

Whale shark policy



The rapid growth of commercial value of sharks since in the late period of 1970s was attributed to the increasing market demand not only for shark meat but also for their cartilages and fins (Christiansen, 2006). Although, the preliminary Fishery Management Plan, FMP, for Atlantic Billfish and Sharks was published by the Secretary of Commerce in 1978, the implementation of its provisions was hardly realized (Christiansen, 2006). Thus, shark fishing has prevailed in the market for a long period of time.

In fact, commercial, illegal and even recreational fishing of sharks in the Atlantic coastal zones is commonly observed in the Caribbean Sea, Gulf of Mexico and the coastal regions of the New England (Christiansen, 2006). It is not surprising then that *Rhincodon typus* species were classified as threatened shark species by the Convention on the International Trade in Wild Species of Flora and Fauna, the United Nations Convention on the Law of the Sea, and the Convention on Migratory Species.

In response to high market demands amidst the low fecundity and late maturity of sharks, the five councils on Atlantic Fishery Management urged the Secretary of Commerce to establish FMP for sharks in 1989 (Christiansen, 2006). As a result, the formulated FMP called for the establishment of FMU or fishery management unit for 39 shark species including *Rhincodon typus* or whale shark. For regulation and assessment, FMU was divided into groups for pelagic sharks, LCS or Large Coastal Sharks, and Small Coastal Sharks or SCS.

During that time, the National Marine Fisheries Service, NMFS, classified LCS as overfished while SCS and pelagic sharks were described as fully fished

(Christiansen, 2006). Hence, quotas on both recreational and commercial shark fishing were implemented by the National Marine Fisheries Service, NMFS. In 1999, a new FMP was established to cover Atlantic Tunas and Swordfish in control and regulation. However, based on the study on SCS and LCS populations in 2002, the previous FMP measures failed to alleviate the deteriorating condition of Atlantic coastal sharks (Christiansen, 2006).

In relation to this, the 1999 FMP provisions were amended by NMFS in 2003 which covered re-aggregation of LCS stocks, recreational bag limit adjustment, LCS timeframe revision, fishing quota implementation based on MSY or maximum sustainable yield, gear restriction establishment, elimination of the allowable minimum size, updates on the EFH or essential fish habitat, regional quota establishment, setting of area or time for closure off the coast in North Carolina territory, implementation of commercial fishing in trimester seasons, identification of criteria for endangered shark species classification, and establishment of VMS or vessel monitoring system for both recreational and commercial fishing vessels.

Consequently, in 2004, the MSY-based annual landing quotas, 1, 017 metric tonne and 454 metric tonne dressed weight were implemented respectively for LCS and SCS (Christiansen, 2006). Nevertheless, since areas of migration, pupping and mating of the Atlantic sharks encompass the territorial regions of various states, the Atlantic States Marine Fisheries Commission or ASMFC proposed an interstate FMP for an efficient management including control and monitoring of coastal shark fishing along the Atlantic coast which included the whale shark or *Rhincodon typus* shark species (Christiansen, 2006). The Pacific Shark Fishery States' Regulations

Based on the statistics of the NMFS, in the year range of 1991-1998, the shark killings in the Western and Central Pacific had increased by more than 2500% from 2, 289 to 60, 857 cases (Spiegel, n. d.). At present, longline fishermen caught about 150, 000 sharks annually of which 568 million pounds were taken from the Pacific coastal zones (Spiegel, n. d.). Thus, in December 2000, the United States Congress enacted a nationwide ban against shark market. As well, the NMFS and the Department of Commerce failure to abolish illegal shark fishing, Californian representative, in September 1999, proposed the Pacific Resolution to ban shark killings in all federal states of the United States (Spiegel, n. d.).

In November of the same year, the resolution was approved by both congress and the senate. In line with this, the Hawaii Senate passed Bill 1947 on March 17, 2000 to control the shark fin trade in the market (Spiegel, n. d.). In addition, the Magnuson Act was amended on January 27, 2000 through House Resolution 3535 to completely ban shark finning (Spiegel, n. d.). Nonetheless, in December of the same year, to further amend the Magnuson Act and to absolutely ban shark finning in all federal states, the congress acted out House Resolution 5461 (Spiegel, n. d.). This resolution has opened the doors for the development of multilateral or bilateral agreements for the global campaign against shark killings.

Similarly, shark fishing regulations were also enacted in several countries like Australia, Honduras, South Africa, Namibia, Thailand, Philippines, Maldives, and Israel (Spiegel, n. d.). Whale Shark Regulations in other Countries Whale shark was classified as vulnerable shark species of the Minister for the Environment and heritage of Australia under the 2001

Environment protection and Biodiversity Conservation Act or EPBC Act (Department of the Environment and Heritage, 2004). The decline of the whale shark population on Australian coasts was attributed to the unceasing shark hunting in the critical coastal zones in other countries like in India, Taiwan, and in the Philippines.

Thus, whale sharks have been legally protected by the 1950 Wildlife Conservation Act, the 1975 Great BARRIERS Reef Marine Park Act, the 1984 Conservation and Land Management Act, the 1994 Fish Resources Management Act, and the 1996 Fisheries Regulation (Department of the Environment and Heritage, 2004). Meanwhile, in India, the national policies on fisheries are employed on the management of shark fishing (Hanfee, 1999). As such, policies specific for shark fisheries have not yet formulated by the Indian government. Generally, in consultation with fish vessel managers and company administrators, the Indian Department of Fisheries regulates and takes control of shark fishing in the country's coastal regions (Hanfee, 1999). Despite the issues of inaccurate reporting on the management of whale shark fishing, other Asian countries like Thailand and Philippines have their respective legal policies to protect whale shark species.