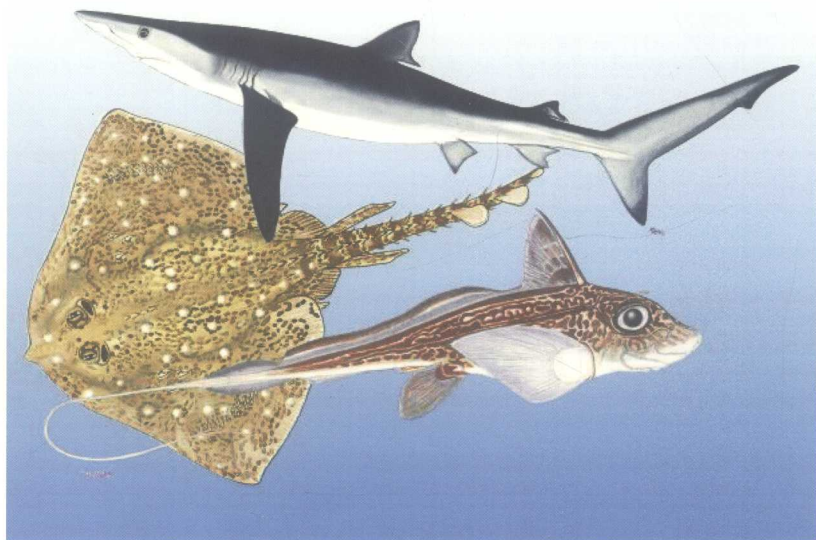


REVIEW OF THE IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION FOR THE CONSERVATION AND MANAGEMENT OF SHARKS



REVIEW OF THE IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION FOR THE CONSERVATION AND MANAGEMENT OF SHARKS

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Preparation of this document

At its Twenty-ninth Session in 2011, the FAO Committee on Fisheries (COFI) requested that FAO prepare a report on the implementation of the 1999 FAO International Plan of Action for the Conservation and Management of Sharks by FAO Members, and the challenges Members faced when implementing the instrument. This FAO Fisheries and Aquaculture Circular compiles and reviews relevant conservation and management measures of top shark-fishing countries, areas, territories and entities accounting for 84 percent of the total elasmobranch catches reported to FAO. It has been prepared in collaboration with the FAO Development Law Service. An advance copy was presented during COFI in July 2012 encouraging all countries, areas, territories and entities to provide the authors with additional information and corrections. All feedback received by the end of August 2012 was considered for the review. The printing of this document was possible thanks to funds provided to FAO by the Government of Japan.

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Abstract

In 2011, the Conference on Fisheries requested FAO to prepare a report on the implementation of the 1999 FAO International Plan of Action for the Conservation and Management of Sharks by FAO Members, and the challenges Members faced when implementing the instrument. This document provides the requested review and includes information on National Plans of Action (NPOAs), for the Conservation and Management of Sharks, national fisheries regulations in general and measures applicable to sharks including research, data collection and reporting. In addition, membership of relevant regional fisheries management organizations (RFMOs) and status of adopting the Port State Measures Agreement are included.

This review focuses on the 26 top shark-fishing countries, areas and territories determined as those reporting at least 1 percent of global shark catches during the decade from 2000 to 2009: Indonesia, India, Spain, Taiwan Province of China, Argentina, Mexico, the United States of America, Pakistan, Malaysia, Japan, France, Thailand, Brazil, Sri Lanka, New Zealand, Portugal, Nigeria, Iran (Islamic Republic of), the United Kingdom of Great Britain and Northern Ireland, the Republic of Korea, Canada, Peru, Australia, Yemen, Senegal and Venezuela (Bolivarian Republic of). This review also considered shark action plans and measures from the European Union (Member Organization) and ten RFMOs.

Eighty-four (84) percent of the global shark catches reported to FAO from 2000 to 2009 was from the 26 top shark-fishing countries, areas and territories. Overall, global reported annual shark catches during this decade show a significant decline of almost 20 percent from about 900 000 tonnes to about 750 000 tonnes. The review shows that 18 of the 26 top shark fishing countries, areas and territories have adopted an NPOA Sharks and that an additional 5 of these countries are in the process of adopting or developing such a plan.

