

Shark League CITES–ICCAT Gap Analysis

Bridging the Gaps that Hinder Shark Conservation

32nd Meeting of the CITES Animals Committee, June 2023



INTRODUCTION

The success of international conservation agreements relies on proper implementation at the national level. Because sharks and rays (elasmobranchs) are considered both commodities and wildlife, governments’ approaches toward elasmobranch obligations under fisheries and environment treaties are often misaligned. An associated lack of scrutiny is a core yet surmountable challenge to effective policies and ultimate population rebuilding.

The Shark League is producing a gap analysis that examines the effects of Atlantic shark and ray protection measures under various treaties, primarily the Convention on International Trade in Endangered Species (CITES) and the International Commission for Conservation of Atlantic Tunas (ICCAT). We evaluate the performance of ICCAT Parties and Cooperators with respect to various obligations for CITES-listed elasmobranchs, highlight key gaps between concrete restrictions and conservation needs, and recommend priority improvements at national and international levels.

ICCAT PARTIES

Albania, Algeria, Angola, Barbados, Belize, Brazil, Canada, Cabo Verde, People’s Republic of China, Côte d’Ivoire, Curaçao, Egypt, El Salvador, EU, France (St. Pierre and Miquelon), Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Equatorial Guinea, Republic of Guinea, Honduras, Iceland, Japan, Republic of Korea, Liberia, Libya, Mauritania, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Norway, Panama, Philippines, Russian Federation, São Tomé e Príncipe, Senegal, Sierra Leone, South Africa, St. Vincent and the Grenadines, Syria, Trinidad and Tobago, Tunisia, Turkey, UK, Uruguay, USA, and Venezuela.

ICCAT COOPERATORS

Bolivia, Costa Rica, Guyana, Suriname, and Taiwan, Province of China (PoC).



Hammerhead shark. © Frogfish Photography

GAPS AT A GLANCE

Our analysis explores problematic gaps *in*:

- CITES and ICCAT elasmobranch protections (through reservations and exceptions)
- nations’ species-specific reporting of trade, landings, discards, and regulations
- NDFs that lack connections to fishing limits
- transparency associated with essential exploitation statistics
- applicability of ICCAT measures across the Atlantic (particularly in the Caribbean)
- global protection for manta and devil rays (as ICCAT lacks safeguards)
- capacity building efforts.

We also address gaps *between*:

- commitments and compliance
- governments’ policy stances and regulatory actions
- environmental and fisheries authorities’ policy work
- the time between evidence and consequences for non-compliance
- protections for large, charismatic species and smaller, less iconic ones (skates, dogfish)
- ICCAT finning ban enforcement standards and best practice used elsewhere in the Atlantic
- CITES and ICCAT measures for basking, white, and whale sharks.

This briefing focuses on the findings most relevant to the species and activities at issue during AC32.

ABOUT ICCAT

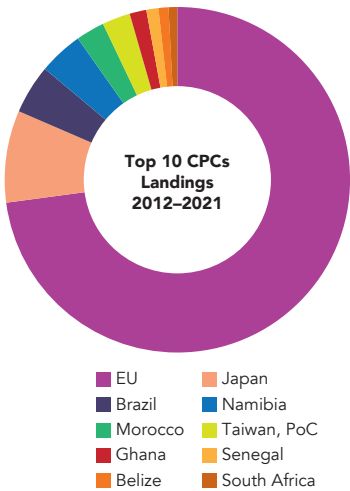
ICCAT is a Regional Fishery Management Organization (RFMO) responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. ICCAT has 52 Contracting Parties and five Cooperators. Cooperators are expected to abide by ICCAT measures and can have their status revoked if judged non-compliant. Contracting Parties and Cooperators are collectively known as “CPCs.”

ICCAT Actions for CITES-listed Sharks

All of the shark measures adopted by ICCAT address CITES-listed species. Only eight CPCs mentioned CITES obligations in their 2022 ICCAT Compliance Committee Shark Check Sheets: Barbados, Curaçao, EU (Portugal), Liberia, Morocco, Senegal, Costa Rica, and Guyana.

