



6 December 2013

NPOA-Sharks@mpi.govt.nz

Draft national plan of action for sharks 2013

Introduction

1. This submission is from Te Ohu Kai Moana Trustee Ltd (Te Ohu) in its role as corporate trustee of Te Ohu Kai Moana Trust. It is made in response to the Ministry for Primary Industry's discussion paper on the review of the National Plan of Action – Sharks (NPOA-Sharks).
2. Te Ohu Kai Moana trust was established under s.31 of the Maori Fisheries Act 2004. The purpose of Te Ohu Kai Moana Trust is to advance the interests of Iwi individually and collectively, primarily in the development of fisheries, fishing, and fisheries-related activities, in order to:
 - ultimately benefit the members of Iwi and Maori generally
 - further the agreements made in the Deed of Settlement and to assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi
 - contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.

The purpose of the NPOA-sharks

3. The Draft NPOA-Sharks, released in mid-November 2013, updates the 2008 NPOA – Sharks. Its intention is to continue to document New Zealand's planned actions for the conservation and management of sharks, consistent with the International Plan of Action on Sharks.
4. The purpose of the NPOA-Sharks is:

To maintain the biodiversity and the long-term viability of all New Zealand shark populations by recognising their role in marine ecosystems, ensuring that any utilisation of sharks is sustainable, and that New Zealand receives positive recognition internationally for its efforts in shark conservation and management

5. The NPOA identifies goals and five year objectives in the following areas:
 - biodiversity and long-term viability of shark populations
 - utilisation, waste reduction and the elimination of shark finning

- communication and education
- non-fishing threats
- international engagement
- research and information.

Goals and objectives of the draft NPOA

6. A key driver behind the NPOA is New Zealand's desire to implement measures that are consistent with international initiatives to ensure sharks are conserved and managed. Te Ohu Kaimoana supports the overall thrust of the draft NPOA. In particular, the objectives relating to goals 1 and 6 (biodiversity and long term viability of shark populations; research and information) contain sensible measures consistent with New Zealand's fisheries management framework including the quota management system (QMS).
7. We also support international engagement – consistent with goal 5. However in our discussions with other countries we need to reflect on the state of the stocks in our waters and how far our management system already provides an appropriate management regime. We consider it is important not to be driven by a situation that exists elsewhere in the world, and bind ourselves to measures that are not necessary in New Zealand.
8. Te Ohu Kaimoana supports the approach to achieving the goals and objectives set out in the draft NPOA. This involves developing management actions in the context of specific fishery plans. The advantage of this approach is that management can be tailored to suit matters that need to be addressed in each fishery. Much will depend on the sharks that require a management response (for instance because they are at risk – or alternatively –because their population is exploding), along with the sector of the industry and particular communities involved. In addition, the options that are identified need to be affordable and a clear process for attributing costs will need to be worked through each case. While it may be appropriate for some costs to be met by industry, there are many measures signalled in the NPOA that are of wider public benefit and should be funded by the Crown.
9. We note that the NPOA states that “particular species of shark have significance to Maori” (p17). However the NPOA doesn't identify what those species are or why they are significant. A more specific assessment of this matter will need to be factored into management actions that are developed.

Goal 2: Utilisation, waste reduction and the elimination of shark finning

10. We wish to make specific brief comments about the second goal – as the relevant objectives (particularly 2.5 relating to shark finning) tend to provoke a great deal attention and to some extent – misinformation.
11. Objectives 2.1 – 2.3 refer to best practice mitigation methods, promotion of live release of by-caught shark species and best practice guidelines for non-commercial fishing and handling of sharks. Te Ohu supports these objectives as sensible measures.
12. We also support measures to reduce waste and promote greater utilisation of shark species. These two concepts are two sides of the same coin. The challenge is to avoid as far as possible harvesting species of little or no value, but at the same time, gain the greatest possible value from those that are caught. Greater investment in techniques to avoid

unwanted catch, along with measures to gain greater value from harvested species – should be the emphasis here. Ultimately, solutions that address these matters will to a large extent address the issue of shark finning – as defined in the NPOA (see below).

13. Before commenting further on the practice of shark finning, we wish to state that we abhor the practice of finning live sharks. We note that this practice is illegal in New Zealand.
14. For the purpose of the NPOA, shark finning is defined as: *“the removal of the fins from a shark and the disposal of the remainder of the shark at sea.”* As such, removal of the fins from a shark where the trunk is also retained for processing is not defined as “shark finning”.
15. In some parts of the world, finning may well be the driver of overfishing for sharks where catch limits do not exist. Banning finning may be the only effective way of getting the situation under control. While in New Zealand, the emphasis on shark finning (that is how a shark is used - is secondary to that of sustainability) all stakeholders involved in developing the draft NPOA have signalled a commitment to work together on this issue to find ways to address finning – within the definition set out above. Te Ohu supports this commitment.
16. The NPOA document states that *“by 31 March 2014, strategies should be developed for all fisheries complexes which include time-bound deliverables focussed on the elimination of shark finning. Each strategy should include a detailed analysis of factors that contribute to the practice of shark finning, main impediments to its elimination and focus on addressing the issues specific to that fishery complex”*.
17. We note that while strategies are intended to be developed by 30 March 2014, the timing of eliminating shark finning – as envisaged by the NPOA - will depend very much on the issues that are identified in fishery. In our view this is appropriate – as it will enable a phased approach to the elimination of finning with timeframes that address the issues identified in each fishery. Work that is done on mitigation or increased utilisation should be an important part of a “package” of measures that will have a bearing on how successfully the banning of shark finning might be progressively implemented.

Mixed messages

18. The draft NPOA was developed cooperatively and agreed to by stakeholders. However MPI’s cover letter which invites comments on the draft NPOA, puts forward additional measures and timeframes that we understand were not the subject of this collaborative process. For instance *“strategies will include methods to prohibit finning that will be progressively implemented from 1 October 2014 over a two year period”*. This statement conflicts with the approach in the NPOA document itself– which enables strategies to be progressively implemented in a manner that addresses the specific issues at hand.
19. In addition the letter states that strategies may include:
 - a. a fins naturally attached policy (requiring the shark trunk to be landed with fins naturally-attached) for shark species and fisheries such as tuna long-lining where high levels of waste are currently occurring; or
 - b. a “shark trunk-to-fins” ratio policy for high utilisation shark species and fisheries (requiring fishers to account for all catch, and maintaining strong traceability between the shark fins landed and the corresponding processed shark flesh).

20. These policies have not been part of the consultative process of reviewing the NPOA, and act to pre-empt and constrain development of innovative solutions that address actual problems faced in each fishery. In our view the strategies to address finning need to be carefully thought through. For instance we would not like to see a situation that requires sharks to be landed, only to find that most are designated to a landfill. We don't think this kind of result does much to address the issue of waste. A better option would be to return the carcass to the sea and ensure that it is fully reported.
21. Thank you for the opportunity to comment on the Draft NPOA – Sharks. If you have any questions please contact me (kirsty.woods@teohu.maori.nz)

Naku noa, na

A handwritten signature in black ink, appearing to read 'Kirsty Woods', written in a cursive style.

Kirsty Woods
Manager, Fisheries Leadership