A shark is swimming in clear, shallow blue water. The water is so clear that the sandy bottom and the shark's shadow are visible. In the background, there is a small tropical island with palm trees under a bright blue sky with some light clouds. The overall scene is serene and beautiful.

# How World Leaders Are Protecting Sharks

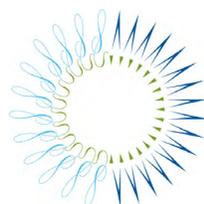
Shark Sanctuaries, Trade Bans,  
and International Agreements

GLOBAL SHARK CONSERVATION CAMPAIGN  
April 2012



# How World Leaders Are Protecting Sharks

Shark Sanctuaries, Trade Bans,  
and International Agreements



THE  
**PEW**  
ENVIRONMENT GROUP

GLOBAL SHARK CONSERVATION CAMPAIGN  
April 2012



Pew's Global Shark Conservation Campaign has provided outreach, education, and training support to governments in establishing science-based policies for protecting sharks. Additionally, the campaign supports public awareness to increase understanding of the importance of sharks.



JOE DANIELS



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# Sharks

are vulnerable  
wildlife that need  
**Protection**

STUART COVE

**S**harks, which provide a valuable asset to ecosystems and economies, are in trouble globally. The demand for shark fins, meat, liver oil, and other products has driven numerous shark populations to the brink of extinction. Of the shark and ray species assessed by scientists for the International Union for Conservation of Nature (IUCN), 30 percent around the world are threatened or near threatened with extinction.

The loss of sharks could cause irreversible damage to the ocean—and to economic activities, such as dive tourism, that benefit from healthy marine habitats. Because many species are migratory, the establishment of small marine protected areas or breeding closures is not enough to protect sharks that may swim beyond the boundary of safety. In addition, scientists have yet to agree on which critical life stages for sharks should be protected to ensure their survival, thus concluding sharks need protection throughout their lives.

Creating a shark sanctuary in a country's entire exclusive economic zone (EEZ) presents an opportunity to protect sharks over a larger scale before it is too late for their populations to recover from overfishing.

# Shark Sanctuaries, Trade Bans, and International Agreements

A shark sanctuary offers habitat where sharks can live and reproduce without the threat of commercial fishing and where countries may benefit from the ecosystem and economic value healthy populations provide.

In recent years, Palau, the Maldives, Honduras, The Bahamas, Tokelau, and the Marshall Islands have proclaimed their waters as shark sanctuaries, prohibiting commercial fishing and trade of sharks throughout their EEZs.

Several states and territories, including California, Guam, Hawaii, the Northern Mariana Islands, Oregon, and Washington, as well as several municipalities in Canada, have instituted bans aimed at prohibiting the sale, trade, and possession of shark fins in the waters of their jurisdiction. The shark fin trade bans are an important measure in protecting endangered shark species by legislating a reduction in supply.

These recent developments in shark conservation have served as a wake-up call, spurring other governments and regional organizations to take action. The Micronesian Chief Executive Summit, composed of governors and presidents from western Pacific nations, and the Association of Pacific Island Legislatures, whose members are lawmakers from across the Pacific basin, have both adopted resolutions calling on members to protect sharks. Sharks have also been protected by other international forums including the U.N. General Assembly and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an agreement among governments to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Regional fisheries management organizations (RFMO) such as the Inter-American Tropical Tuna Commission (IATTC) and International Commission for the Conservation of Atlantic Tunas (ICCAT), which are responsible for managing high-seas fish stocks that migrate through the waters of several countries, have also begun to adopt measures to protect specific shark species.

# Benefits of a Shark Sanctuary Declaration

Countries that declare a shark sanctuary receive multiple benefits from this forward-thinking action.

These include:

- Protecting the balance of the marine ecosystem, including commercially important fish species and the health of marine habitats such as coral reefs;
- Helping to sustain and grow a country's economy from shark and marine-related ecotourism;
- Garnering media attention for their actions to protect sharks, further enhancing the conservation reputation of the country;
- Providing a venue for national and international scientists to learn more about these prehistoric creatures; and
- Winning international recognition for their shark conservation leadership.



**S**harks have played an essential role in the world’s oceans for more than 400 million years, surviving multiple mass extinctions. But they are not equipped to withstand the threats now posed by humans. Their life history characteristics, such as slow growth, late maturation, and production of few offspring, make them vulnerable to overfishing and slow to recover once depleted. As a result, shark populations are in trouble globally.

The demand for shark fins, meat, liver oil and other products has driven numerous shark populations close to extinction. The growing demand for shark fin soup has led to the killing of up to 73 million sharks a year.<sup>1</sup>

Of the shark and ray species assessed by scientists for the IUCN, 30 percent around the world are threatened or near threatened with extinction.<sup>2</sup> According to the U.N. Food and Agriculture Organization, more than 50 percent of highly migratory shark species are either overexploited or depleted.<sup>3</sup> The status of another 47 percent of shark species is unknown.<sup>4</sup>

Sharks are critical apex predators, playing a key role in maintaining the structure and function of marine ecosystems.<sup>5, 6</sup> They regulate the variety and abundance of the species below them in the food web, including commercially important fish. Removing sharks can cause dramatic shifts in the population sizes of other species, which can cascade downward, disrupting the balance of an ecosystem.<sup>7, 8, 9, 10</sup>

Studies show that thriving coral reefs are also associated with healthy shark populations.<sup>11</sup> In the Pacific, scientists compared the conditions of coral reefs in remote, less-populated areas with reefs that were heavily impacted by such human activities as overfishing and habitat destruction. In the remote locations dominated by sharks and other large predators, scientists found more stable, healthy coral reef ecosystems with a high abundance of sea life.<sup>12</sup> In areas dominated by human activity where sharks have been overfished, changes were seen throughout the marine environment, including negative impacts on corals.<sup>13</sup>

Similar studies in the Caribbean Sea found that many corals depend on herbivorous fish, such as parrotfish, to eat algae and allow new coral to settle and grow.<sup>14</sup> When sharks are removed, larger fish that feed on herbivorous fish increase in abundance, causing a decrease in the amount of smaller fish grazing on algae.<sup>15</sup> As populations of these fish declined, they were no longer able to keep algae growth in check, and coral organisms had trouble growing on the reef. As a result, the reef shifted to an algae-dominated ecosystem that lacked the diversity of marine species found in healthy coral reefs.<sup>16</sup> These findings indicate that fish abundance and thriving coral reefs are associated with healthy shark populations. A healthy reef plays an important role in food security and provides resilience to environmental impacts associated with increased sea-level rise and pollution runoff.<sup>17, 18</sup>



Changes in shark abundance can affect ecosystems in significant ways with broad and negative outcomes, including the degradation of marine habitats and the collapse of commercial fisheries. Sharks need protection before the ecosystem effects of their decline become irreversible. The consequences of losing sharks are complex and often difficult to quantify but, similar to such terrestrial species as lions and tigers, the disappearance or severe depletion of an apex predator can have far-reaching ecological and economic consequences across an ecosystem.