Among the most commonly adopted management measures for sharks are shark fin measures; but other regulations have also been implemented such as closed areas and season, by-catch/discard regulations, protected species, total allowable catches (TAC) and quotas, special reporting requirements and others. Data collection and research on sharks is lacking in many regions. Overall, the reporting of shark catches to FAO has improved in the last decade. Shark catches reported at species level doubled from 14 percent in 1995 to 29 percent in 2010.

Most of the top shark-fishing countries, areas and territories have taken steps to combat illegal, unreported and unregulated (IUU) fishing, either by signing the FAO Port State Measures Agreement (PSMA) (46 percent) or at least by adopting an NPOA IUU or similar plan (23 percent). Only five (20 percent) of the top 26 shark-fishing countries, areas and territories have not adopted an NPOA Sharks, signed the PSMA or implemented an NPOA IUU. Nonetheless, in quite a few countries the effective implementation of MCS schemes is problematic, often because of a lack of human and financial resources.

All but one of the top shark-fishing countries, areas and territories are members of at least one RFMO. In particular, shark measures adopted by tuna bodies are binding in their areas of competence for all their member States that have not objected to the measure in question.

The array of shark measures adopted by the RFMOs may vary from binding recommendations or resolutions to non-binding measures, as in the case of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). They include shark fin measures, catch and gear regulations, prohibited species, area closures, reporting requirements and research programmes. This means that in all but one area covered by RFBs there are internationally binding shark measures in place for high seas fisheries.

Abbreviations and acronyms

APFIC	Asia-Pacific Fishery Commission
BOBLME	Bay of Bengal Large Marine Ecosystem
CBD	Convention on Biological Diversity
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCBSP	Convention on the Conservation and Management of the Pollock Resources in the Central Bering Sea
CCMs	Commission Members, Cooperating Non-members, and Participating Territories
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CECAF	Fishery Committee for the Eastern Central Atlantic
CFP	Common Fisheries Policy (European Union [Member Organization])
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CITES Sharks	WG Working Group on the Conservation and Management of Sharks of the CITES Animal Committee
CMS	Convention on Migratory Species
Code	FAO Code of Conduct for Responsible Fisheries
COFI	Committee on Fisheries (FAO)
COP	Conference of the Parties
COPESCAALC	Commission for Inland Fisheries and Aquaculture for Latin America and the Caribbean
CP	Contracting Party
CPCs	Contracting Parties and Cooperating Non-members
CPPS	Permanent Commission for the South Pacific
CSRFP	Subregional Fisheries Commission
CTMFM	Comisión Técnica Mixta del Frente Marítimo
EAF	ecosystem approach to fisheries
EC	European Commission
EEZ	exclusive economic zone
EUPOA	European Union Plan of Action
FCWC	Fishery Committee of the West Central Gulf of Guinea
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
Ifremer	French Research Institute for Exploitation of the Sea
IOTC	Indian Ocean Tuna Commission
IPOA	international plan of action
IPOA Sharks	International Plan of Action for the Conservation and Management of Sharks
ISSCAAP	International Standard Statistical Classification of Aquatic Animals and Plants
IUCN	International Union for Conservation of Nature
IUU	illegal, unreported and unregulated (fishing)
MCS	monitoring, control and surveillance
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North East Atlantic Fisheries Commission
NEI	not elsewhere included
NGO	non-governmental organization
NPOA	national plan of action
NPOA IUU	national plan of action to combat illegal, unreported and unregulated fishing
NPOA Sharks	National Plan of Action for the Conservation and Management of Sharks
OLDEPESCA	Latin American Organization for Fisheries Development
PERSGA	Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden
PSMA	FAO Port State Measures Agreement

RECOFI	Regional Commission for Fisheries
RFB	regional fishery body
RFMO	regional fisheries management organization
RPOA	Regional Plan of Action
SCMFMCSGG	Sub-Regional Cooperation in Marine Fisheries Monitoring, Control and Surveillance in the Southern Gulf of Guinea on the Harmonisation of Fisheries Laws and Regulations of the Region
SEAFDEC	Southeast Asian Fisheries Development Centre
SEAFO	Southeast Atlantic Fisheries Organization
SIOFA	Southern Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organisation
SSG	Shark Specialist Group
SWIOFC	South West Indian Ocean Fisheries Commission
TAC	total allowable catch
TACC	total allowable commercial catch
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea of 10 December 1982
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission

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1. INTRODUCTION

1.1 The IPOA Sharks

The International Plan of Action for the Conservation and Management of Sharks¹ (IPOA Sharks) was adopted under the auspices of the FAO Code of Conduct for Responsible Fisheries (the Code) in 1999. At the time of the adoption of the IPOA, knowledge of the status of shark fisheries in the world was limited. Only a few countries had specific management plans in place for their shark fisheries, and owing to the wide-ranging distribution of many highly migratory sharks, it was considered increasingly important to strengthen international cooperation and coordination for the management of sharks.