	Bigeye thresher	Oceanic whitetip	Hammer- heads	Silky shark	Porbeagle shark	Shortfin mako	Blue shark
ICCAT limit	2009	2010	2010	2011	2015	2017	2019
CITES listing	2016	2013	2013	2016	2013	2019	2022

ICCAT was the first RFMO to conduct population status and ecological risk assessments (ERAs) for sharks (beginning in 2004), ban shark finning (2004), prohibit retention of particularly vulnerable shark species (beginning in 2009), and establish population-wide international shark catch limits (for blue sharks in 2019). ICCAT has generally prohibited the retention (and related activities such as transshipment and landing) of bigeye threshers (2009), oceanic whitetip sharks (2010), most species of hammerheads (with exceptions, 2010), and silky sharks (with exceptions, 2011). A 2015 measure aims to promote release of porbeagles brought to the boat alive and prevent increased fishing. For the North Atlantic shortfin makos, ICCAT followed its 2017 stopgap measures with a temporary ban in 2021. A quota for South Atlantic shortfin makos was allocated to CPCs in 2022.



CITES Reservations by ICCAT Parties

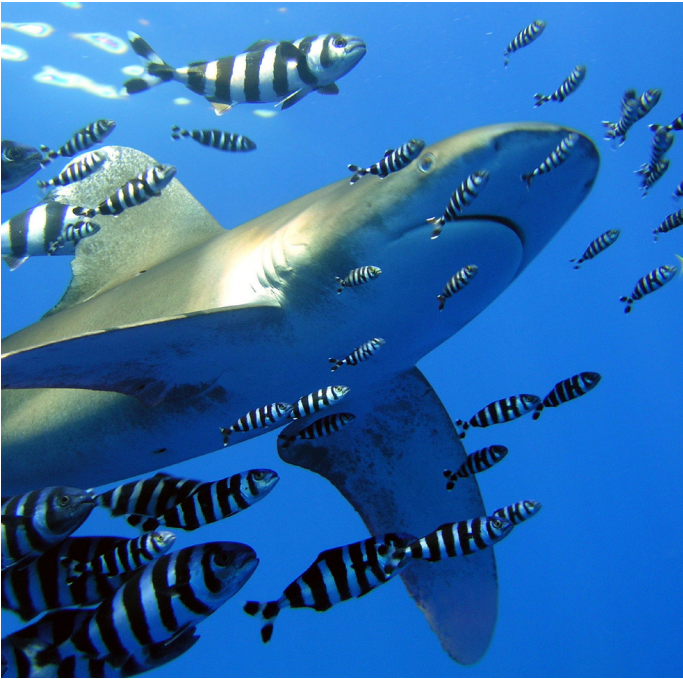
Of the 18 CITES Parties that took reservations on elasmobranch listings, eight are ICCAT CPCs. Japan has the most by far. Norway, Iceland, and Guyana have four each. Republic of Korea has two. The mako listings have most reservations (10 including four ICCAT Parties: Japan, Norway, Namibia, South Africa). Norway and Japan report some trade in sharks despite taking reservations.

DATA GAPS

Lack of data with respect to shark fishing and trade is a primary and persistent hurdle to conservation noted in countless CITES and ICCAT documents. AC32 has a crucial opportunity to improve our understanding of elasmobranch trade data and associated compliance with CITES listings by immediately initiating the first Review of Significant Trade (RST) for these species. ICCAT has been gradually increasing its scrutiny of the implementation of shark-specific measures, including data reporting requirements, based on detailed “Shark Check Sheets” from CPCs. ICCAT’s Compliance Committee will examine these submissions and address inadequacies this November. Shark Check Sheet information is too often incomplete and/or vague. In 2022, 11 CPCs submitted them late and eight CPCs failed to submit them at all: Angola, Côte d’Ivoire, Gambia, Grenada, Guinea Bissau, Guinea, Mauritania, and notably Namibia, which ranks fourth in shark landings reported to ICCAT.

