

Rhetoric vs Reality: The Global Ocean Movement & Mako Sharks

The big picture

With the ocean under threat from multiple stressors, unprecedented attention from policy makers, the media, and the public is welcome and vital.

Recent years have seen huge advances in environmental law and international agreements covering marine issues. The Sustainable Development Goals (SDGs) adopted in 2015 by the United Nations (UN) commit countries to “conserve and sustainably use the oceans, seas and marine resources.”

The UN’s own global assessment, however, found that the dramatic 38-fold growth in environmental laws and agencies since 1972 has not led to an equally pronounced improvement in the enforcement of those laws. Failure to fully implement these laws is one of the greatest obstacles to preventing widespread loss of species and suitable habitat, including in the ocean.

Overfishing is recognized as a major threat to ocean and planetary health. The recent Global Assessment by the Intergovernmental Science–Policy Platform on

Biodiversity and Ecosystem Services (IPBES) states that fishing has had the greatest impact on marine biodiversity, with expanding global fisheries now operating in at least 55% of the ocean.

Sharks and closely related rays are among the ocean’s most threatened animals. They are killed in a wide variety of fisheries by the tens of millions each year, landed primarily for meat and fins, or discarded at sea. Most sharks and rays are exceptionally susceptible to overfishing because they grow slowly and produce few young. The IUCN Shark Specialist Group estimates that roughly a quarter of shark and ray species are threatened with extinction, primarily by overfishing. Sharks and rays perform vital ecological roles while also offering significant economic and cultural value. International, regional and national actions are urgently needed to reverse declines and prevent extinctions.

Shark conservation efforts provide a stark illustration of the gap between rhetoric and reality. In theory, the mechanisms are there, but the political will to translate high-level statements or even binding treaty commitments into concrete fishing limits is sorely lacking.



Limiting catch to stop overfishing

Many sharks migrate and are fished across multiple jurisdictions, which makes international agreements key to population health. For pelagic sharks and other highly migratory species that are taken by multiple nations, fisheries management measures are set by **Regional Fishery Management Organizations** (RFMOs) that generally operate on consensus. For resulting international conservation initiatives to be effective, RFMO measures should be based on science and implemented at the domestic level by fishing countries.

On the high seas of the Atlantic, sharks are usually caught in fisheries targeting swordfish and tuna managed by the **International Commission for the Conservation of Atlantic Tunas** (ICCAT). Of the 53 ICCAT Parties, the European Union (EU) is responsible for landing the most Atlantic sharks. Since 2009, ICCAT has adopted protections for bigeye threshers, oceanic whitetips, hammerheads, silky sharks, and porbeagles, but has failed to set concrete international catch limits for the most heavily fished oceanic sharks: makos and blue sharks. ICCAT's measures for these species are much weaker, apply only to the North Atlantic, and fall far short of scientific advice.

Actions falling behind global commitments

High-level statements and ambitious global commitments are of little use if they are not backed up by effective action. Associated celebration without scrutiny can end up masking or even fuelling continued inaction. For sharks and rays, in particular, there is today a chronic disconnect between international pledges and what actually happens on the water, with most countries not living up to even their binding commitments.

A 2018 Shark Advocates International review found listing of shark and ray species under the **Convention on Migratory Species** (CMS) to be outpacing the implementation of associated commitments to protect these species, particularly from overfishing. Only 28% of CMS Parties are meeting all of their obligations to strictly protect CMS Appendix I-listed species.

Over the last two and a half decades, conservationists have been turning increasingly to the **Convention on International Trade in Endangered Species** (CITES) to address the threats facing sharks from global demand for their parts, particularly fins. Since 2002, 41 species have been listed on CITES Appendix II, which mandates export permits based



on demonstration that traded products are legally and sustainably sourced.

CITES is the legal instrument for controlling international trade, but good fisheries management, including that by RFMOs, is key to implementing listings for sharks and rays. Such implementation has lagged in many countries and has been virtually ignored by RFMOs.

Within fisheries management realms, there is too little recognition of binding shark and ray conservation obligations made through environmental treaties like CMS and CITES. Within environmental realms, there is a reluctance to address head on the role of fisheries management bodies in conserving sharks and rays and implementing CITES listing. Bridging this gap, through improved recognition and coordination between government agencies is vital to success.

Failure to protect sharks and rays risks serious damage to ecosystem function and can lead to missed economic opportunities, not only for fishing related businesses, but also, in some cases, tourism. Unfulfilled statements and agreements can result in unwarranted celebrations of progress that conceal or – worse – even serve to facilitate inaction. Fish markets often reveal rampant failure to implement international shark and ray commitments. For example, manta rays have been touted for their value for dive and snorkel operations and associated businesses. Still, some countries fortunate enough to

have manta rays visit their waters continue to favour unregulated fishing over tourism potential, despite binding commitments for protection. For example, in the Seychelles, – a CMS Party with a longstanding obligation to strictly protect manta rays positioning itself as a leader in the “Blue Economy” –, manta rays are still legally landed, their meat sold is openly.

