

Progress, Challenges and Opportunities in Global Shark Conservation

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SEMINAR SUMMARY

Sharks are critical components of healthy marine ecosystems. However, they face rapidly growing pressures, including a vast and largely unregulated shark fin trade. As a result, shark populations worldwide are experiencing substantial declines and are increasingly faced with overexploitation and endangerment. International protections for sharks have lagged behind these population declines, but in a landmark decision on March 14, 2013, the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) voted to extend protection to five of the most threatened species of shark that are harvested for their fins or meat. This decision represents a significant step forward for conserving shark populations threatened by international trade, but questions remain about whether additional regulation is needed in light of demand for shark products.

This panel convened government, nongovernmental, and fishing industry experts to discuss the implications of the March 2013 CITES decision, the current status of domestic and international shark protection efforts, and potential approaches to ensuring a long-term future for sharks.

MODERATOR:

- **Jordan Diamond**, Co-Director, Ocean Program, Environmental Law Institute

PANELISTS:

- **Laura Cimo**, Policy Advisor, Office of International Affairs, National Oceanic and Atmospheric Administration (NOAA) Fisheries
- **Jeffrey Pike**, Chief Executive Officer, Pike Associates
- **Elizabeth Wilson**, Manager, Global Shark Conservation, The Pew Charitable Trusts

Ms. Laura Cimo focused her remarks on U.S. government efforts to protect sharks prior to the March 2013 CITES decision. Ms. Cimo began with a brief overview of the biological characteristics that make sharks a priority for conservation, including slow growth rates and late maturation, few offspring, and migratory behavior as well as their role as top predators in marine ecosystems. She then described the major threats facing shark populations: direct and incidental catch due to demand for shark products, including their fins, meat, liver oil, skin, cartilage, and teeth and jaws.

Ms. Cimo then highlighted major domestic efforts to manage shark species at the federal level under the Magnuson-Stevens Fishery Conservation and Management Act. Efforts include permitting and catch reporting requirements for fishermen, commercial quotas and recreational retention limits, seasonal area closures, prohibitions on catches of certain species, and notably, the requirement that sharks be landed with their fins naturally attached to their bodies. Further U.S. regulatory measures include permitting and reporting requirements for dealers, importers, and exporters of shark products, and regional requirements for shark dealers to attend species identification workshops (in the Atlantic, Gulf of Mexico, and Caribbean).

After her overview of federal shark management efforts, Ms. Cimo went on to highlight major U.S. shark conservation actions, including the April 2013 proposed listing of several populations of scalloped hammerheads under the Endangered Species Act. The U.S. is also active in shark conservation within international fora, requiring the identification and certification of nations lacking adequate shark management regulations for shark catch on the high seas, providing training and technical assistance to other countries, and supporting the adoption of species-specific codes in the international shark trade.

In closing, Ms. Cimo briefly discussed major challenges to federal shark management and conservation efforts. She emphasized the lack of species-specific data reporting, insufficient capacity for shark management in other countries, the challenge of illegal, unreported and unregulated (IUU) fishing and insufficient compliance and enforcement, and the need for greater regional coordination.

Following Ms. Cimo's presentation, Mr. Jeffrey Pike provided a history of U.S. legislative efforts to ban shark finning. In the mid-1990s, scientists raised a red flag after documenting significant decreases in shark populations, which were largely attributed to fishing pressure and shark finning in particular. The 106th Congress first attempted to regulate shark finning in 1999 with the passage of a non-binding resolution to advocate banning of the practice. In 2000, the Shark Finning Prohibition Act was introduced. Mr. Pike explained that although the bill passed the House with strong bipartisan support, it sat in the Senate Commerce Committee for some time due to objections from Hawaii, which had recently experienced a 25-fold increase in shark catches as a result of growing demand for shark fins. Proponents of the bill introduced a new version later that year, which passed the House and Senate and became law in December 2000.

Thus by 2001, the practice of shark finning was banned in all U.S. waters. However, Mr. Pike emphasized that under the Shark Finning Prohibition Act, fishers could still legally remove fins from landed sharks while still at sea, provided the carcasses were retained and the total mass of fins onboard did not exceed 5% of the carcasses' mass. Thus the new legislation was difficult to enforce, in light of the challenges of species identification and of the ability of enforcement personnel to attribute fins to their corresponding carcasses; furthermore, fishers would often "high-grade" the 5% rule by keeping fins from larger sharks and carcasses from smaller sharks.

Efforts to address these shortfalls were ongoing in the 2000s. Mr. Pike described the Shark Conservation Act, which was introduced in 2008 to prohibit the removal of fins from carcasses or the transfer of fins while at sea. The bill stalled due to opposition from the North Carolina smooth dogfish fishery, but after

concessions were made for this fishery, the Act ultimately passed in January 2011. To address the still-ongoing practice of shark finning in international waters, individual states began promulgating bans on the sale of shark fins. Hawaii was the first state to ban sales in 2010, followed by Guam, the Northern Marianas, and American Samoa. California, Oregon, Illinois, and Washington have since banned sale, purchase and distribution; this ban was challenged in California but upheld by the courts. New York and Maryland are both poised to adopt similar bans. Mr. Pike noted that he believes state-level bans on shark fin sales may raise a Commerce Clause issue.

