

Shark Conservation Policy:

Moving Towards a Shark Conservation and Utilization Management Law in the Philippines 2021

EXECUTIVE SUMMARY

Sharks and their relatives are particularly vulnerable to threats from targeted fisheries, overfishing, bycatch, pollution, habitat degradation, unregulated tourism, and climate change. These threats place a third of the world's over 1,000 chondrichthyan species (sharks, rays, and chimaeras) at risk of extinction.

Several national policies on shark conservation have been proposed in the Philippine House of Representatives and Senate over the past decade. However, the past filed bills aimed for a complete ban on the catching, sale, purchase, possession, transportation, importation, and exportation of all sharks and rays.

In consideration of the life history and issues specific to shark fisheries and utilization, regulation of such activities could be more politically feasible and socially equitable than a blanket ban.

The current proposed Shark Conservation Act of the Philippines is more comprehensive with provisions on fisheries, bycatch, trade, rescue and release, traceability and labelling, tourism, captivity, and habitat protection for sharks considering their unique life history compared to other fishery resources.

Having this legal framework with support from the government will ensure its proper implementation, leading to a successful shark conservation program in the country.

INTRODUCTION

In the Philippines, only 25 out of the estimated 200 species of sharks are nationally protected through their listing in the Convention on the International Trade Endangered Species of Wild Flora and Fauna (CITES) Appendices.

Under the Philippine Fisheries Code (Republic Act (RA) 8550, as amended by R.A. 10654), all species listed on the CITES Appendices are automatically afforded national protection in the country.



Thresher Shark in Monad Shoal
© Noel Guevarra

Sharks are not only fishery resources, but also have an intrinsic value. As part of Philippine biodiversity, they provide ecosystem services essential for our well-being. Economic benefits have also been derived from sharks through non-extractive utilization, specifically the shark tourism enterprises, such as the whale shark interaction in Donsol, Sorsogon and thresher shark diving in Malapscua, Cebu.

Sharks continue to be under threat from unregulated fishing and tourism practices, consumption, trade, and habitat degradation - mostly regarded as management issues from human activities. Sharks are especially susceptible to over exploitation due to inherent biological traits set back that characterize them as slow reproducers, more akin to mammals than with other fishes. Lack of scientific data and low awareness on their conservation status are further compounding these threats.

The management of sharks has gained attention in the Philippines due to the lack of national policies and regulations for their utilization and to manage other threats. There is a need to have specific legislation for sharks tailored to their biological characteristics and fishery issues, that will consider ecosystem-based and sustainably managed fishery, bycatch, and trade.

As the Philippines charts its path to economic recovery as a result of the COVID-19 pandemic, support to the fisheries and tourism industries is critical. As new diseases are harbored by wildlife, building environmental resilience through the conservation of all biodiversity is more relevant and urgent today. The conservation of sharks will contribute to these efforts.

An appropriate national policy would ensure the conservation of sharks through a legal framework and strategy. Thus, the passage of the Shark Conservation Bill of the Philippines is earnestly sought.

FILED BILLS

15th CONGRESS

Senate Bill 2616

16th CONGRESS

House Bill 5206

17th CONGRESS

Senate Bill No. 905

Senate Bill no. 1245

18th CONGRESS

Senate Bill No. 335

Senate Bill No. 360

House Bill No 1684

The past filed bills aimed to ban the catching, sale purchase, possession, transportation, importation, and exportation of all sharks and rays or any part thereof in the country. Through these bills, it was shown that there is some level of interest from national legislators.

However, several stakeholders have expressed concern over the provision to implement a total ban on shark fisheries because some populations may be capable of supporting managed fisheries, while others need total protection due to their extinction risk.

More than a blanket ban, better controls on fishing for specific sharks may be more politically feasible and appropriate. It is also necessary to address the problems concerning bycatch, trade, labelling, and other forms of utilization of sharks.

Since the previous bills may be insufficient to address these multiple issues, the current Congress has proposed bills that would address the myriad of issues surrounding shark conservation.



POLICY RECOMMENDATIONS

The Shark Conservation Act of the Philippines will be science-based, socially just, and enforceable.

JURISDICTION

The Bureau of Fisheries and Aquatic Resources of the Department of Agriculture (DA-BFAR) shall be the lead agency in the implementation of this Act.

The Department of Trade and Industry (DTI), Department of Environment and Natural Resources, Department of Tourism, the Philippine Coast Guard, the Philippine National Police, other law enforcement agencies, and the Department of Interior and Local Government (DILG) shall likewise assist in the implementation of this Act.

In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

The law will be enforceable in all Philippine waters and Philippine flagged fishing vessels.



Whale shark in Sogod Bay, Southern Leyte
© Steve de Neef

1 Shark Interaction Guidelines

Human-shark tourism and research interaction guidelines shall be developed and regularly updated in accordance with existing regulations. Interaction with wildlife causes disturbance, behavioral change, and stress, among others. These are additional threats that need to be minimized if not eradicated through regulation.

2 Sharks in Captivity

No person or entity shall be allowed possession of sharks unless such person or entity can prove financial and technical capability and facility to maintain said species.