The objective of the IPOA Sharks is to ensure the conservation and management of sharks and their long-term sustainable use. The IPOA Sharks applies to all species of sharks, skates, rays and chimaeras, and it applies to all types of catches (directed, bycatch, commercial, recreational or others) and waters where such fishing takes place. It also applies to coastal States where sharks are caught in their waters and to flag States where vessels entitled to fly their flags catch sharks on the high seas.

The IPOA Sharks calls on all concerned States to participate in the management of shark stocks. It encourages States to develop and implement national plans of action for the conservation and management of sharks (NPOAs Sharks), and suggests a structure and contents for such a plan. In order to engage efficiently in cooperation with other shark fishing nations, countries should adopt measures to manage the shark species within their territories and should strive to have updated information and data at all times.

The IPOA establishes not only the need to start managing directed shark catches but also calls for improving shark bycatch regulations in multispecies fisheries, in particular in tuna fisheries. The main purpose of the IPOA Sharks consists in facilitating the implementation of NPOAs and, accordingly, it suggests meaningful contents of a shark plan. These include the description of the current state of shark stocks and fisheries as well as a framework, objectives and strategies for the management of sharks. Implementation of the IPOA Sharks is voluntary but the IPOA suggests that FAO Members who have decided against its implementation should regularly review their decision. Furthermore, the IPOA Sharks encourages States to cooperate through regional fisheries management organizations (RFMOs) and to ensure the effective management of transboundary stocks. FAO can assist States in the implementation of the IPOA Sharks; this support may include local technical assistance provided extrabudgetary funds are made available.

In 2000, FAO produced the Technical Guidelines on the Conservation and Management of Sharks² (the Guidelines) to support FAO Members in the implementation of the IPOA Sharks. They were designed to raise awareness among governments, fisheries agencies, non-governmental organizations (NGOs) and the fishing industry for the need to conserve and manage sharks effectively.

Progress in implementing the IPOA was slow and, at the Committee on Fisheries (COFI) in 2003, a number of countries indicated that their efforts had not significantly progressed owing to a lack of relevant data and other technical problems.³ In response, in 2005, FAO convened an Expert Consultation to understand more fully the nature of the problems encountered by Members. The experts noted that fisheries management regimes in many countries did not include shark-specific measures and that the management of elasmobranchs is hampered by the same problems encountered in the management of non-elasmobranch species. According to the Expert Consultation, the main issues in many countries included: a lack of taxonomic guides as well as an absence of scientific assessments and, consequently, there was insufficient information on sharks' biology, stock status and fisheries; a

¹ FAO. 1999. *International Plan of Action for reducing incidental catch of seabirds in longline fisheries. International Plan of Action for the conservation and management of sharks. International Plan of Action for the management of fishing capacity*. Rome. 26 pp.

² FAO. 2000. *Fisheries management. 1. Conservation and management of sharks*. FAO Technical Guidelines for Responsible Fisheries No. 4, Suppl. 1. Rome. 37 pp.

³ FAO. 2003. *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24–28 February 2003*. FAO Fisheries Report No. 702. Rome. 88 pp.

shortage of funds, human resources and institutional practices; and a low political priority for shark conservation.⁴ The experts also expressed concern that the IPOA Sharks was slipping off the agenda, and that there had been confusion because of its voluntary nature, which contrasted with the real need for operational actions.

The slow implementation of the IPOA Sharks during the first ten years raised concerns also beyond FAO. In 2008, the United Nations General Assembly (UNGA) not only encouraged States to implement fully the IPOA Sharks but also requested FAO to “prepare a report containing a comprehensive analysis of the implementation of the International Plan of Action for the Conservation and Management of Sharks”.⁵ In 2011, TRAFFIC International and the Pew Environment Group published an analysis of shark management measures by the Top 20 shark-fishing nations⁶. They reaffirmed a lack of publicly accessible information on shark fisheries and management and emphasized the need for a more detailed global review of progress by the Top 20 on the principles of the IPOA Sharks.