SHAWN HEINRICH

# Shark Sanctuaries

**D**ue to their unique biology, sharks subjected to unregulated commercial fishing are not able to sustain their populations. Shark fisheries generally experience cycles of boom and bust, where initial high catches of sharks are followed by a precipitous crash. A shark sanctuary is the strongest measure a nation can take to protect sharks. The first shark sanctuaries were adopted by various mechanisms (presidential decree, fisheries regulations, and legislative action), but have three general components.



## What a shark sanctuary means

- Bans the commercial fishing of all shark species.
- Bans the retention of all sharks as incidental bycatch in commercial fisheries.
- Bans the sale, trade, and possession of all sharks and shark parts, including shark fins.

**First, a shark sanctuary is an area in which commercial fishing of sharks is banned.** Nations that have implemented shark sanctuaries have emphatically stated that they do not want commercial fishing vessels in their waters to target sharks. It is important to note that Palau and The Bahamas did not have a targeted shark fishery before they established shark sanctuaries, but the Maldives and Honduras did.

**Second, a shark sanctuary permits zero retention of incidental catch of sharks.** Many fishermen point out that it is difficult to fish for tuna or swordfish without also catching sharks as bycatch. Sharks frequently are caught alive and can be released back into the water, but other times they die on the line. The shark sanctuary countries decided that allowing the take of sharks caught as bycatch would provide a major loophole and economic incentive that would result in sharks being targeted and kept. Experience has shown that a shark sanctuary that does not require the immediate return of all shark bycatch to the sea, dead or alive, will be ineffective. For example, the Marshall Islands banned shark fishing in 2004 but allowed fishermen to keep them as bycatch. It found that doing so, did not reduce the number of sharks killed in its waters. Distinguishing between fins taken from sharks that were caught as bycatch or purposely targeted is extremely difficult and costly to enforce; therefore, the Marshall Islands decided that the only sensible policy to ensure healthy shark populations was one that prohibited all retention of sharks and shark fins.

**Finally, a shark sanctuary is a place where the sale, trade, and possession of shark is banned.** This characteristic is analogous to the trade bans that were implemented on ivory tusks to protect elephants. Although sharks are killed for their meat, skin, and livers, it is their fins that fuel overfishing. Curtailing the shark fin trade is an important component of protecting shark species from extinction.

Shark sanctuary countries do not need to ban catch-and-release recreational shark fishing inside shark sanctuaries as long as best practices to ensure the survival of the sharks are employed. Similarly, shark sanctuaries may permit artisanal shark fishing by subsistence fishermen for noncommercial use.



# Shark Sanctuaries around the World



**S**everal nations have taken steps to protect global shark populations, starting with Palau, which in 2009 created the world's first national shark sanctuary banning the fishing of all species of sharks.

Since then, the Maldives, Honduras, The Bahamas, Tokelau, and the Marshall Islands have also created national shark sanctuaries. The total area now protected for sharks stands at 4,701,274 square kilometers (1,815,172 square miles).

## **Palau**

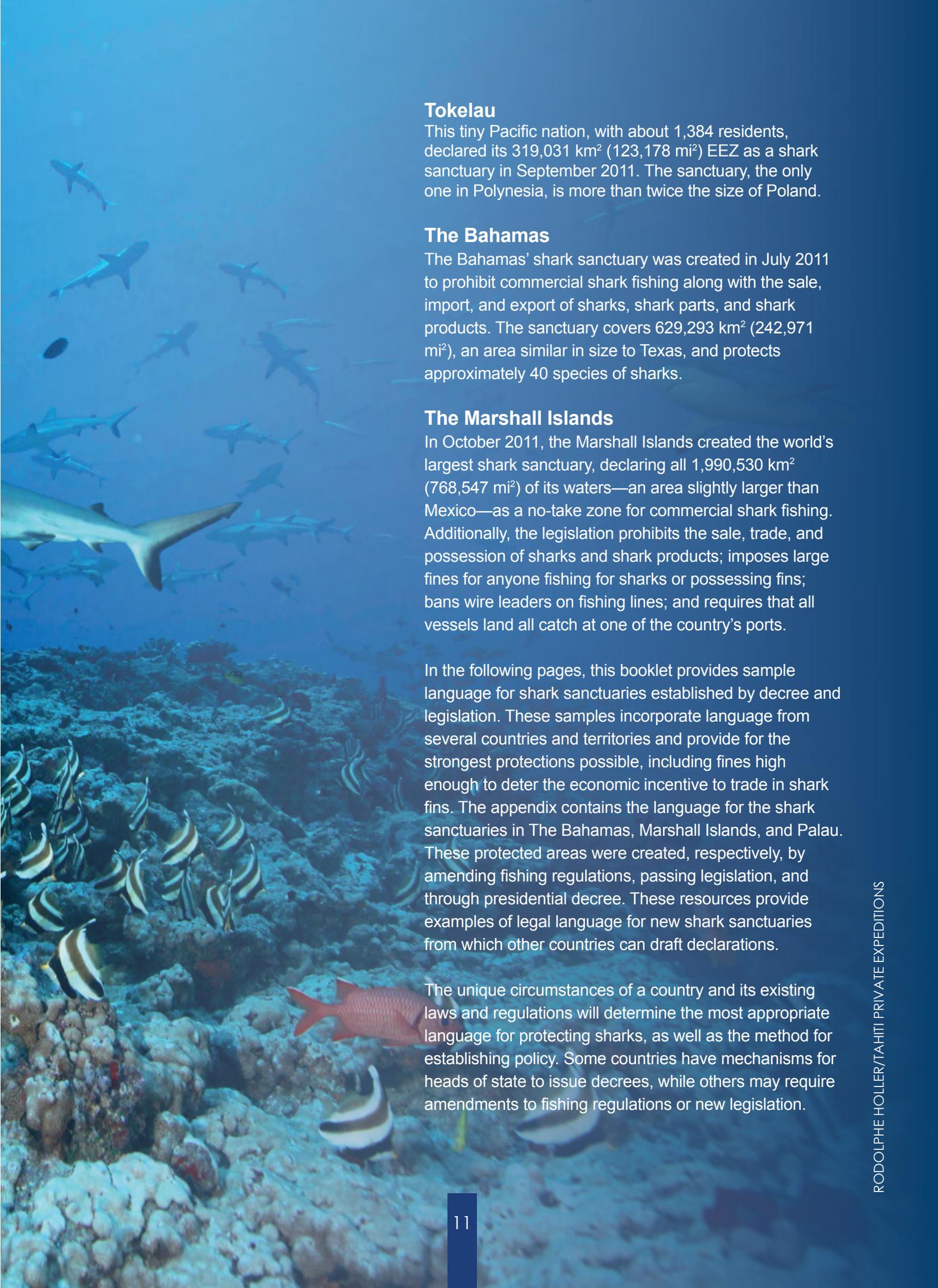
In his September 2009 address to the U.N. General Assembly, Palauan President Johnson Toribiong declared the waters of Palau to be an international shark sanctuary—the first of its kind. Creation of the 604,289-km<sup>2</sup> (233,317-mi<sup>2</sup>) sanctuary—covering an area the size of France—has inspired other nations to follow suit.

