

Trade & International Advocacy

Shark Finning

By **Laura Jackson (private practice solicitor) & Eleanor Sibley (Field Court Chambers)**

"Shark finning is the practice of removing a shark's fins at sea and discarding the finless body back in the water. It is a barbaric practice that has rightly been banned in the UK for nearly 20 years, but we do still import shark fins which may contribute to the practice. To this end, we will bring in legislation to ban the import and export of detached shark fins."

- DEFRA Action Plan for Animal Welfare, p.9

There are believed to be over 400 species of sharks in the oceans. They have outlived the dinosaurs and many other species on earth, but in the present day, 70-150 million sharks are killed each year and some populations have decreased by more than 90%. One third of all shark species are considered to be either vulnerable, endangered or critically endangered as listed by the International Union for the Conservation of Nature. Sharks are not only precious in themselves, but being apex predators, they are essential to conservation of the marine ecosystem and in striking an equilibrium for all life in and out of the sea.

There are a number of substantial threats to sharks including diving programmes, unregulated shark fishing, shark bycatch from fishing, ghost nets, shark nets along beaches, pollution,

marine debris, and most notably, shark finning. This barbaric practice has been sustained by demands for shark fin soup, souvenirs and jewellery. The act of 'shark finning' refers to the act of slicing the fins from a shark, often while it is still alive. Because the fins are more lucrative and the bodies take up space, sharks are often then thrown back overboard from the fishing boat, discarded into the water again, where they sink to the bottom and either drown or bleed to death.

Since 2003, EU Regulations, which have been implemented into UK law, have restricted shark finning. However, significant loopholes have allowed the import of shark fin products and (until 2013) shark finning itself to continue.

For example, EU Regulation 1185/2003, which banned the practice of shark finning within the EU, contained an exemption, permitting member states to issue special fishing permits that allowed shark fins to be removed at sea, provided that the ratio of fins to carcasses on landing did not exceed 5%.

In 2013, the EU passed Regulation 605/2013, which removed this exemption. However, it continued to allow the import of shark fin products. Regulation 206/2009 permits individuals to bring 20kg of dried shark fin into the EU for home consumption, without being subject to border controls. One 20kg portion could equate to hundreds of sharks being killed, depending on their size¹, and the exemption makes it difficult to detect and prevent illegal trade in CITES-protected species.

In December 2020, the UK government launched a call for evidence on the shark fin trade. Its Action Plan for Animal Welfare, launched on 12 May 2021, announced that it proposes to ban the im-

¹ <https://hansard.parliament.uk/commons/2021-06-07/debates/081C04E8-CAAA-408D-8AD1-85A058640393/AnimalWelfare>



port and export of shark fins obtained as a result of “shark finning”.

This is very welcome news. However, the devil will be in the detail. To be effective, the ban needs to extend beyond whole shark fins to shark fin products. The government resisted calls to confirm whether this will be the case².

Postscript: On 15th August 2021, the UK Government announced³ it would introduce legislation to ban the import and export of detached shark fins, as well as the import and export of products also containing shark fins.

2 <https://www.theyworkforyou.com/debates/?id=2021-06-17c.439.1>

3 https://www.gov.uk/government/news/government-to-introduce-world-leading-ban-on-shark-fin-trade?utm_medium=email&utm_campaign=g-ovuk-notifications&utm_source=617da2ed-0c00-423b-9337-ab-287c6f5b4f&utm_content=immediately