Sharks as both wildlife & commodities

Sharks have received increasing attention from international wildlife bodies, due largely to conservationists securing media attention to the global shark fin trade. Fisheries bodies are also increasingly considering shark and ray catch limits. Overall, however, this attention has not translated into the development of associated regulations and enforcement. Despite a rising profile, sharks and rays are less valuable than tuna and other traditional food fish and remain a relatively low priority for fisheries bodies. Participation by conservationists at meetings is far lower than that of fishing industry representatives. This imbalance between the high status of sharks in the wildlife sphere and their low status in fisheries is a persistent challenge for shark conservation. Around the world, environmental authorities are too often adopting strong shark and ray protections without assurance that commitments will be enacted or even attempted by fisheries authorities from the same country.

CASE IN POINT: MAKO SHARKS

The shortfin mako is one of the world's most economically valuable sharks, sought globally for its meat, fins, and sport. For more than a decade, scientists have warned that slow growth rates make makos exceptionally vulnerable to overfishing. In March 2019, IUCN classified the shortfin mako as globally Endangered, meaning they face a very high risk of extinction in the wild. This global oceanic species is fished by many nations and taken in high seas fisheries managed by RFMOs. Yet, no international mako catch limits have been agreed. Because of concern over their precarious state, both the shortfin and the longfin mako were listed on CITES Appendix II in August 2019, along with 16 other shark and ray species.

Mako shark overfishing is most severe in the North Atlantic. In June 2019, ICCAT scientists warned that shortfin makos in this ocean basin

will continue to decline for the next fifteen years and that catches need to be cut by an order of magnitude from recent levels (~3000t to 300t) just to have a decent chance of rebuilding by 2050. Hence, they recommend a complete prohibition on retention and measures to minimize incidental mortality.

ICCAT has a long history of meeting scientific warnings about mako sharks with wholly inadequate measures, even despite half its Parties pledging in 2008 through CMS to collaborate regionally toward conservation. Eleven ICCAT Parties also co-sponsored the successful CITES listing proposal for makos earlier this year.

Of all the RFMOs, ICCAT has the clearest scientific advice to restrict mako landings; such international catch limits would be ground-breaking and could inspire similar action for other oceans.

The EU & makos: Highlighting hypocrisy

The EU has the highest mako landings in the world and yet sets no catch limits on the species outside the Mediterranean. Spain, in particular, takes more mako sharks than any other country and is responsible for nearly half of the North Atlantic catch. To make matters worse, the EU uses the lack of ICCAT catch limits as an excuse to delay setting an EU quota, all while it proposes listing the species under CITES. Inaction by the EU in turn hinders political will in other countries that take less from the same mako population, including U.S. and Canada.

The EU's major role in North Atlantic mako depletion brings responsibility to take the lead in reversing declines. Failure to take the first step of basic limits on catch, while presenting itself as a champion of ocean conservation, smacks of hypocrisy. It is vital that the EU honour its global commitments, heed scientific advice, and secure immediate, domestic and international bans on North Atlantic mako fishing.

Longer term needs

Ending overfishing of sharks and rays requires sustained action by all relevant government agencies, conservationists, and the public. Longer-term steps include:

- Alignment and collaboration between governments' environmental and fisheries agencies. Comprehensive shark policies should reflect and coordinate both the wildlife and commodity perspectives, and supported by enhanced communication, data collection, reporting and analysis.
- Greater recognition by high-level government officials of resource management realities. Leaders and decision-makers should be informed and regularly updated on ocean and shark conservation

challenges and allocate sufficient resources for achieving science-based fishery and ecosystem management. Significant investment is needed to empower governments to meet their national and international conservation commitments.

- Complementarity not competition between RFMOs and wildlife bodies. RFMOs, CITES, and CMS should recognize and reinforce each other's goals, obligations, and challenges, and promote multinational initiatives to secure and improve measures for key species.
- Greater transparency and accountability for all international agreements. Governments should refrain from empty promises and undeserved congratulations and instead focus on meeting global commitments – including by setting national and international science-based fishing limits for threatened and/or commercially fished species. Implementation should be supported by improvements to governance frameworks for data collection, education, compliance, and enforcement.

Myriad benefits

Science-based limits on shark and ray fishing are key to preventing population collapses and the associated longstanding, negative consequences that reverberate across ecosystems. Long-term benefits of effective shark and ray fisheries management include sustainable catches and associated benefits as well as tourism opportunities supporting blue economy initiatives. Rebuilt shark and ray populations support healthy marine ecosystems, in line with Sustainable Development Goals.

Finally, properly implementing international agreements can give a much-needed boost of confidence in the capacity of the rule of law and multilateral strategies to meet the world's great environmental challenges.

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