Despite ICCAT measures that ban the retention or encourage the release of at least nine shark species, only six ICCAT Parties report more than 100t of shark discards over the last decade. The EU leads ICCAT Parties in shark landings (by far) over the last decade, but 11th ranked USA reports higher levels of discards (1796t vs. 1280t, 2012–2021). CPCs ranking in the top ten for ICCAT shark landings that report no discards (zero or blank) include Namibia, Morocco, Ghana, Senegal, and Belize.

While non-reporting is an obvious problem, it is important to note the difficulties in determining if increased landings reflect higher fishing pressure or simply better reporting, and similarly, if lacking records are the result of compliance with restrictions or depletion of the population.



Oceanic whitetip shark. © Guja Tione

GAPS BY KEY SPECIES

The following findings were selected for their relevance to AC32 deliberations. They address issues for highly traded, threatened elasmobranchs that are either subject to ICCAT measures (oceanic whitetip sharks, bigeye threshers, silky sharks, and hammerheads) or in need of them (mobulid rays and common threshers).

ICCAT's first two bans -- for bigeye threshers and oceanic whitetip sharks -- are relatively broad and simple. In contrast, exceptions to the hammerhead and silky shark bans that allow developing CPCs to opt out -- if they report and try not to increase landings while preventing international trade -- have proven problematic.

Hammerhead Sharks (*Sphyrna spp.*)

Scalloped and great hammerheads have long been recognized as exceptionally threatened shark species and, accordingly, have been prioritized by conservationists and governments. One particular conservation challenge for hammerheads stems from their semi-pelagic nature and resulting capture in both coastal and pelagic fisheries. While tunas are most often taken in high seas fisheries involving many nations, and therefore managed primarily by RFMOs, countries tend to manage coastal fisheries separately. As a result, most governments report only a fraction of their total hammerhead landings to ICCAT (as opposed to FAO), especially when taken in artisanal fisheries and/or demersal gear. Whereas ICCAT does not conduct population assessments for hammerheads, this data gap seriously complicates efforts to monitor compliance and effects of the measure. Moreover, while the CITES listing is generating important data regarding trade in exceptionally valuable hammerhead fins, exports are tied to countries, not ocean regions. As such, it is difficult to use RFMO measures (which vary across the globe) to evaluate the legality of the fishing operations from which the shark products originated.

Overall hammerhead landings reported to ICCAT have decreased since the adoption of the hammerhead measure. Three CPCs -- Trinidad and Tobago, Senegal, and Ghana -- are responsible for more than 6000t of the nearly 7500t of landings reported since 2010 (usually by genus). These countries take different approaches to accounting for the exploitation.

Approximately 45% of ICCAT hammerhead landings are attributed to **Ghana**, with more than 1000t reported in 2014 and about 300t every year since. On its Shark Check Sheet, Ghana answers "Yes" to questions about implementing both the ban and its exceptions, while admitting to a lack of domestic regulations. There are no CITES reports of Ghana exporting hammerheads or introducing them from the sea. To be in compliance with CITES, all that catch would have to come from national waters and be used for domestic consumption.

Senegal, which ranks second among ICCAT CPCs for hammerhead landings since the ICCAT measure took effect, states in its Shark Check Sheet that it is implementing the ban, that exemption is not applicable, and "it is prohibited to fish for these sharks." Senegal cites a specific decree banning hammerhead retention and sale, while noting that entry of CITES-listed species into the international market is controlled by the Ministry of the Environment. Nevertheless, Senegal reported 444t of smooth hammerhead landings in 2013 before reverting to genus level records that have since fluctuated between about 30t and 243t annually. Senegal reported exports of approximately 10t (converted using FAO factors for meat and fins) of smooth hammerhead fins in 2015¹, the year that the CITES listing for the species came into force. While the species-specific reporting is commendable, and Senegal may well exempt coastal fisheries from its hammerhead ban, it is hard to imagine how such exports can be deemed sustainable.