Other efforts made by FAO to support the Code, in particular the conservation and management of sharks and effective implementation of the IPOA Sharks, are reflected in numerous publications on shark conservation and management issues and in the production of species identification guides (see bibliography). Two FAO workshops are worth mentioning in this context. The first took place in 2008⁷ and considered strategies to improve the monitoring of shark fisheries and resulted in a number of recommendations to promote the development of NPOA sharks. The second workshop in 2010 was co-convened by CITES⁸ and outlined the strengths and weaknesses of the various shark-related regulatory instruments and regulations and discussed their effectiveness with regard to implementation and stock recovery, as well as their impact on fisheries, livelihoods, food security, markets, trade and government administrations.

In 2009 and 2011 significant progress in the implementation of the IPOA Sharks could be observed⁹ indicating that the international attention given to the sustainable use, conservation and management of sharks has had a positive effect on the motivation of governments to take action. Nonetheless, more efforts are required to ensure the effective conservation of sharks. Although global shark catches reported to FAO have decreased by almost 20 percent since 2003, the high level of exploitation of many shark species is still of concern. Therefore, in 2011, COFI echoed the request of the UNGA and asked FAO to compile a report “on the extent of the implementation of the IPOA and the challenges faced by Members”.¹⁰

⁴ FAO. 2006. *Report of FAO Expert Consultation on the Implementation of the FAO International Plan of Action for the Conservation and Management of Sharks*, Rome, 6–8 December 2005. FAO Fisheries Report No. 795. Rome. 24 pp.

⁵ United Nations General Assembly. 2010. *Resolution on Sustainable Fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments*, Sixty-fifth Session, 2010. A/RES/65/38.

⁶ Lack, M. & Sant, G. 2011. *The future of sharks: a review of action and inaction*. Cambridge, UK, TRAFFIC International, and Washington, DC, the PEW Environment Group. 41 pp.

⁷ FAO. 2009. *Report of the Technical Workshop on the Status, Limitations and Opportunities for Improving the Monitoring of Shark Fisheries and Trade*. Rome, 3–6 November 2008. FAO Fisheries and Aquaculture Report No. 897. Rome. 152 pp.

⁸ FAO. 2012. *Report of the FAO/CITES Workshop to Review the Application and Effectiveness of International Regulatory Measures for the Conservation and Sustainable Use of Elasmobranchs*. Genazzano, Italy, 19–23 July 2010. FAO Fisheries and Aquaculture Report No. 984. Rome. 31 pp.

⁹ FAO. 2009. *Progress in the Implementation of the Code of Conduct for Responsible Fisheries, Related International Plans of Action and Strategy* [online]. Committee on Fisheries, Twenty-eighth Session, Rome, 2–6 March 2009. COFI/2009/2. [Cited 20 September 2012]. <ftp://ftp.fao.org/docrep/fao/meeting/015/k3833e.pdf> and FAO. 2011. *Progress in the Implementation of the Code of Conduct for Responsible Fisheries, Related International Plans of Action and Strategy*, Committee on Fisheries, Twenty-ninth Session, Rome, 31 January – 4 February 2011, COFI/2011/2

¹⁰ FAO. 2011. *Report of the Twenty-ninth Session of the Committee on Fisheries*. Rome, 31 January – 4 February 2011. FAO Fisheries and Aquaculture Report No. 973. Rome. 59 pp.

This current review describes the main shark conservation and management measures taken by the 26 top shark-fishing nations, areas, territories and RFMOs. It includes summary information on the content of adopted and draft NPOA sharks, on national fishery policies with particular focus on shark regulations and shark research and assessment as well as the reporting on shark catches to FAO. This review also takes note of challenges reported by FAO Members with regard to the effective conservation and management of sharks.

