

# Improving the Conservation and Protection of Sharks

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Through the Power of  
International Treaties and the  
Development of a New Shark-  
Focused Legally Binding  
Instrument

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# Outline

- Why sharks?
- Threats affecting sharks' population
- Regulations of sharks in certain countries
- Legal status in international law
- Proposals to strengthen the protection of sharks

# Facts | Why sharks?

- Have arisen 400 million years ago
- Ecological and intrinsic value to the marine environment
- Faced both mass extinction and rapid increase
- Animals of “negative charisma”
- Lack of public concern
- Humans are sharks’ predators





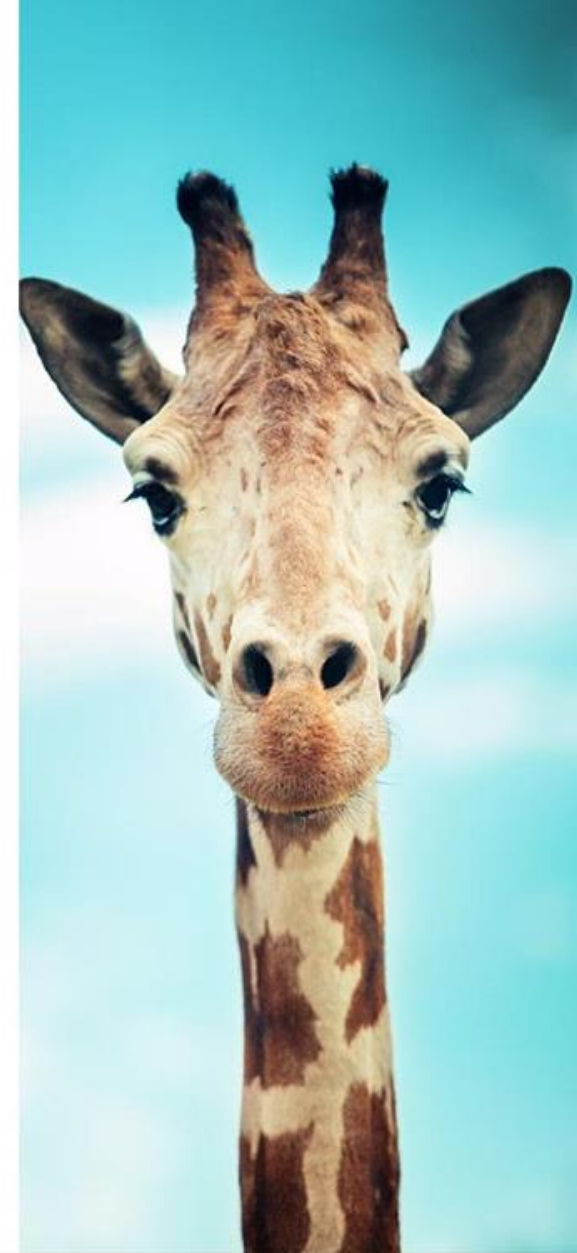
# Threats

- Climate change
- Shark fishing
- Shark finning
  - Removal of shark fins when either alive or not, release back to the ocean without fins
- Shark fin soup
  - Made out of a shark fin and broth



# Regulations in certain countries

- **New Zealand:** Shark finning is prohibited since 2014
  - Great white sharks are protected species within territorial waters & EEZ
- **Australia:** Live shark finning is illegal, trade is not.
  - Environmental Protection and Biodiversity Conservation Act of 1999
- **Canada:** Shark finning is prohibited since 1994
  - 2019: export and import of shark fins is banned
  - 2020: Mako sharks - Atlantic ban
- **Taiwan:** Banned shark finning in 2011
- **Malaysia:** One of the main importers and exporters of shark fins in 2000-2009
- **Palau and Madagascar:** Created shark sanctuaries (shark parks)
- **Marshall Islands and Honduras:** Established marine protected areas, some of them are over EEZ



# United States

## Federal legislation

- Shark Finning Prohibition Act of 2000
  - Banned finning on any fishing vessel within the territorial waters of the U.S. and on all U.S.-flagged fishing vessels on high seas
- Shark Conservation Act
  - Prohibits any boat to carry shark fins without the number and weight of carcasses, fins should be





# United States

## State legislation

- 2010: Hawaii: the first state banning sale and possession of shark fins
- Similar provisions were enacted in Washington, Oregon, California, Guam, Northern Mariana Islands
- 2013: Maryland banned shark fin trade
- Texas, Illinois, Delaware, Rhode Island, Massachusetts also declared bans
- 2017: Nevada banned sale and possession of the body parts of sharks and banned shark fin soup
- 2020: New Jersey banned shark fins
  - Florida banned import, export, trade of shark fins within the state



# European Union

- One of the largest exporters of shark fins to Asia
- General practice of shark finning is prohibited
- 2009: Plan of Action for the Conservation and Management of Sharks
- Shark finning in EU waters and EU vessels is prohibited since 2003
- On-board processing is allowed
- The EU Citizens' Initiative: Stop Finning - Stop the Trade