Following Mr. Pike, Ms. Elizabeth Wilson gave an overview of international shark management and conservation efforts, focusing on existing measures, recent successes through CITES, and future opportunities. To begin, Ms. Wilson noted that there tends to be major differences in shark protections between countries who view sharks as wildlife versus those that view them as a fishery; these protections range from the establishment of sanctuaries and finning bans to catch and size limits and fishing gear restrictions.

On a regional and international level, Ms. Wilson described several mechanisms that establish varying degrees of protection for sharks, including actions by Regional Fisheries Management Organizations (RFMOs), the International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks), and the Convention on Migratory Species (CMS). Individual RFMOs implement catch restrictions on certain species; all RFMOs prohibit shark finning and are moving toward the adoption of fins-attached policies. The IPOA Sharks, which was adopted by the United Nations Food and Agriculture Organization Committee on Fisheries (COFI) in 1999, is a non-binding and voluntary measure to achieve long-term sustainable use of shark populations. Finally, the CMS parties have signed a Memorandum of Understanding that seeks to increase international cooperation in shark conservation and management.

Ms. Wilson went on to discuss CITES as a particularly powerful tool to ensure that the international trade in sharks and shark products does not threaten their survival. After a brief overview of the structure and requirements of CITES, Ms. Wilson reviewed past efforts to list certain threatened species of sharks and other elasmobranchs under CITES Appendices I and II. While basking, great white, and whale sharks were successfully listed on Appendix II in 2002 and 2004, and sawfish in 2007, proposals to list other threatened species including spiny dogfish, hammerheads, and porbeagles have been repeatedly rejected at CITES Conferences of Parties (CoPs).

This historical precedent was reversed at the 16th CoP in Bangkok, Thailand in March 2013, Ms. Wilson explained. The parties adopted four separate proposals for the listing of seven species of sharks and rays under Appendix II, including the oceanic whitetip (*Carcharhinus longimanus*), scalloped hammerhead (*Sphyrna lewini*), great hammerhead (*Sphyrna mokarran*), smooth hammerhead (*Sphyrna zigaena*), porbeagle shark (*Lamna nasus*), and manta rays (*Manta birostris* and *Manta alfredi*). Ms. Wilson described how the success at the March 2013 CITES meeting was the product of many months of advocacy and communications efforts by the countries involved in the submission of proposals. The victory means that the trade in some of the most highly-vulnerable species of sharks and manta rays is now regulated. While the implementation of these trade restrictions has yet to unfold, Ms. Wilson

explained that these regulations should ultimately contribute to better management of the seven listed species.

Ms. Wilson finished her remarks by stressing that, despite the recent success at CITES CoP 16, there is still much work to be done to ensure future protection of shark populations internationally. She emphasized that although 30% of shark species assessed are considered threatened or near-threatened, few countries have species-specific shark management protocols and few locations fully protect sharks. Furthermore, no RFMO catch limits exist for shark species, and many species that are technically at risk are still allowed to be caught. Finally, the number of species protected by CITES is still very small.

Following the completion of their presentations, Ms. Cimo, Mr. Pike and Ms. Wilson each provided brief concluding statements. Ms. Cimo stated that the variety of stakeholders appear to be in agreement on the challenges at hand, and emphasized the need for cooperation within and between governments and with external stakeholders on shark conservation efforts, including effective implementation of the CITES shark listings. Mr. Pike expressed concern about conflicts between state and federal legislation, and the potential resulting implications for the fishing community. Finally, Ms. Wilson emphasized that today's shark management efforts represent a patchwork of measures, and that many species and populations are currently without protection.

QUESTIONS AND ANSWERS

Have there been efforts to use market-based incentives to reduce shark catch, akin to the "dolphin-safe tuna" endeavor by the tuna industry?

Ms. Wilson noted that there is currently one dogfish fishery certified by the Marine Stewardship Council, the first such certification for a shark fishery. She said that at the RFMO level, the establishment of market-based incentives is challenging because shark fisheries are largely unmanaged, thus making it difficult to certify products from those fisheries. She also noted that since the distinction between targeted catch and bycatch for sharks is often not clear, reduction of targeted catch alone is insufficient.

Mr. Pike observed that the U.S. dolphin safe policy has been so successful largely because there are only three major companies distributing tuna in the United States, all of whom adopted dolphin-safe policies voluntarily. He noted that there is no such concentration of buying power within the shark trade, but acknowledged that this would be a good solution if it could be achieved.

Several years ago there was a campaign in China centered on basketball star Yao Ming's pledge not to consume shark fin products or patronize businesses that serve these products. Is there any evidence of the effects of this campaign, and are there any similar efforts taking place in other countries?