1.2 International legal regime applicable to or relevant for sharks

Shark species are subject to a fragmented international legal regime for conservation and management. Indeed, a number of different sets of binding rules and non-binding principles are relevant to shark species on both a regional and a global level, but not all of these are relevant for the purposes of this review. The following sections provide an overview of the international and regional fisheries instruments considered most relevant for shark conservation and management. The purpose is mainly to put the IPOA Sharks into a larger context. The instruments presented below were highly relevant for the adoption of the IPOA Sharks, and although it is a voluntary instrument, lying within the framework of the Code, it draws from binding instruments. Many of the instruments presented below are also referred to in the NPOAs reviewed.

1.2.1 Binding fisheries instruments

The 1982 United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS is considered the principal framework convention for the management of the world's oceans and its resources. It sets out rights and obligations mainly of the coastal and flag States relating to the conservation and management of the living resources within the different maritime zones.

Within their exclusive economic zone (EEZ), coastal States have sovereign rights for the purpose of, *inter alia*, conserving and managing living resources. They must take and implement conservation measures to avoid overexploitation, to allow restoration of species if needed, and account must be taken of associated or dependent species. Attention is drawn to incidental bycatch. Coastal States must also promote optimum utilization of living resources within their EEZ.

On the high seas, freedom of fishing by the flag States is restricted by their treaty obligations, the interests of coastal States and by the obligation for the flag States to cooperate in the conservation and management of marine species.

Cooperation is particularly required for the management of straddling stocks and highly migratory species in the EEZs and the high seas. This obligation is relevant for many oceanic sharks that are listed as highly migratory species under Annex I of UNCLOS.

The 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)

The FAO Compliance Agreement (Article III) elaborates the responsibility of flag States for their fishing vessels on the high seas. Such States must take the necessary measures to ensure that vessels flying their flag are not engaging in any activity undermining the effectiveness of conservation and management measures. The FAO Compliance Agreement was completed prior to the 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA, below), and some of the provisions in the two agreements overlap. However, there are some important differences. First, UNFSA addresses only straddling fish stocks and highly migratory fish stocks (with some exceptions) whereas the FAO Compliance Agreement applies to all high seas fishing. Second, while there is a parallel obligation in both agreements to establish a record of fishing vessels, and to make the information available on request, only the Compliance Agreement provides for the systematic exchange of information regarding high seas fishing vessels to which the agreement applies.

The 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)

UNFSA mainly applies to the conservation and management of straddling and highly migratory fish stocks in the high seas. It obliges States to cooperate through the RFMOs to conserve and manage straddling and highly migratory fish stocks. It also establishes principles for fisheries conservation and management.

Being an instrument that also implements Article 64 on “Highly Migratory Species” of UNCLOS, UNFSA is highly relevant to this review. Of particular interest is UNFSA Article 5, which obliges Contracting Parties to minimize catch of non-target species, such as sharks, and impacts on associated or dependent species, in particular endangered ones. This article also stipulates that States should apply the precautionary approach to fisheries management, as well as an ecosystem approach for the protection of marine biodiversity.

The 2009 FAO Port State Measures Agreement (PSMA)

The PSMA was adopted in 2009 as a tool to combat illegal, unreported and unregulated (IUU) fishing. It aims to prevent illegally caught fish from entering international markets through ports. Under the terms of the treaty: foreign vessels will provide advance notice and request permission for port entry, countries will conduct regular inspections in accordance with universal minimum standards, offending vessels will be denied use of port or certain port services, and information sharing networks will be created. As IUU fishing is also a threat to vulnerable shark species, implementation of the PSMA can have a positive effect on the conservation of sharks.

1.2.2 Binding non-fisheries instruments/organizations

The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES regulates international trade in listed species of wild animals and plants, through a system of permits and certificates, in order to ensure that such trade is legal, sustainable and traceable. Key conditions that must be met before a permit is granted are generally that the trade of the specimen will not be detrimental to the survival of the species (non-detriment finding) and that the specimen has been obtained in accordance with the laws of the exporting State (legality finding). Moreover, for specimens of species included in Appendix I of CITES, the State of import must be satisfied that the specimen is not to be used for primarily commercial purposes. Moreover, any living specimen must be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

“Trade” under CITES means export, re-export, import and introduction from the sea. The term “introduction from the sea” means transportation into a State of specimens of any species that were taken in the marine environment not under the jurisdiction of any State. The introduction from the sea of any specimen of a species included in Appendix I or Appendix II requires the prior grant of a certificate. Parties to CITES have adopted a resolution to guide their application of its provisions on introduction from the sea and are in the process of further clarifying the interpretation and implementation of this type of trade.

