

REC 3.116 Shark finning

RECOGNIZING the economic and cultural importance of sharks in many countries, their support to food security, their biological importance in the marine ecosystem, the vulnerability of some shark species to exploitation, and the need for measures promoting sustainable and long-term use of shark populations and fisheries developed from them;

CONCERNED that shark finning (removing any fin of the shark and discarding the body at sea) causes the death of tens of millions of sharks, threatens many shark populations and potentially the very survival of species considered rare and vulnerable, and endangers not only traditional sustainable fisheries but also recreational fisheries of socio-economic importance;

CONCERNED ALSO that the elimination of large quantities of predators at the apex of the marine ecosystem could have dramatic and undesirable ecological impacts altering the balance of the marine ecosystems and could jeopardize the production of other species of commercial interest;

AWARE that information on trade and landings indicate that finning is practiced widely, and to a great extent without management or regulation, and that due to the biological characteristics of sharks, it also results in unsustainable levels of mortality;

CONCERNED MOREOVER that finning hinders the collection of specific scientific information on particular species, which is essential to monitor shark catch, landings, and biological parameters, and implement sustainable management of these fisheries, as required under international agreements and statutes;

NOTING that finning is contrary to the principles of Article 7.2.2 (g) of the *Code of Conduct for Responsible Fisheries* of the United Nations Food and Agriculture Organization (FAO) and to the principles, objectives and goals of the *FAO International Plan of Action for the Conservation and Management of Sharks* (UN FAO IPOA-Sharks); and

ALSO AWARE that at its 58th and 59th sessions, the United Nations General Assembly urged Member States to develop and implement national and, where appropriate, regional plans of action to activate the *International Plan of Action for the Conservation and Management of Sharks*, to gather scientific information on shark catch, and to consider the adoption of conservation and management actions, “including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins” (paragraph 48 of Resolution A/RES/58/14);

The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004:

1. URGES states with fisheries that capture sharks, whether in directed fishing activities or as accidental by-catch in other fisheries, to implement the *International Plan of Action for the Conservation and Management of Sharks*, through the development of national and regional action plans incorporating a precautionary approach, that recognize the nutritional and socio-economic importance of sharks in some regions, that reduce to a minimum waste and discard from shark catch and that promote use of the entire catch through, *inter alia*, the implementation of bans on finning (removing any fin of the shark and discarding the body at sea) in their maritime water and by their flag vessels worldwide;

2. URGES states with fisheries that capture sharks, whether in directed fishery activities or as accidental by-catch in other fisheries, or which facilitate the landing of shark products by international flag vessels, to require that all sharks be landed with the fins attached to their bodies and to guarantee full utilization of shark catches;

3. FURTHER URGES in those cases where this is not possible, vessels should be required to have on board fins that total no more than five percent of the weight of sharks (defined as all parts of the shark excepting head and guts), up to the point of first landing and those states that do not currently require fins and carcasses to be landed together, should take necessary measures to ensure compliance with the five percent ratio through certification, monitoring by an observer, and other appropriate measures, for example as required by the 2004 International Commission for the Conservation of Atlantic Tunas (ICCAT) Resolution;

4. RECOMMENDS that all states should evaluate the effectiveness of their monitoring and capacity to enforce these measures, drawing upon the expertise and resources of FAO, Regional Fisheries Organizations, other states and the IUCN Shark Specialist Group;

5. URGES states to support the development and adoption of a new resolution of the United Nations General Assembly to ban all shark finning in international waters; and

6. VIGOROUSLY RECOMMENDS that states implement Resolution 12.6 *Conservation and Management of Sharks* and related decisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Ministry of Foreign Affairs, Japan, provided the following statement for the record:

This Recommendation is inconsistent with the last year's and this year's United Nations resolutions, as well as the FAO International Plan of Action for the Conservation and Management of Sharks and the FAO Code of Conduct for Responsible Fisheries, in several points such as a requirement for landing shark bodies with their fins adhered and a ban on transfer of shark fins in international waters.