## **The Maldives**

Much of the Maldives' gross domestic product (GDP) depends on marine-related industries. The Maldives created a shark sanctuary in March 2010 that not only bans all shark fishing within its EEZ of approximately 916,189 km<sup>2</sup> (353,742 mi<sup>2</sup>)—more than twice the size of Japan—but also outlaws the import and export of sharks and shark products. It was the first shark sanctuary in the Indian Ocean.

## **Honduras**

Honduran President Porfirio Lobo Sosa established a shark sanctuary in June 2011, the first bi-ocean sanctuary and the first in Central America. It includes the total EEZ area of 240,240 km<sup>2</sup> (92,757 mi<sup>2</sup>), approximately the size of the United Kingdom. This action made permanent Honduras' 2010 shark-fishing moratorium and positioned it as a leader in global shark conservation.

An underwater photograph showing a large school of sharks swimming in the upper half of the frame. Below them, a school of black and white striped fish swims over a coral reef. The water is clear and blue.

## Tokelau

This tiny Pacific nation, with about 1,384 residents, declared its 319,031 km<sup>2</sup> (123,178 mi<sup>2</sup>) EEZ as a shark sanctuary in September 2011. The sanctuary, the only one in Polynesia, is more than twice the size of Poland.

## The Bahamas

The Bahamas' shark sanctuary was created in July 2011 to prohibit commercial shark fishing along with the sale, import, and export of sharks, shark parts, and shark products. The sanctuary covers 629,293 km<sup>2</sup> (242,971 mi<sup>2</sup>), an area similar in size to Texas, and protects approximately 40 species of sharks.

## The Marshall Islands

In October 2011, the Marshall Islands created the world's largest shark sanctuary, declaring all 1,990,530 km<sup>2</sup> (768,547 mi<sup>2</sup>) of its waters—an area slightly larger than Mexico—as a no-take zone for commercial shark fishing. Additionally, the legislation prohibits the sale, trade, and possession of sharks and shark products; imposes large fines for anyone fishing for sharks or possessing fins; bans wire leaders on fishing lines; and requires that all vessels land all catch at one of the country's ports.

In the following pages, this booklet provides sample language for shark sanctuaries established by decree and legislation. These samples incorporate language from several countries and territories and provide for the strongest protections possible, including fines high enough to deter the economic incentive to trade in shark fins. The appendix contains the language for the shark sanctuaries in The Bahamas, Marshall Islands, and Palau. These protected areas were created, respectively, by amending fishing regulations, passing legislation, and through presidential decree. These resources provide examples of legal language for new shark sanctuaries from which other countries can draft declarations.

The unique circumstances of a country and its existing laws and regulations will determine the most appropriate language for protecting sharks, as well as the method for establishing policy. Some countries have mechanisms for heads of state to issue decrees, while others may require amendments to fishing regulations or new legislation.

## Sample Legislative Language for a National Shark Sanctuary

### A BILL FOR AN ACT

To restrict commercial shark fishing and establish a national shark sanctuary in [INSERT COUNTRY]'s territorial waters, contiguous zone, and exclusive economic zone, and for other related purposes.

Section 1. **Short title.** This Bill may be referred to as “The National Shark Sanctuary Act of [INSERT YEAR]”

Section 2. **Findings.** The Legislature finds that sharks are slow growing, slow to mature, and produce few young. Fishing nations kill 26 million to 73 million sharks per year, and sharks are biologically ill-equipped to overcome the pressures of modern industrial fishing. As a result, the International Union for Conservation of Nature Red List of Endangered Species has assessed 30% of sharks as threatened or near threatened with extinction.

The ocean has evolved over the last 400 million years with shark species at the top of the food chain.

As apex predators, sharks are important for maintaining healthy marine environments. They maintain the abundance and behavior of food fish, and studies suggest they exert influence on coral reefs, sea-grass beds, and other marine habitats.

Sharks are also important to the economies of many coastal communities. An economic study in Palau found that shark diving accounts for 10% of the small island nation's annual GDP. In Fiji, shark diving contributes US\$42.2 million to the economy. A ban on the trade of sharks will reduce the demand for them, ensuring that more sharks swim in our ocean for the benefit of the marine environment and coastal economies.