International trade in shark species has been regulated under CITES since 2000 and, currently, six species are included in Appendix I (species threatened with extinction, whose international trade is permitted only in exceptional circumstances), four species are included in Appendix II (species not necessarily threatened with extinction, but whose international trade must be controlled in order to avoid utilization incompatible with their survival), and two species included in Appendix III with effect from 25 September 2012 (species not necessarily threatened with extinction globally, listed after one member country has asked other CITES Parties for assistance in controlling trade). Beyond the practical effects of including species in the CITES Appendices, parties have repeatedly called for improved action on conservation and management of sharks since 1994. Resolution Conf. 12.6 (Rev. CoP15) on Conservation and management of sharks (Class Chondrichthyes), initially adopted in 2002, *inter alia* urges COFI and RFMOs to strengthen their efforts to undertake the research, training, data collection, data analysis and shark management plan development outlined by FAO as necessary to implement the

IPOA Sharks. In 2010, the parties expressed their continued concern at unsustainable trade and insufficient progress with implementation of the IPOA Sharks, encouraging enhanced efforts in this regard. They instructed their scientific committee to make species-specific recommendations, if necessary, on improving the conservation status of sharks and to examine information provided by range States on trade and other data and information, and report on activities at meetings of the Conference of the Parties (COP), and the Scientific Committee has established a shark working group to address these issues.

The 1979 Convention on Migratory Species (CMS)

The CMS is aimed at conserving species that cross national boundaries and/or are in areas beyond national jurisdiction. In order to avoid such species from becoming endangered, the principal conservation measures that fall under the CMS are: (i) the prohibition of harvesting of endangered species imposed by range States;¹¹ and (ii) for range States to enter into agreements for the protection of species within an unfavourable conservation status and their habitats. Parties are called on to promote cooperation and support research related to migratory species and endeavour to take immediate protective action for endangered migratory species.

Endangered migratory species are listed in Appendix I of the CMS. The list includes white sharks and basking sharks. Range States should endeavour to conserve and, where feasible and appropriate, restore important habitats of those species, minimize sources of obstacles on migratory routes, control the introduction of exotic species and prohibit the taking of listed animals.

Migratory species that have an unfavourable conservation status, or would significantly benefit from international cooperation, are listed in Appendix II. White sharks and basking sharks are also listed in Appendix II, together with whale sharks and dogfish sharks. For these species, the CMS acts as a framework convention – it does not provide any specific protection to them, but requires that State parties conclude global or regional agreements on specified species.

A non-legally binding memorandum of understanding on the conservation of migratory sharks was agreed under the CMS in 2010. It applies to whale sharks, basking sharks, great white sharks, longfin and shortfin mako sharks, porbeagle sharks, and Northern Hemisphere populations of spiny dogfish. Recognizing the importance of other institutions for the conservation and management of sharks, the signatories adopted a conservation plan at their first meeting in September 2012.¹²

The Convention on Biological Diversity (CBD)

The CBD came into force in 1993 and promotes the conservation of biological diversity, ensuring the sustainable use of biological components of ecosystems, and the fair and equitable sharing of benefits arising from the use of genetic resources.¹³

The objectives of the CBD are addressed through national frameworks and policies, and meetings are convened every two years to monitor implementation.

Sharks are a focus group of the CBD, and several recommendations for their sustainable conservation and management have been adopted by the parties, in particular with regard to large pelagic sharks.

¹¹The CMS defines a range State as “any State that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species”.

¹² Annex 3 to the Memorandum of Understanding on the Conservation of Migratory Sharks (www.cms.int/species/sharks/MOS_Mtgs/MoS1/mtg_report_&_outcomes_&_decisions/Outcome_1_2_Annex3_to_MoU_Conservation_Plan_En.pdf).

¹³ CBD Web site: www.cbd.int/

1.2.3 Non-binding fisheries instruments

The 1995 FAO Code of Conduct for Responsible Fisheries (Code)

The Code is voluntary and it sets out principles and international standards of behaviour for responsible fishing and fishing activities. Its goals are, *inter alia*, to promote the conservation, management and development of all fisheries and to provide guidance in the formulation and implementation of further instruments in support of the objectives of the Code. The IPOA Sharks is such an instrument, adopted within the framework of the Code.