# United Nations Convention on the Law of the Sea

- Binding to all States (countries) -> customary law
- Not an animal-focused treaty
- Provides general requirements on the regulations of maritime zones
- Requires States (countries) to exercise “a total allowable catch”
- Contains broad provisions
  - Requires States (countries) to cooperate directly or through international organizations
- The International Tribunal for the Law of the Sea
  - *Advisory Opinion* for the Sub-Regional Fisheries Commission



# 1995 Fish Stocks Agreement

- Filling the gaps left by UNCLOS
- Focused on straddling stocks and highly migratory species
- Lists duties regarding fishing outside the EEZ
- Relies on the governance of RFMOs
  - Not every State (country) can become a member of the RFMO
- Issue with persistent objection



# CITES

- Appendix I - species threatened with extinction
  - No species of sharks
- Appendix II - species that can become threatened with extinction, if the trade is not strictly regulated
  - 14 species of sharks
- Appendix III - species that need control in trade to prevent or restrict exploitation and need cooperation of other Parties to the Convention
  - No species of sharks





# Convention on Migratory Species

- Conservation of migratory species within migratory ranges
- Global conservation of wild animals and their habitats
- Appendix I - migratory species threatened with extinction
  - 5 species of sharks
- Appendix II - migratory species having unfavorable conservation status
  - 16 species of sharks
- 4 species are listed in both Appendices: whale shark, angelshark, basking shark, great white shark



# IPOA Sharks

- Main international and shark-focused instrument
- Adopted under the auspices of the FAO
- To ensure the conservation and management of sharks and their long-term sustainable use
- Includes not only endangered species, but all species of sharks, and to States (countries) in the waters of which sharks are caught by their own vessels and to States (countries) the vessels of which catch sharks on the high seas.
- Each State (country) shall have a Plan of Action within its jurisdiction



# Memorandum of Understanding Sharks

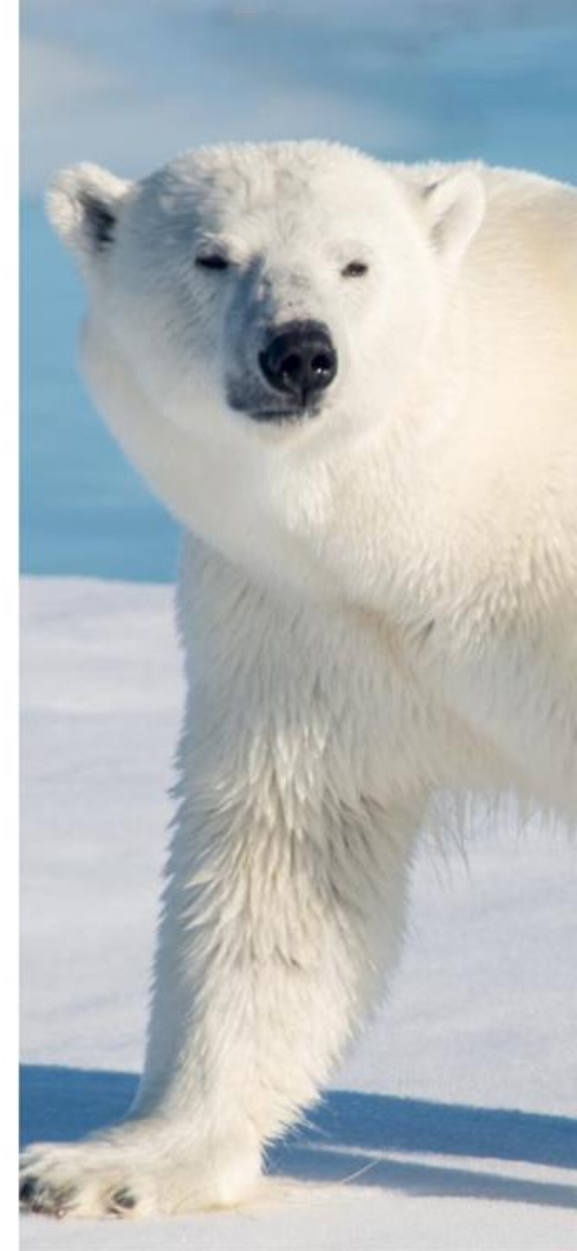
- First global instrument for the conservation of migratory species of sharks
- Legally non-binding international instrument
- Created under the auspices of the CMS
- Came into force in 2010
- Conservation Plan (Annex III)





# Proposed Solutions

- Shark-focused treaty as a legally binding instrument
- Strict regulation of fishing and trade
- Improved efforts on a global level in terms of environmental law and conservation
- Strict fisheries management through RFMOs and trade related mechanism
- Customary law (State practice + *opinio juris*)



# Thank you!

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