Trinidad and Tobago takes an exemption to ICCAT's hammerhead ban that allows for substantial landings (3rd for tonnage among ICCAT CPCs). Consistent landings of about 40t a year suggest catch might be limited, but no such restrictions are noted. In fact, the country reports that its outdated fisheries legislation does not allow for development of regulations to comply with many ICCAT measures. A national hammerhead export ban satisfies the ICCAT exemption condition and aligns with a lack of international trade reports to CITES.

Barbados stands out for its justification of a hammerhead ban exemption, clearly stating its status as a developing state, reporting about 3t of hammerhead landings between 2015 and 2017 with no marked increase, and noting CITES obligations with respect to its lack of export.



Scalloped Hammerhead shark (*Sphyrna lewini*). © Ethan Daniels/Shutterstock

¹ Pavitt, A., Malsch, K., King, E., Chevalier, A., Kachelriess, D., Vannuccini, S. & Friedman, K. 2021. CITES and the sea: Trade in commercially exploited CITES-listed marine species. FAO Fisheries and Aquaculture Technical Paper No. 666. Rome, FAO.

In 2012, more than a year after adoption of the ICCAT hammerhead ban, Brazil reported more than 500t of hammerhead landings (the highest annual amount for any CPC in ICCAT records since 2011). In 2013, the USA confiscated 104 scalloped hammerhead fins exported from Brazil without the required trade documentation². This incident took place before the extended implementation deadline for the scalloped hammerhead listing (that Brazil co-sponsored), but about two years after the ICCAT ban (that Brazil co-proposed) took effect. Hammerhead landing reports by Brazil ceased in 2019. In its 2022 ICCAT Shark Check Sheet, Brazil reports domestic bans on hammerhead retention and export.

Côte d'Ivoire is notable for claiming to have implemented the hammerhead ban yet regularly reporting significant landings since its adoption. Most years show ICCAT landings of 10t or less, but nearly 275t were reported in 2017. This may be another case of separate management for pelagic and coastal fisheries.

Silky Sharks (*Carcharhinus falciformis*)

Reported landings of silky sharks have increased since adoption of the ICCAT measure. Silky sharks are more pelagic than hammerheads, making ICCAT compliance monitoring less complicated. It remains challenging, however, to evaluate if international trade conflicts with ICCAT measures as several CPCs also fish silky sharks in the Pacific, where restrictions are more lenient. For example, the CITES database includes records of silky shark exports from **Nicaragua**, which would conflict with the ICCAT measure, but not international Pacific rules. Because Nicaragua's ICCAT Shark Check Sheet is essentially empty and there is no public NDF for this trade, it is difficult to evaluate compliance. The same is true for great and