The Key point of shark conservation issue is that fishery activities that only target shark fins are deteriorating shark resources. We have to recognize that a ban on finning without identifying species and areas with a real problem will never lead to a real conservation and management of shark resources.

Further, it is not appropriate to discuss fishery issues in the United Nations General Assembly, since there is no expert on fisheries. Therefore we cannot support this Recommendation.

The Department of State, United States, provided the following statement for the record:

The United States supports strong and effective efforts to conserve and manage shark populations, including through bans on the practice of shark finning. We would just like to make a brief statement specifically in regard to operative paragraph 4. Given recent advances on this issue in the United Nations General Assembly, we believe that future efforts are best directed towards the UN Food and Agriculture Organization, Regional Fisheries Management Organizations and other relevant international bodies with direct responsibility for the conservation and management of living marine resources. We support specific measures by these organizations to address this issue, consistent with the resolution recently adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

**Statement to clarify the intention and the spirit of
Recommendation WCC3.116 *Shark finning***

**Approved by the Programme and Policy Committee of the IUCN
Council
6 July 2005**

IUCN is concerned that the language in its recommendation WCC3.116 is being interpreted against its original intent.

The second operative paragraph of the Recommendation WCC3.116 urges States "to require that all sharks be landed with the fins attached to their bodies and to guarantee full utilization of shark catches".

Interpreting "fins attached to their bodies" as "fins tied or glued to their bodies" goes against the intent of the Recommendation, becoming an implicit permit to fin and discard a proportion of the sharks caught. It opens up a loophole to disembark fins from finned sharks. Such interpretation makes enforcement very complex as controllers would need to check that every shark carcass has only its own fins tied or glued to it, a task that proves extremely difficult to be implemented especially in those ports where thousands of sharks are landed at the same time. In addition, this impedes the collection of species-specific data critical to provide effective fisheries management advice. Indeed, it is extremely difficult, and in some cases impossible, to identify many species of sharks either from their fins alone, or from the 'trunks' of bodies landed without fins and heads.

The intent of the language in the second operative paragraph of the Recommendation WCC3.116 is to efficiently implement a finning ban through the simplest way: that is to require that shark carcasses be landed with fins still attached naturally to the body, **without having been totally cut off prior to landing**, making the possession of detached fins on board of vessels an offence. Resolution WCC3.116 provides in operative paragraph 3 that in cases in which the above is not possible the alternative should be that an appropriate fin ratio (weight of fins / weight of shark carcasses) is used based on scientific information, but that does not exceed 5%.

IUCN notes that some fishers cut the fins **partly** off the body so that they can be folded back, making the carcasses easier to store and handle and that such practice falls within the intent of the IUCN recommendation.

In line with operative paragraph 2 of Resolution WCC3.116, IUCN strongly recommends that finning ban regulations require sharks to be landed with their fins still attached naturally, because it is simple, enforceable and enables maximum extraction of scientific data from landings. It also maximizes fin and carcass quality and value and is therefore preferred by shark fishers and processors. Moreover, landing sharks and rays with fins attached naturally will facilitate species identification, promote standardized data collection and reporting of official catch statistics, and eliminate potential enforcement loopholes. This is essential for undertaking fishery management measures to ensure the sustainable use and management of shark resources as required under international agreements and statutes.

IUCN acknowledges that the main challenge in this respect is not to adopt a finning ban regulation but to ensure that it is enforceable and can be implemented effectively. A failure to effectively control the practice of finning, by adopting loose regulations, will represent a lost opportunity to achieve the sustainable use of a valuable and highly-vulnerable fishery resource, under the principles embodied in the 1995 Code of Conduct for Responsible Fisheries, the relevant international plans of action and technical guidelines of the Food and Agriculture Organization of the United Nations, and as adopted by the last World Summit on Sustainable Development (point 31 of the implementation action plan).