Provided, that the source was not obtained in violation of this Act, and the source of stock is verifiable to monitor mortality. The DA-BFAR will develop husbandry and holding tank standards as well as a permitting system for the keeping of sharks in captivity.

Provided further, that sharks in rescue and rehabilitation centers and those undergoing rehabilitation and acclimation shall not be subjected to commercial public exhibition. Interaction with captive sharks will also be regulated.

3 Non-Detriment Findings (NDF)

The NDF for targeted shark species and those affected as bycatch shall be determined to determine sustainability of harvest and provide appropriate management schemes.

4 Collection and/or Possession of By-Products and Derivatives

The collection and possession of species shall only be allowed when the results of the NDF show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the DA-BFAR shall establish a schedule and volume of allowable harvests.

5 Handling and Release Practices

Acceptable handling and release guidelines from fisheries (e.g., sports fishing, bycatch) and stranding for protected shark species and/or unwanted sharks shall be developed based on the best available science, best practices, and safe release experience.

6 Bycatch Reduction Measures

Technical and financial assistance on research for gear restriction, and identify modified fishing gears to reduce shark bycatch mortality shall be provided. Measures may include, but not limited to bait restrictions, use of different fishing hooks, varying hook depth, use of repellents, reducing soak time, and reducing the number of hooks.

7 Release and Reporting of Bycatch

Live sharks that are protected or have not been assessed through the NDF shall be immediately released unharmed to the sea. Dead sharks that are protected or have not been assessed through the NDF shall be handed over to the DA-BFAR for proper documentation and disposal.

Any incident must be reported to the competent authority using the standard reporting system. A standard reporting and monitoring system for sharks bycatch shall be developed.



8 Determination of Threatened Species

The DA-BFAR, within two (2) years after the effectivity of this Act, shall determine whether shark species or subspecies of a population or subpopulation is Threatened (Vulnerable, Endangered, or Critically Endangered) based on available scientific data and with due regard to internationally accepted criteria, such as the International Union for Conservation of Nature (IUCN) and determined under the recommendations of the Philippine Red List Committee of the BFAR. Threatened species are to be declared protected.

Furthermore, local government units may declare certain shark species which hold special cultural or tourism value as flagship species and shall initiate conservation measures.

9 Identification of Critical Habitats

Critical habitats for sharks shall be identified and established as shark sanctuaries, reserves, or marine protected areas. This includes zones in marine protected areas and marine key biodiversity areas where appropriate conservation management measures shall be introduced.

10 Development of Target Reference Points (TRP) and Limit Reference Points (LRP)

The DA-BFAR shall, within three (3) years from the effectivity of this Act, determine TRP and LRP based on the results of the NDF and national stock assessments with the precautionary principle and ecosystem-based fishery are considered.

The DA-BFAR may also determine size limits, catch ceiling limits, and establish closed seasons for specific species and populations in defined geographical locations.

11 Support to Fisherfolk Involved in Shark Fishery

Support shall be provided to commercial and municipal fisherfolk through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.

12 Traceability of Shark Products

All business operators identified in the supply chain of sharks and their by-products trading and utilization should be able to:

- identify any person or business operator that has supplied them with the species
- identify any person or business to which they have supplied their products
- the products that were supplied including quantity or volume, site of fishing grounds, species, and fishing gear used
- make this information available to DA-BFAR and their consumers.

13 Labelling

Business operators must ensure that their products are adequately labeled or otherwise identified through relevant documentation. They must also comply with the labelling requirements of the country destination.

14 Communication, Education, and Public Awareness (CEPA)

Government agencies, academic institutions, and NGOs shall undertake a nationwide information and education campaign to adequately inform the populace of the value of sharks in the marine ecosystem, and of the importance of preserving their respective habitats.



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For more information, contact:

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Proposed Illegal Acts

- Killing, taking, keeping captive, and trading Vulnerable, Endangered, or Critically Endangered species, except in the following instances:
 - When it is done as part of the rituals of established tribal groups or indigenous cultural communities;
 - When the shark is afflicted with an incurable communicable disease;
 - When it is deemed necessary to put an end to the misery suffered by the shark; and
 - When the shark is killed or destroyed after it has been used in authorized research or experiments.
- Inflicting injury which cripples and/or impairs the reproductive system of sharks;
- Harassing sharks;
- Disturbing sharks and their habitats;
- Effecting any of the following acts in critical habitat(s):
 - Dumping of waste products detrimental to sharks;
 - Squatting or otherwise occupying any portion of the critical habitat;
 - Mineral exploration and/or extraction;
- Introducing, reintroducing, or restocking of shark species without permits;
- Finning;
- Collecting, hunting, possessing, importing, exporting, or re-exporting sharks, their by-products and derivatives without the result of the NDF and full traceability at all stages, from collection to production, processing, transport, storage, and distribution;
- Falsely advertising or mislabeling any product, which could mislead consumers;
- Obstructing corridors used by sharks;
- Using of shark line and wire trace; and
- Commercial exhibition of live sharks in captivity that are undergoing rehabilitation.