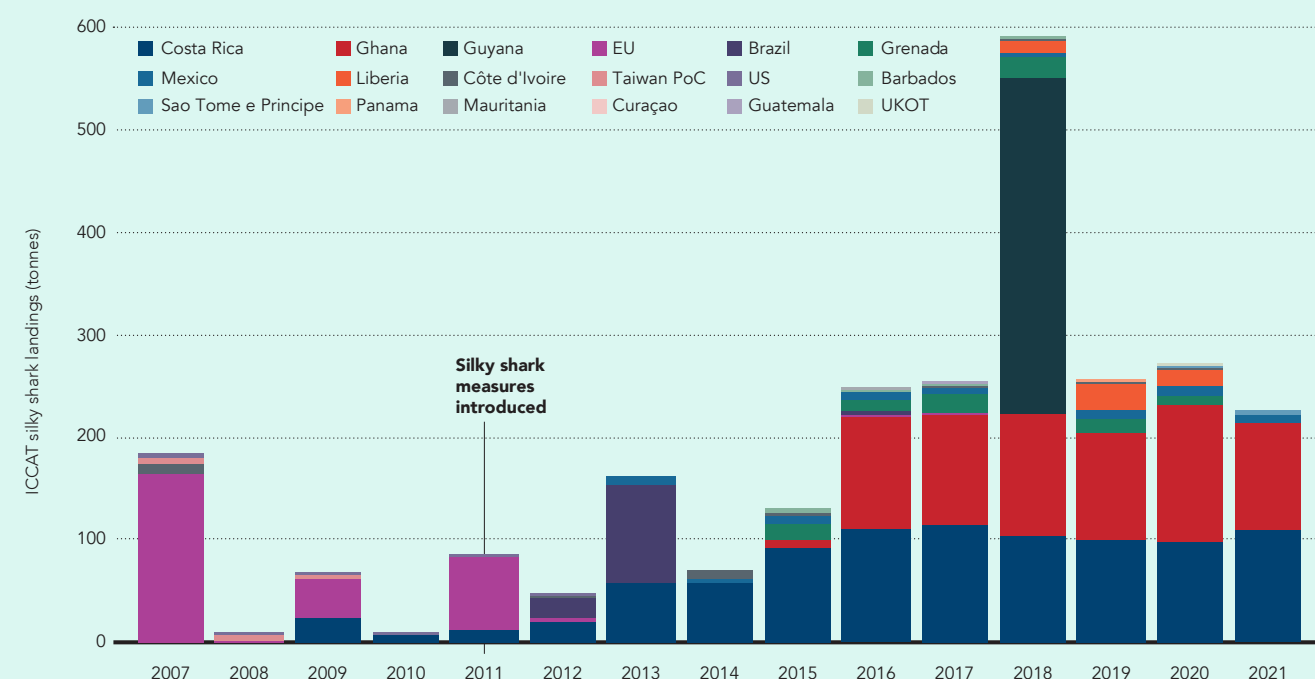
Silky shark. © François Baelen/Ocean Image Bank

scalloped hammerheads, two other species for which AC32 Doc. 14.2 notes Nicaragua's sharp increases in trade.

Costa Rica claims an exemption to the ICCAT silky shark measure, but reports substantial international trade that runs counter to the associated conditions. Costa Rica's reported landings leveled off around 2016 to about 100t per year. AC Document 14.2 reveals Costa Rica as the world's top exporter of silky shark products, responsible for 72% of this trade. Determining how much of the trade involves Atlantic silky sharks subject to ICCAT rules is complicated because the CITES database does not allow for that distinction, the NDFs aggregate Atlantic and Pacific landings, and information in the Shark Check Sheet is lacking.

Ghana has also reportedly landed about 100t of Atlantic silky sharks annually since 2016, increasing from nothing at the time the ICCAT measure was adopted. Ghana claims to be both implementing the ban and taking an exemption, while admitting a lack of domestic limits. While recent landings are relatively high (second among CPCs), there is no record of introduction from the sea or other international trade.

Reported ICCAT landings of silky sharks (2007–2021)



² Eskew, Evan A., White, Allison M., Ross, Noam, Smith, Kristine M., Smith, Katherine F., Rodriguez, Jon Paul, Zambrana-Torrel, Carlos, Karesh, William B., & Daszak, Peter. (2019). United States LEMIS wildlife trade data curated by EcoHealth Alliance (1.1.0) [Data set]. Zenodo. <https://doi.org/10.5281/zenodo.3565869>

The **EU** had annual Atlantic silky shark landings of more than 160t in 2007. These landings dropped dramatically after the ICCAT measure was adopted, but relatively small amounts are still consistently being landed despite the ban.