Several provisions of the Code refer to the need to develop or use selective and environmentally safe fishing gear and to minimize waste, catch of non-target species (both fish and non-fish species), and impacts on associated or dependent species. In addition, measures are to be taken to conserve biodiversity, to protect endangered species, and to allow depleted stocks to recover, or even to be actively restored. Areas of utmost importance to conservation, such as nurseries and spawning areas, should be protected and rehabilitated.

States should assess the impacts of environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks as well as take into account the best scientific evidence to evaluate the current state of fishery resources. The use of a precautionary approach is promoted.

The Code should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organization Agreement¹⁴ – particularly most-favoured-nation treatment, national treatment and non-discrimination. States should also cooperate in complying with relevant international agreements regulating trade in endangered species.

The relevant actors should ensure that their policies and practices related to the promotion of international fish trade and export production do not result in environmental degradation or adversely affect the nutritional rights and needs of people for whom fish is critically important. Trade activities should not undermine the effectiveness of fisheries conservation and management measures.

United Nations General Assembly (UNGA) Resolutions

In its 2008 Resolution on sustainable fisheries,¹⁵ the UNGA recognized the need for measures to promote the long-term conservation, management and sustainable use of shark populations given their vulnerability and the fact that some are threatened with extinction. It further recognized the relevance of the IPOA Sharks. It noted that basic data are still missing, that few countries have adopted an NPOA and that not all RFMOs have adopted measures for shark conservation and management. It called upon States to adopt measures urgently to implement the IPOA Sharks fully and to report regularly on shark catches. It further called on States to improve implementation of and compliance with the existing measures adopted by RFMOs, particularly the ones prohibiting shark finning. It finally requested FAO to report on the national implementation of the IPOA Sharks. In addition, in the 2010 Resolution on sustainable fisheries,¹⁶ the UNGA called upon RFMOs to strengthen or establish precautionary, science-based conservation and management measures for sharks taken in fisheries within their convention areas – this to be done in a manner consistent with the IPOA Sharks.

The United Nations Conference on Environment and Development (UNCED): Agenda 21

Agenda 21 is a non-binding and voluntarily implemented action plan of the UN related to sustainable development, adopted during the UNCED in Rio de Janeiro, Brazil, in 1992. Chapter 17 of Agenda 21 deals with the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and sees the protection, rational use and development of their living resources as central to

¹⁴See also: FAO. 2009. *Responsible fish trade*. FAO Technical Guidelines for Responsible Fisheries No. 11. Rome. 23 pp.

¹⁵ UNGA A/RES/63/112.

¹⁶ UNGA A/RES/65/38.

marine fisheries and aquaculture. It includes provisions for: (i) integrated management and sustainable development of coastal areas, including EEZs; (ii) marine environmental protection; (iii) sustainable use and conservation of marine living resources of the high seas; (iv) sustainable use and conservation of marine living resources under national jurisdiction; (v) addressing critical uncertainties for the management of the marine environment and climate change; (vi) strengthening international, including regional, cooperation and coordination; and (vii) sustainable development of small islands.

The International Union for Conservation of Nature (IUCN)

The IUCN was founded in 1948 by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is a global environmental organization and conservation network with membership comprised of governments and NGOs. Its mission is foremost to conserve biodiversity. The organization has set up a Shark Specialist Group (SSG) consisting of a large number of experts from around the world. The mission of the SSG is to promote the long-term conservation of the world's sharks and related species (rays, skates and chimaeras), the effective management of their fisheries and habitats, and, where necessary, the recovery of their populations.

The SSG assesses the status of sharks and the threats faced by shark species; it produces scientific reports and publications, and gives independent science-based advice, e.g. recommendation for inclusion of sharks on the IUCN Red List.¹⁷ It uses standardized criteria for classifying species at high risk of global extinction.¹⁸ Several shark species are found on the IUCN Red List, among others: scalloped hammerheads, porbeagle sharks, spiny dogfish, great white sharks, and basking sharks.

The IUCN, especially through the SSG, is supportive of the IPOA Sharks and urges States to implement it through NPOAs Sharks.

¹⁷ The IUCN Red List includes plant and animal species at different levels of risk.

¹⁸ The IUCN Red List Categories and Criteria are available at: www.iucnredlist.org/technical-documents/categories-and-criteria