Section 3. **Definitions.** For the purposes of this Act, the following are defined as:

- (1) *Shark* is an animal commonly known as a shark and includes all animals in the orders *Hexanchiformes*, *Squaliformes*, *Pristiophoriformes*, *Squatiniiformes*, *Heterodontiformes*, *Orectolobiformes*, *Lamniformes*, and *Carcharhiniformes*. For the purpose of this Decree, it also includes the subfamily *Mobulinae*.
- (2) *Shark fin* is the dried, undried, or processed fin or tail of a shark.
- (3) *Shark part* is any part or commercial product derived from shark including, but not limited to, squalene, cartilage, meat, skin, liver oil, fins, jaws, and teeth.
- (4) *Trace wire* is a type of fishing gear used on fishing vessels; also known as a “steel trace” or “wire leader.”
- (5) *Catch and release* is the type of recreational fishing whereby the fish is immediately released upon reaching the vessel or angler, whenever possible without landing it, i.e., while the fish is still in the water.

Section 4. **Prohibition of taking of sharks, possession, sale, and trade.**

- (1) No person shall catch, capture or intentionally engage in fishing for shark or any part thereof or remove the fins or the tail of any shark or otherwise mutilate or injure any shark within the land or fisheries of [INSERT COUNTRY].

- (2) Notwithstanding subsection (1):
- a. Any person who holds a license or permit from [INSERT MANAGING AUTHORITY] to conduct research on sharks and carries out activities in accordance with that license or permit shall not be subject to the penalties in this section.
  - b. Fishing for shark for noncommercial subsistence use is permitted provided that the exemption specified in this subsection shall not apply to the endangered species of sharks specified in subsection (i) of this section.
    - i. Sharks warranting special protection:
      1. Hammerhead shark (*Sphyrna spp.*)
      2. Oceanic whitetip shark (*Carcharhinus longimanus*)
      3. Dusky shark (*C. obscurus*)
      4. Thresher shark (*Alopias spp.*)
      5. Bull shark (*C. leucas*)
      6. Tiger shark (*Galeocerdo cuvier*)
      7. Whale shark (*Rhincodon typus*)
      8. Great white shark (*Carcharodon carcharias*)
      9. Such other shark species as the [INSERT MANAGING AUTHORITY] shall list as endangered; or
- (3) Any shark that is inadvertently caught or captured, subject to subsection (2) shall be immediately released, whether the shark is dead or alive. No shark shall be retained even if caught as bycatch.
- (4) No person shall possess, receive, sell, offer for sale, transfer, import, export, store, transit, or have on board or transship any shark, shark fins, or any other part of shark. For the purpose of this subsection it shall be a rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of a shark, is deemed possessed or transferred in violation of this subsection.
- (5) Notwithstanding subsection (4), any person who holds a license or permit from [INSERT MANAGING AUTHORITY] to conduct research and possesses shark fins in accordance with that license or permit shall not be subject to the penalties in this section.
- (6) No person, operator, or fishing vessel licensed to fish in the fishery waters of [INSERT COUNTRY] shall possess, use, or be caused to use a trace wire. [INSERT MANAGING AUTHORITY] may make regulations and fishing license conditions, including restrictions on type of fishing gear, in order to further reduce the mortality of sharks, in accordance with this Title.

#### Section 5. Penalties

- (1) Contravention of provisions of this Act or a regulation promulgated pursuant to this Act, is an offense punishable by a fine of not less than fifty thousand dollars (US\$50,000) and not exceeding five hundred thousand dollars (US\$500,000), and in addition to an amount equivalent to the current retail value of any confiscated shark fin in the market for which it was destined.
- (2) Any person found in violation of this Act shall be imprisoned for not more than six (6) months.
- (3) Any person found in violation of this Act on their third or subsequent offense shall be assessed a fine of not less than one hundred thousand dollars (US\$100,000) and a minimum imprisonment of thirty (30) days.
- (4) Shark fins seized and forfeited pursuant to this Act shall be destroyed by incineration.

## Sample Decree Language for a National Shark Sanctuary

NATIONAL SHARK SANCTUARY DECREE  
(DECREE NO. XX OF [INSERT YEAR])

In exercise of the powers vested in me as [HEAD OF STATE], I hereby make the following Decree –

### PART 1 – PRELIMINARY

#### *Short Title and Commencement*

1. – (1) This Decree may be cited as The National Shark Sanctuary Decree [INSERT YEAR].

(2) This Decree comes into force on the date (the “commencement date”) appointed by the [INSERT MANAGING AUTHORITY] by notice in the [INSERT NAME OF GOVERNMENT REGISTER].

#### *Interpretation*

2. In this Decree, unless the context otherwise requires –

“Person” or “persons” shall include any individual or company or association or body of persons, corporate or unincorporated;

“Shark” means an animal commonly referred to as “shark” and includes all animals in the orders *Hexanchiformes*, *Squaliformes*, *Pristiophoriformes*, *Squatiniiformes*, *Heterodontiformes*, *Orectolobiformes*, *Lamniformes*, and *Carcharhiniiformes*. For the purpose of this Decree, it also includes the subfamily *Mobulinae*.

“Shark fin” means the dried, undried, processed, or unprocessed fins or tail of a shark;

“Shark part” means any part or commercial product derived from shark including, but not limited to, squalene, shark cartilage, shark meat, shark skin, shark liver oil, shark fins, shark jaws, and shark teeth;

“Trace wire” means a type of fishing gear used on fishing vessels that is also known as a “steel trace” or “wire leader”;

“**Catch and release**” means the recreational fishing whereby the fish is immediately released upon reaching the vessel or angler, this whenever possible without landing it, i.e., while the fish is still in the water.

#### *Objective of the Decree*

3. – (1) The objectives of this Decree are –

- (a) To end the unsustainable commercial fishing of sharks, thus preventing their extinction.
- (b) To ensure healthy reefs and oceans by protecting the apex predators that influence the entire food chain, including fish our people rely on for food security.
- (c) To promote [INSERT COUNTRY] as a premier shark diving travel destination.
- (d) To recognize a species with important cultural links to our people.

(2) The Decree achieves these objects by –

(a) Banning the commercial fishing of all shark species within [INSERT COUNTRY]'S territorial waters, contiguous zone, and exclusive economic zone.

(b) Banning the sale, trade, import, export, transshipment, and possession of sharks and shark parts, including shark fins.

(c) Making provisions for banning the use of fishing gear used to target shark species.