Guyana's 2018 report of more than 300t of silky shark landings was the highest of all CPCs in the last decade. This is the year that ICCAT reports appear to have benefited from a data reconstruction project, suggesting that significant landings may have been going on unreported in the years prior and since. Other CPCs claiming to be implementing the silky shark ban that have reported more than a ton of annual silky shark landings to ICCAT in 2019 and 2020 include **Mexico, Côte d'Ivoire, Grenada, Liberia, and São Tomé e Príncipe.**

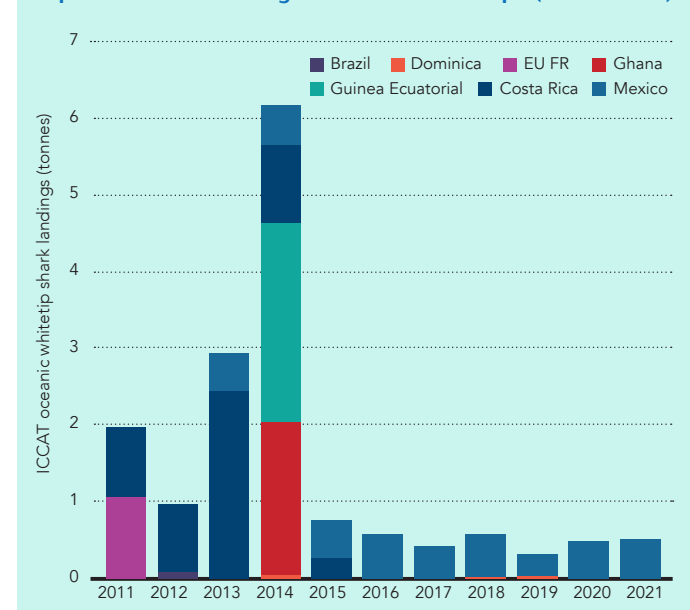
Oceanic Whitetip Sharks (*Carcharhinus longimanus*)

ICCAT's reported landings of oceanic whitetip sharks have declined overall since the ban. **Mexico** is the only CPC consistently reporting annual landings (in the absence of national species-specific limits). **USA** reports document a transition from landings to discards.

Brazil reports to ICCAT more than 6t of oceanic whitetip discards in 2017 followed by none since. Yet, annual landings of 1–7t (2013 to 2017) are reported to FAO but not ICCAT. **Senegal** claims the "industrial fishery does not target or catch" the species (an inadequate response under ICCAT Compliance Committee rules). Senegal's international trade in this species is detailed in AC32 Inf.3.

Turks and Caicos is the only UK Overseas Territory not reporting compliance with the ICCAT oceanic whitetip ban. Simply reporting that they do not catch the species is insufficient. Other ICCAT CPCs offering inadequate responses regarding oceanic whitetip protections include **Costa Rica, Guyana, Honduras, and Nicaragua.**

Reported ICCAT landings of oceanic whitetips (2011–2021)



Thresher Sharks (*Alopias superciliosus*, *Alopias vulpinus*)

The bigeye thresher was the first shark to receive ICCAT protection based on top ranking in the 2008 ERA. The more valuable common thresher remains without landing limits. ICCAT catch reporting for threshers is usually by genus, which hinders both compliance monitoring for the bigeye thresher ban and assessment of common thresher populations. The bigeye thresher measure did result in dramatically reduced reported landings, from 130t a few years prior to negligible amounts in recent years. The **USA, Venezuela, and Taiwan, PoC**, are the only CPCs to report discards of the species since 2018.



Common thresher shark. © Toby Gibson Photography/Adobe Stock

Mexico is the only CPC that was given a (110) bigeye thresher allocation in the ICCAT ban. Mexico claims to be implementing the measure but does not cite species-specific limits. AC32 Doc. 14.2 lists Mexico and **Senegal** for sharp increases in bigeye thresher exports; neither report landings of this species to ICCAT. Mexico's exports might be sourced from the Pacific where the species is not prohibited, but this scenario is unlikely for Senegal.

