identification, verification of size when caught, and enforcement of applicable sanctions such as prevention of entry into markets of product caught in violation of this measure. Where applicable, internationally recognized certification and reporting procedures for the conservation of silky sharks may be used for fulfilling the obligations of this paragraph. CPCs shall inform the IATTC Secretariat of the use of said certification procedures. Data derived from these control and inspection measures shall be communicated to the Secretariat, in accordance with IATTC data submission requirements.
13. The IATTC scientific staff shall indicate to the Scientific Advisory Committee (SAC) the geographical location of the silky shark pupping areas in the Convention Area. CPCs shall require vessels to not fish in silky shark pupping areas, as may be adopted by the Commission, in accordance with the recommendation of the IATTC scientific staff, in coordination with the SAC.
14. Vessels of less than 12 m length overall using manually operated fishing gear (*i.e.* without mechanical or hydraulic winches) and that do not deliver to motherships at any time during the fishing trip are excluded from the application of paragraphs ~~87 through~~ ~~13~~ of this resolution. For this excluded fleet, CPCs shall continue working with the ~~Commission- IATTC~~ scientific staff on the strengthening of data-collection programs, which shall be presented at the meeting of the SAC in 2023.

#### **MEASURES SPECIFIC TO THE PROTECTION OF OCEANIC WHITETIP SHARKS**

15. CPCs shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in the fisheries covered by the Antigua Convention.
16. CPCs shall require vessels flying their flag to promptly release unharmed, to the extent practicable, oceanic whitetip sharks when brought alongside the vessel.

#### **SAFE RELEASE REQUIREMENTS**

17. CPCs shall require purse-seine vessels flying their flag to follow safe release requirements for all sharks, except those retained aboard the vessel. Any shark (whether alive or dead) caught in the Convention Area that is not retained must be promptly released unharmed, to the extent practicable, as soon as it is seen in the net or on the deck, without compromising the safety of any persons. If a shark is alive when caught and is not retained, the shark must be released by using the following

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<sup>1</sup> For the purposes of this resolution, surface longlines are those in which the majority of hooks fish at depths shallower than 100 meters and target species other than swordfish.

procedures, or equally effective means:

- a. Sharks must be released out of the net by directly releasing them from the brailer into the ocean. Sharks that cannot be released without compromising the safety of persons or the sharks before being landed on deck must be returned to the water as soon as possible, either utilizing a ramp from the deck connecting to an opening on the side of the vessel, or through escape hatches. If ramps or escape hatches are not available, the sharks must be lowered with a sling or cargo net, using a crane or similar equipment, if available.
- b. The use of gaffs, hooks, or similar instruments is prohibited for the handling of sharks. No shark may be lifted by the head, tail, gill slits, or spiracles, or by using bind wire against or inserted through the body, and no holes may be punched through the bodies of sharks (*e.g.*, to pass a cablethrough for lifting the shark).
- c. No whale shark (*Rhincodon typus*) may be towed out of a purse-seine net, *e.g.*, using towing ropes.

## RECORD KEEPING AND REPORTING REQUIREMENTS

18. Each CPC shall annually report data for catches, effort by gear type, landing and trade of sharks by species, where possible, in accordance with IATTC reporting procedures, including available historical data. CPCs shall send to the IATTC Secretariat, by May 1, at the latest, a comprehensive annual report of the implementation of this Resolution during the previous year.
19. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on shark catches.
20. At the SAC meeting in the year 2023 and at the subsequent ~~IATTC Commission~~ meeting in 2023, the IATTC scientific staff shall present ~~to the SAC~~ an analysis of the unloading, observer, and long-term sampling program data on the catches of sharks in the fisheries of Central America, as well as the longline fleet operating in the EPO, with which they shall also recommend any improvement of the resolution ~~including an adjustment on the period of prohibition (paragraph)~~.
21. CPCs shall require the collection and submission of catch data for silky and hammerhead sharks, in accordance with IATTC data reporting requirements. CPCs shall also record, through observer programs and other means, for purse-seine vessels of all capacity classes, the number and status (dead/alive) of silky and hammerhead sharks caught and released and report it to the IATTC.
22. CPCs shall record *inter alia*, through the observer programs, the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to IATTC.

## MANAGEMENT AND RESEARCH

23. ~~Each CPCs, cooperating fishing entity or regional economic integration organization (collectively "CPCs")~~ should establish and implement a national plan of action for conservation and management of shark stocks, in accordance with the *FAO International Plan of Action for the Conservation and Management of Sharks*.

24. CPCs shall, where possible, in cooperation with the IATTC scientific staff, undertake research to:
  - a. identify ways to make fishing gears more selective, where appropriate, including research into alternative measures to prohibiting wire leaders;
  - b. improve knowledge of key biological/ecological parameters, life-history and behavioral traits, and migration patterns of key shark species;
  - c. identify key shark mating, pupping, and nursery areas; and
  - d. improve handling practices for live sharks to maximize post-release survival.
25. CPCs are encouraged, where possible, to conduct research to identify shark nursery areas.
26. The Commission should ~~To~~ continue the long-term sampling program (Project C.4.a), to the extent possible, ~~in~~ of those shark fisheries related to tunas and tuna-like species in Central America with the goal of improving data collection for assessing indicators of silky shark stocks.
27. CPCs with longline vessels included on the IATTC Regional Vessel Register shall provide to the IATTC Director, by February 15, 2023, all available shark catch data, by species and area, for the most recent ten (10) years, with a view to inform the IATTC scientific staff's analysis of catch levels. These data and analyses are to be presented at the 2023 meeting of the SAC.
28. The IATTC scientific staff shall provide CPCs, by October 1, 2022, a form through which to submit the catch by species and area referenced in paragraph 29 of this Resolution.
29. The IATTC scientific staff will present, at the SAC meeting in 2023, technical proposals aimed at promoting the live release of sharks from longline fishing gear.
30. The Commission shall prioritize research by the scientific staff in the following areas:
  - a. Identification of the pupping areas of the silky shark.
  - b. Mitigation of bycatch of sharks, especially in longline fisheries, and survival of sharks caught by all types of gears, giving priority to gears with significant catches. Survival experiments should include studies of the effects on survival of shorter sets and the use of circle hooks.
  - c. Improve handling practices for live sharks to maximize post-release survival.
  - d. Establish the appropriateness of the percentage limit on silky sharks catch established in paragraphs ~~9~~<sup>3</sup> and ~~10~~<sup>4</sup>.
31. All paragraphs within ~~This~~ Resolution relating specifically to silky sharks shall be reviewed by the scientific staff and at the meeting of the SAC in 2023, in order to evaluate the adequacy of the measures of this Resolution.
32. The Director shall take the following actions in relation to sharks:
  - a. Develop techniques and/or equipment to facilitate their release from the deck or from the net.
  - b. Seek the necessary funds to carry out experiments to determine the survival rates of released ~~billfish, sharks and rays.~~

c. Define areas and periods in which any of these species are most likely to be caught.

33. This Resolution shall enter into force on January 1, 2023.

34. This Resolution repeals and replaces Resolutions C-05-03, C-11-10, C-16-04, C-16-05, and C-21-06 in their entirety.

**Annex 1.** Schematic diagram of a shark line.