## PART 2 – PROHIBITION ON TAKING SHARKS AND PENALTIES

### *Protections for Sharks*

4. – (1) Any person or persons who –

(a) Catches, captures, or intentionally engages in fishing for sharks and any shark part, kills, removes the fins or the tail of any shark, or otherwise mutilates or injures any shark within the land or fisheries of [INSERT COUNTRY].

(b) Possesses, receives, sells, offers for sale, transfers, imports, exports, stores, transits or has on board or transships any sharks, shark fins or any shark part, or in any other way commercializes any shark fin or shark part in the territory, land, territorial waters, contiguous zone, and exclusive economic zone. For the purpose of this Decree, tax- and duty-free zones and the transiting areas of ports and airports shall be deemed to be part of the territory covered by this decree.

It shall be a rebuttable presumption that if any shark, shark fin or shark part is found aboard a vessel, the shark, shark fin or shark part is deemed possessed or transferred in violation of this Decree.

(c) Inadvertently catches or captures a shark and does not immediately return the shark to the ocean.

(d) Fishes and possesses, uses, or intends to use prohibited fishing gear as per section 9 (2) below shall be guilty of an offense and shall be liable on conviction,

(i) To a fine of not less than fifty thousand dollars (US\$50,000) and not exceeding five hundred thousand dollars (US\$500,000), plus an additional amount equivalent to the current retail value of any confiscated shark fin in the market for which it was destined;

(ii) To imprisonment for not more than six (6) months;

(iii) On a third or subsequent offense, to a fine of not less than one hundred thousand dollars (US\$100,000), a minimum imprisonment of thirty (30) days and the permanent loss of any business license; and

(iv) To seizure and forfeiture of sharks, shark parts, shark fins, commercial marine licenses, fishing equipment, all conveyances including aircraft, vehicles, and vessels used for their transport, or other property involved in a violation of this Decree.

### *Exemptions*

5. – (1) Notwithstanding Section 4, any person who –

(a) Holds a license or permit from the [INSERT MANAGING AUTHORITY] to conduct research on sharks and carries out activities in accordance with that license or permit;

Notwithstanding of the above, any introduction of any sharks, shark fins and shark parts into what is, or can reasonably be deemed to be the commercial trade, and any other circumvention of the provisions or objectives of this Decree shall, however, be deemed a breach of this Decree and be subjected to its full penalties.

(b) Engages in noncommercial artisanal subsistence fishing provided that the species is not listed as “warranting special protection” as specified in Subsection 5.(1)(b)(i):

- i. Sharks warranting special protection:
  1. Hammerhead shark (*Sphyrna spp.*)
  2. Oceanic whitetip shark (*Carcharhinus longimanus*)
  3. Dusky shark (*C. obscurus*)
  4. Thresher shark (*Alopias spp.*)
  5. Bull shark (*C. leucas*)
  6. Tiger shark (*Galeocerdo cuvier*)
  7. Whale shark (*Rhincodon typus*)
  8. Great white shark (*Carcharodon carcharias*)
  9. Such other shark species as the [INSERT MANAGING AUTHORITY] shall list as endangered; or

(c) Fishes for shark for recreational catch and release purposes.

Shall not be subject to the penalties in this Decree.

### *Destruction of Confiscated Sharks, Shark Parts, and Shark Fins*

6. – (1) Sharks, shark parts and shark fins seized and forfeited pursuant to this Decree shall be destroyed by incineration.

### PART 3 – MISCELLANEOUS

#### *Existing Stocks*

8. – (1) Stocks of sharks, shark fins or shark parts that are being held on the commencement date of this Decree can be legally disposed of during the following six (6) months, after which their possession and commercialization will become an offense under this Decree.

(2) In order to fulfil the conditions of 8.(1) above, such stocks must be verifiably declared to the Department Fisheries within two (2) weeks from the commencement date of this Decree.

