
**CONCERNING THE CONSERVATION OF SHARKS CAUGHT IN
ASSOCIATION WITH FISHERIES MANAGED BY IOTC****SUBMITTED BY AUSTRALIA**

Explanatory Memorandum

At its 12th annual session the Indian Ocean Tuna Commission (IOTC) the Commission noted the concerns raised by some Members in relation to *Resolution 05/05 Concerning the Conservation of Shark Caught in Association with Fisheries Managed by IOTC*, in particular in relation to the clarity of Paragraph 4 concerning the interpretation of the 5 % fin:body weight ratio. The Commission agreed that, as an interim measure, Contracting Parties, Cooperating non-Contracting Parties (CPCs) notify the Secretariat of the manner in which they are interpreting the current wording of the Resolution, including information on processing methods and fin retention practices. This information and other relevant information would be reviewed by the Working Party on Ecosystem and Bycatch and the Scientific Committee, and a report be provided by the Scientific Committee on options to clarify Resolution 05/05 for consideration at the 2009 Commission meeting.

In the report from its 11th session, the Scientific Committee concluded that:

- maintaining the use of the fin:body weight ratios will preclude the collection of essential information on species-level interactions with fishing fleets, crucial for accurate stock assessments for sharks
- the best way to guarantee that sharks are fully utilised is to require that the trunks be landed with the fins attached, and if fully implemented, this would facilitate the collection of data that would be highly beneficial in shark stock assessments (e.g. data on species, sex ratios, numbers and size distributions of catches)
 - Where operational factors (e.g. storage methods and product processing) preclude the attachment of natural attachment of fins to the carcass, other measures may be employed if they ensure that fins landed can be immediately cross-referenced to the carcasses.

The IOTC Performance Review Panel also identified a need to improve the quality and quantity of the data collected and reported, including information necessary for implementing the ecosystem approach, and recommended a number of shark species for which species-specific catch data should be collected. The provision of quality data for shark stock assessments would then underpin scientific advice regarding any future conservation and management actions.

In response to the concerns raised by the Commission at the 12th annual session and the advice of the Scientific Committee and IOTC Review Panel, Australia is proposing an IOTC resolution that aims to strengthen collection and reporting of quality data on shark catches and ensure full retention of sharks caught in association with fisheries under the mandate of the IOTC.

Key aspects of the proposed resolution include:

- Reporting on catches of sharks including, but not limited to, particular shark species as identified by the IOTC and other international instruments and bodies as being of particular concern in relation to their conservation
- A requirement for shark fins to be landed attached to the carcass, either naturally or in a manner that allows immediate cross referencing between the fins and carcass of an individual shark.

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations 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 (defined as Chondrichthyans);

CONSIDERING that many sharks are part of pelagic ecosystems in the IOTC area, and that sharks are targeted or taken incidentally in a range of fisheries that fall under the mandate of the IOTC;

NOTING the recommendation of the Working Party on Ecosystem and Bycatch in 2008 that stock assessments be initiated for sharks in the Indian Ocean to the extent possible, given the current data limitations, and that the Scientific Committee has adopted executive summaries of the status of five shark species; blue shark, silky shark, oceanic whitetip shark, shortfin mako shark and scalloped hammerhead;

NOTING the recent listing in Appendix II of the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS) of long-fin mako shark, short-fin mako shark, porbeagle and the northern hemisphere population of spiny dogfish and that range States parties to the CMS are encouraged to develop cooperative arrangements to improve the conservation status of species listed in Appendix II;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement that:

1. Contracting Parties, Cooperating non-Contracting Parties (CPCs) shall annually report data for catches of sharks, in accordance with IOTC data reporting procedures, including available historical data. At a minimum, CPCs shall ensure reporting of the following sharks at species level by all fishing gear: blue shark, silky shark, oceanic whitetip shark, shortfin mako shark, scalloped hammerhead shark, long-fin mako shark, porbeagle, spiny dogfish, great white shark, whale shark and basking shark.
2. CPCs shall require that all sharks have their dorsal, pectoral, and caudal (tail) fins attached to the carcass until landed and that fins and carcasses are offloaded together. Sharks may be processed (trunked – headed and gutted). The tail tip may be cut off at the sub-terminal notch, but the caudal lobe must be left attached.
3. For the purposes of paragraph 2 ‘attached’ means either:
 - a. naturally attached, or
 - b. fins removed and attached to the trunk with the following conditions:
 - i. the fins are removed with a single cut and cannot be dressed while at sea to enable the clear matching of fins to trunks; and
 - ii. the fins must be retained and kept in a numbered sealed bag which remains attached to the shark trunk until offloaded; and,
 - iii. the corresponding shark trunk must also be numbered with the same number to allow it to be identified.
4. In accordance with paragraph 3, CPCs shall prohibit their vessels from carrying, retaining, or landing any shark dorsal, pectoral or caudal fins that are not attached to the carcass.

5. CPCs shall prohibit their vessels from retaining on board, transshipping or landing any fins harvested in contravention of this Resolution.
6. In fisheries that are not directed at sharks, CPCs shall encourage the release, to the extent possible, of live sharks, especially juveniles and pregnant sharks, which are not used for food and/or subsistence.
7. The Scientific Committee shall request the Working Party on Ecosystems and Bycatch to continue its work on identifying and monitoring indicators of the status of sharks until such time as comprehensive assessments are possible.
8. The Scientific Committee shall annually review the information reported by CPCs pursuant to this measure and, as necessary, provide recommendations to the Commission on ways to strengthen the conservation and management of sharks within IOTC fisheries.
9. CPCs are encouraged to undertake research to identify ways to make fishing gears more selective (such as the implications of banning the use of wire traces).
10. CPCs are encouraged to conduct research to identify shark nursery areas, and where these areas lie in national waters take appropriate action to provide protection to these areas.
11. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
12. This provision is to apply without prejudice to any artisanal fisheries which traditionally does not discard carcasses.