Manta and Devil Rays (*Mobula spp.*)

The vast majority of reported ICCAT manta and devil (*Mobula*) ray catches occur in 2017 (see next section). The only CPC that records landings of these species is Venezuela; those numbers have risen from zero in 2015 to 3t in 2021. ICCAT is the only tuna RFMO without mobulid protections.



Manta Ray. © Wildestanimal

CAPACITY BUILDING AND 2017

There are curious ICCAT reports for landings by El Salvador, Curaçao, and Guatemala of bigeye threshers, porbeagles, hammerheads, and oceanic whitetip sharks only in 2017. This year is also the only year with records of Panama discarding these same shark species and the start of a three-year period when Ghana reports landings of threshers and silky sharks. The vast majority of ICCAT records (mostly discards) for mobulids were reported in 2017 by several CPCs including Curaçao, El Salvador, Guatemala, and Panama.

This data may be related to an ICCAT-funded capacity building project³ to evaluate artisanal fisheries targeting sharks in Caribbean and Central American countries. The associated report demonstrates the benefits of investing in capacity building for improved fisheries data while heightening concern about unreported exploitation in other years.

RECOMMENDATIONS

To bridge key gaps and better conserve sharks and rays, governments -- with support from experts and stakeholders -- should:

- improve the integration of marine fisheries and environmental agency activities
- coordinate the fulfillment of shark and ray obligations across various treaties
- produce robust, publicly available CITES NDFs that are linked to fishing limits
- submit accurate, complete, timely fisheries and trade data to relevant authorities

- secure (at CITES AC 32) an immediate review of significant trade in elasmobranchs, with priority given to highly threatened:
 - great and scalloped hammerheads
 - oceanic whitetip sharks, and
 - spinetail devil rays
- propose (at ICCAT 2023) new safeguards for unprotected:
 - mobula rays
 - longfin makos, and
 - common thresher sharks
- facilitate assistance for low-capacity countries
- work towards the creation of a new CITES database category to allow elasmobranch trade reporting by ocean, to facilitate monitoring and compliance with regional fisheries restrictions
- ratify the ICCAT Convention and ensure membership in relevant fisheries bodies
- retract any reservations on shark and ray CITES listings
- develop a transparent verification process for exceptions to ICCAT shark protections
- expand the best practice of landing sharks with fins naturally attached
- examine the need for CITES measures to address trade in skates and deep-sea sharks
- examine the need for ICCAT measures to protect white, basking, and/or whale sharks
- pursue complementary species-specific safeguards through other treaties.

Because overfishing is the primary driver of shark depletion, bridging these divides is critical to securing a brighter outlook for sharks and rays in the Atlantic and beyond.

³ Arocha, F. (2019). Comprehensive study of strategic investments related to artisanal fisheries data collection in ICCAT fisheries of the Caribbean/Central American Region: Draft Final Report. SCRS/2018/114 Collect. Vol. Sci. Pap. ICCAT, 75(8): 2319-2368.

FAST FACTS

- Only four ICCAT CPCs (USA, UK, Guatemala, and Costa Rica) have posted at least some shark NDFs on the CITES website
- The UK and EU appear to be the only ICCAT CPCs with negative NDFs for CITES-listed Atlantic sharks (both for shortfin mako)
- Only five ICCAT CPCs report high seas commercial landings of CITES-listed sharks in the form of "Introduction from the Sea"
- Japan, Canada, Panama, and Nicaragua report having NDFs for sharks but have not made them public
- 17 ICCAT CPCs report commercial trade in CITES-listed sharks without a publicly available NDF
- Of all ICCAT CPCs, the USA and Costa Rica have produced the highest number of publicly available NDFs

Mobula rays, Sea of Cortez. © Nick Polanszky/Ocean Image Bank

The Shark League of the Atlantic and Mediterranean was formed with support from the Shark Conservation Fund to advance responsible regional shark and ray conservation policies. Shark Advocates International, Ecology Action Centre, Shark Trust, and PADI AWARE Foundation are the coalition's founding members.

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