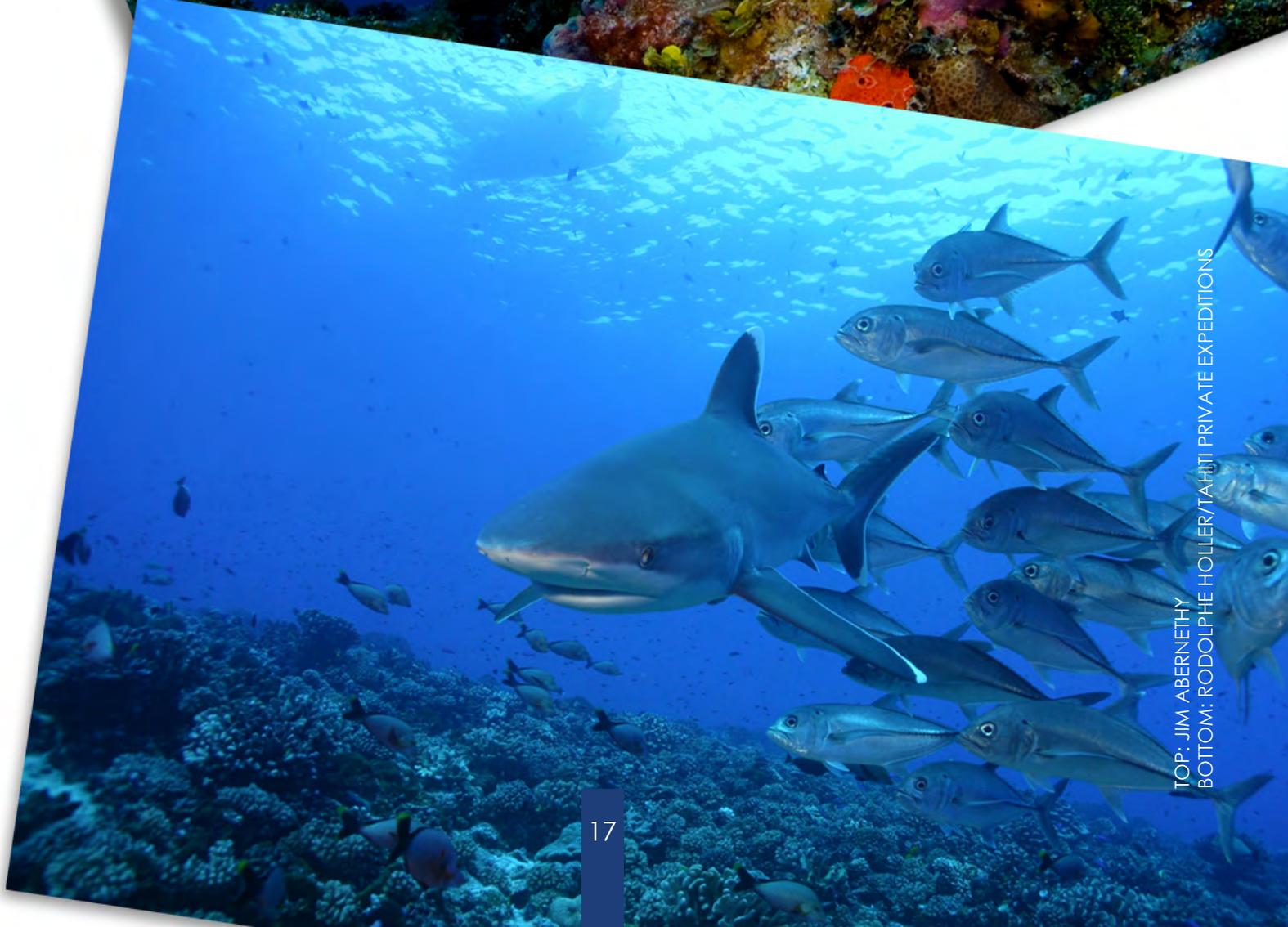
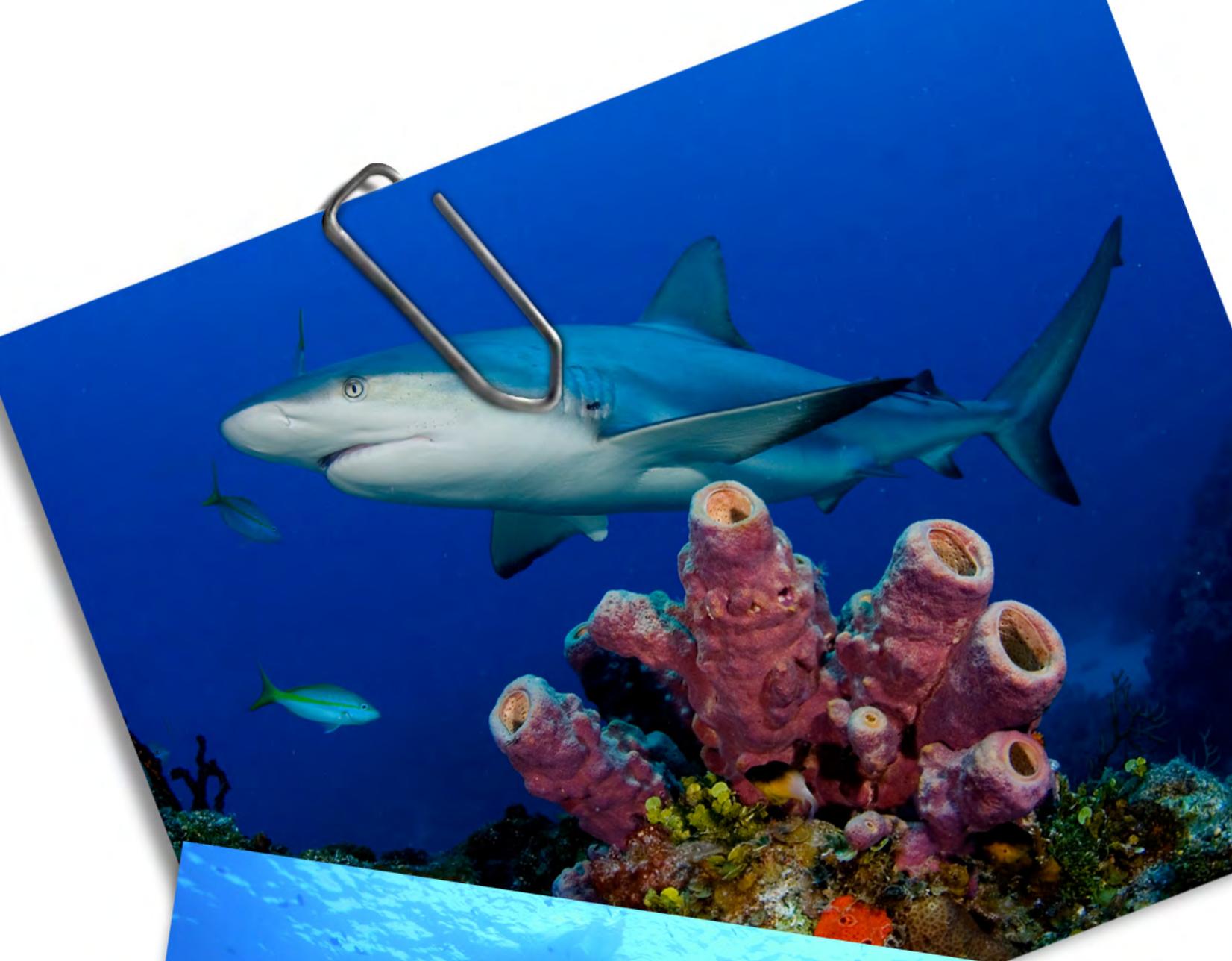
(3) It shall be a rebuttable presumption that if any undeclared sharks, shark fin or shark part is found after commencement date of this Decree, the undeclared shark, shark fin or shark part is deemed possessed transferred in violation of this Decree.

#### *Minister May Make Regulations*

9. – (1) [INSERT MANAGING AUTHORITY] may make regulations to give effect to the provisions of this Decree.

(2) These regulations shall include provisions and fishing license conditions imposing restrictions on type of fishing gear in order to further reduce the mortality of sharks (specifically including a ban on using wire leaders for all commercial fishing vessels) in accordance with the objectives of this Decree, this within six months from the commencement date of this Decree.

(3) The provisions of this Decree are to be wholly integrated into [INSERT COUNTRY] fisheries laws.