Ms. Wilson noted that much of this work was led by WildAid, and noted that they attempted to measure the campaign's impact by administering surveys to gauge public awareness of the issue after the campaign concluded. WildAid found that public awareness did increase during this time, but it is difficult to determine whether this was because of the campaign or other concurrent factors. Ms. Wilson noted

that there are many new efforts similar to the Yao Ming campaign, including social media outreach work in Hong Kong targeted at changing attitudes among youths. However, Ms. Wilson cautioned that given the rate of decline of some shark species, managers cannot afford to wait several decades for a generational shift in attitudes, but rather must focus on regulating supply via management.

The new CITES listing will require species-specific monitoring and management for listed species. What on-the-ground actions are being proposed or implemented by countries besides the United States to improve species-specific data?

Ms. Cimo stated that the U.S. has been in discussions with other countries about the issue of species-specific reporting. Most nations recognize that there is a need, and several are trying to make sure that both fishermen and dockside officials have easy access to species identification materials to help ensure that shark catches can be accurately reported by species. The new CITES listings go into effect in September 2014, and over the next year-and-a-half, countries are planning workshops and trainings to equip fishermen and officials with information to facilitate better reporting. As an example, Ms. Cimo observed that Brazil has already committed to host a workshop to help ensure that other Latin American countries are provided with adequate training and capacity development.

Comments for consideration: *First, shark conservation is not just about sharks, but also other groups of Chondrichthyes species including dogfish, skates, rays, sawfish, and chimaeras—many of which receive less protection than true sharks. Second, with regard to implementing limits on shark take, the United States has been a leader at securing limits through the North Atlantic Fisheries Organization. Third, in addition to the trade in shark fins, there are also large markets for other shark products including meat, oil, etc. Fourth, on the subject of Mr. Pike's comments about the status of dogfish fisheries, describing all dogfish species as "prolific" is not necessarily accurate given their slow maturation and long gestation periods; it is important to note that there are several different species of dogfish and it is generally more appropriate to lift fishing restrictions on sustainable populations rather than on an entire species.*

Ms. Cimo reaffirmed that the discussion of shark conservation applies to a broader number of cartilaginous fishes than just sharks, though they tend to be particularly charismatic representatives. She also noted that porbeagle sharks are an example of a species valued for their meat, not their fins; since CITES requires monitoring of all shark products, it is necessary and important to consider products other than fins that are in international trade.

Mr. Pike agreed with the point about the sustainability of dogfish fisheries: certain dogfish populations are fully rebuilt, but a persistent problem is NOAA Fisheries' difficulty in providing good abundance data. Mr. Pike also emphasized that questions about dogfish recovery should not focus on whether or not the species is particularly prolific. He cited the lack of recovery of Newfoundland codfish—a notoriously prolific species—as an example of how environmental factors can and do play a huge role in determining the status of species populations.

Do you think the World Customs Organization will adopt species-specific codes for shark fins by 2014?

Ms. Cimo replied that the World Customs Organization (WCO) reviews its product classification codes every five years. The most recent review was in 2012, so the next opportunity to revise the codes will be in 2017. Currently, there is a subcommittee of the WCO reviewing a proposal to adopt several species-specific codes for shark fins, and the United States is working to help other parties recognize the merit of adopting these codes. Many countries are supportive of the proposal, although Japan has expressed concerns.

What measures are being taken to ensure compliance with shark sanctuary regulations in countries considered to have poor enforcement capabilities? Have you seen evidence of black markets developing in countries that have large markets for shark products?

Ms. Wilson stated that there are a number of enforcement efforts ongoing in nations with shark sanctuaries. There have been several recent busts of foreign vessels caught in sanctuary waters with shark fins onboard, and these vessels have been subject to significant fines. Some of the fine money is put back into the sanctuaries to aid enforcement efforts, so there is some potential for enforcement to pay for itself. There are also some cooperative agreements in place; for example, the United States and the Marshall Islands have established a ship-rider program in which Marshall Island enforcement officials can ride on U.S. Coast Guard and Navy ships and observe U.S. enforcement protocols. Furthermore, there have been and will continue to be enforcement training workshops ongoing in various countries. Ms. Wilson noted that enforcement in the open ocean is always challenging, but that a number of countries have indicated that they take the enforcement of regulations in shark sanctuaries seriously.

Following the March 2013 CITES decision, has the U.S. given thought to what it can do in the next 18 months to facilitate the ability of CITES parties to implement the listings when they go into effect?

Ms. Cimo remarked that NOAA Fisheries went into “implementation” mode upon return from the Bangkok CITES meeting. In the short-term, the focus has been on determining how the United States will implement the new CITES provisions on a national level. Internationally, the United States is assessing the needs of parties that have requested U.S. assistance and is working to determine how best to provide it. These discussions are still in a preliminary stage, and Ms. Cimo emphasized that the United States will need to think more about opportunities to facilitate international implementation.