TOP: JIM ABERNETHY  
BOTTOM: RODOLPHE HOLLER/TAHITI PRIVATE EXPEDITIONS



# Shark Fin Trade Bans

Several states and territories of the United States, as well as a number of municipalities in Canada, have instituted bans on the sale, trade, and possession of sharks and rays, including fins and other parts. When enforced in conjunction with the U.S. Shark Conservation Act of 2010, which requires that sharks be brought to land with their fins naturally attached to their bodies, these laws may ban the retention of sharks by fishing vessels in their respective jurisdictions.



The following pages provide sample language for a shark trade ban and summarize the shark and shark fin trade bans in the U.S. states and territories of California, Guam, Hawaii, Northern Mariana Islands, Oregon, and Washington.

Hawaii's shark fin ban, passed in 2010, was the first to criminalize the shark trade, with hefty fines for a first offense and imprisonment for a third or subsequent offence. Hawaii's law is the strongest to date, with the heaviest penalties and fewest exemptions. It is presented in the appendix along with laws from Guam and the Northern Mariana Islands.

**The only way to protect endangered species is to protect all species.** With two exceptions, the U.S. shark fin bans prohibit the sale, trade, and possession of *all* species of shark fin, regardless of how the shark fin is obtained. Once a fin is removed from a shark, it is impossible to tell if the shark was killed by the shark finning method in which the fins are removed at sea and the bodies dumped in the ocean, or if the shark was brought to port with its fins naturally attached. Also, identifying fins by species becomes increasingly difficult as the fins are processed and prepared for shark fin soup. DNA analysis can identify species and sometimes the region where a shark was caught, but this technology is too expensive for enforcement purposes. For this reason, it makes sense to impose a total ban on all shark fins. The only way to ensure that endangered species of sharks are not killed for their fins is a blanket ban on the use of all shark fins.

**Protections must be comprehensive.** Language in shark fin laws of some states and territories is stronger than in others. The most comprehensive laws ban the fishing, purchase, sale, trade, and possession of sharks. Guam, for example, bans the largest number of activities, making it unlawful to possess, sell, offer to sell, "take, purchase, barter, transport, export, import, trade or distribute shark fins." On the other hand, California, Hawaii, Oregon, and Washington do not ban fishing or "take." Washington does not ban "possession." Loopholes can arise if legal language is not all-inclusive.

As of January 2012, four U.S. states and two territories had banned the sale, trade, and possession of shark fins:

- California
- Guam
- Hawaii
- Northern Mariana Islands
- Oregon
- Washington

**Penalties and fines must be high enough to discourage black market trade and/or the incorporation of fines into the costs of doing business.** Shark fins are big business and have been documented selling for as much as US\$1,200 a pound (US\$2,640/kg). Fines must be high enough to offset the economic incentive for trading in illegal shark products. The repercussions of breaking the law must outweigh the risk of getting caught.

**Banning fins alone may not be enough.** It is important to note that the state and territorial shark fin trade bans fall short of the protections of the national shark sanctuaries because none of the trade bans criminalizes the trade of shark products other than shark fins. Depending on the state or territory, this creates a loophole that can allow for the import, export, sale, trade, and possession of other shark products, including meat, squalene, cartilage, skin, liver oil, jaws, and teeth. Current shark fin trade bans are important for protecting endangered shark species and are clearly a move in the right direction, but they do not provide the full protection of a national shark sanctuary.

For governments interested in passing shark trade bans, Pew's Global Shark Conservation Campaign advocates for a comprehensive policy that prohibits the sale, purchase, trade, and possession of all shark products, not just fin. This is a difficult proposition to adopt because of the growing number of commercial and political interests trading in shark products, but it will be necessary in order to protect sharks from extinction. The campaign has provided outreach, education, and training support to governments in establishing science-based policies for protecting sharks and it is prepared to provide necessary legal, scientific, and political expertise.

# Shark Fin Trade Bans Around the World

**S**everal U.S. states and territories, as well as a number of municipalities in Ontario, Canada, have taken steps to curb the shark fin trade. Officials in California, Hawaii, Oregon, Washington, Guam, and the Northern Mariana Islands have closed major markets available to the shark fin trade, especially in California and Hawaii.

## California

In October 2011, Gov. Jerry Brown signed AB 376 banning the sale, trade, and possession of shark fins. Violation of the law is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000).



## Guam

In March 2011, Guam enacted a ban making it unlawful to possess, sell, offer to sell, “take, purchase, barter, transport, export, import, trade, or distribute shark fins.” Unique to all of the shark fin bans, the law restricts shark fishing out to three miles, the strictest protection for sharks possible in the territory. Local high school students advocated for passage of the law by collecting signatures and providing spoken and written testimony at a public hearing.

## Hawaii

In July 2010, Hawaii became the first U.S. state to make it unlawful to “possess, sell, offer for sale, trade, or distribute shark fins.” The bill was introduced by Hawaii state Sen. Clayton Hee and was championed by environmentalists. First-time offenders can be assessed a fine “of not less than \$5,000 and not more than \$15,000” as well as administrative and attorneys’ fees and costs.

## Oregon

In June 2011, Gov. John Kitzhaber signed into law H.B. 2838, banning the possession, sale, offering for sale, trade, and distribution of shark fins.

## Canada

The cities of Mississauga, Oakville, Pickering, and Toronto in the province of Ontario banned the import of shark fins in 2011. These were the first local governments in the world to pass such measures.

## Washington

In May 2011, Gov. Chris Gregoire signed S.B. 5688, banning the sale, trade, and distribution of shark fins. The bill was sponsored by state Sen. Kevin Ranker, and the measure received considerable support, passing in House by a 95-1 vote and receiving unanimous backing in the Senate.

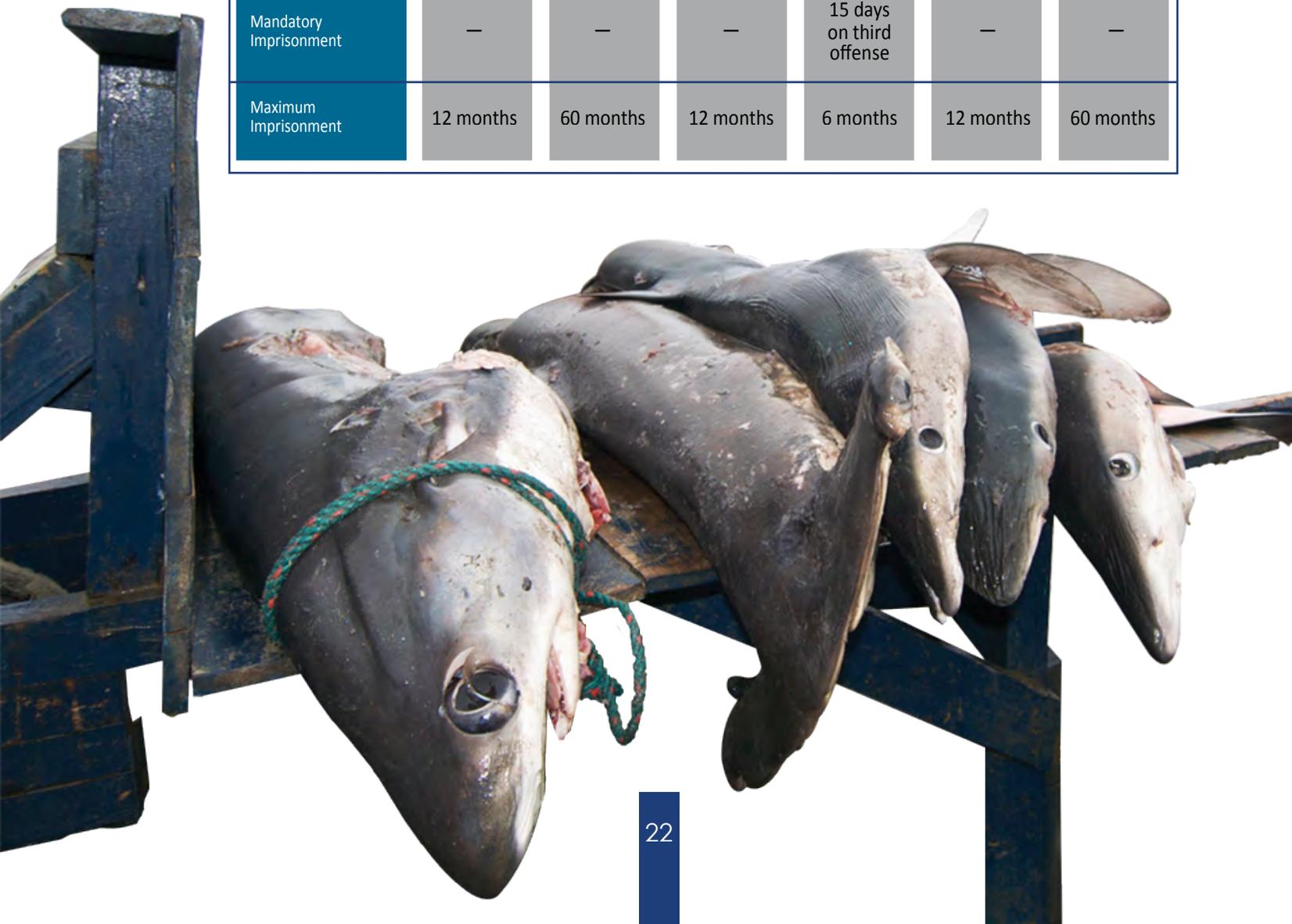
## Northern Mariana Islands

In January 2011, the Northern Mariana Islands banned the possession, sale, and distribution of shark fins within the archipelago. It was the first law of its kind in a U.S. territory. The bill was championed by a former fisherman and lieutenant governor, commonwealth Rep. Diego T. Benavente. A law passed in 2008 had made shark fishing an administrative offense.



## Comparison of Shark Fin Trade Bans

	California 2011	Guam 2011	Hawaii 2010	Northern Marianas 2008/2011	Oregon 2011	Washington 2011
Bans Sale/ Offer to Sell/Export	X	X	X	X	X	X
Bans Purchase/Import	—	X	—	X	—	X
Bans Possession/ Transport	X	X	X	X	X	—
Bans Trade/ Distribution	X	X	X	X	X	X
Bans Fishing/Take	—	X	—	X	—	—
Licensing Exemption	X	—	—	—	X	—
Contains Non- commercial Exemption	—	X	—	X	—	—
Contains Research Exemption	—	X	X	X	—	X
Contains Species Exemption	X	—	—	—	X	—
Minimum Fine	\$100	\$500	\$5,000	\$5,000	—	—
Maximum Fine	\$1,000	\$100,000	\$50,000	\$30,000	\$25,000	\$10,000
Mandatory Imprisonment	—	—	—	15 days on third offense	—	—
Maximum Imprisonment	12 months	60 months	12 months	6 months	12 months	60 months





LEFT & RIGHT TOP: SHAWN HEINRICHS  
CENTER: ANGELO VILLAGOMEZ  
BOTTOM: MELISSA YUEN



# A BILL FOR AN ACT

Sample Legislative Language for a Shark Trade Ban

TO PROHIBIT ANY PERSON FROM POSSESSING, SELLING, OFFERING FOR SALE,  
TRADING, OR DISTRIBUTING SHARK OR SHARK PARTS, INCLUDING SHARK FIN.

Be it enacted by [INSERT NAME OF LEGISLATURE]:

Section 1. Findings. The Legislature finds that sharks are slow growing, slow to mature, and produce few young. Fishing nations kill 26 million to 73 million sharks a year. Due to their life history characteristics, sharks are ill-equipped to overcome the pressures of commercial overfishing. As a result, the International Union for Conservation of Nature Red List of Endangered Species notes that 30% of sharks that have been assessed are threatened or near threatened with extinction.

The ocean has evolved over the last 400 million years with shark species at the top of the food chain. As apex predators, sharks are important for maintaining healthy marine environments. They maintain the abundance and behavior of fish, and studies suggest they exert influence on coral reefs, sea-grass beds, and other marine habitats.

Sharks are also important to the economies of many coastal communities. An economic study in Palau found that shark diving accounts for 10% of the small island nation's annual GDP. In Fiji, shark diving contributes US\$42.2 million to the economy each year.

A ban on the trade of sharks and shark products will reduce the demand for sharks, ensuring that more of them swim in our ocean, for the benefit of the marine environment and coastal economies.

Section 2. Definitions. For the purposes of this Act, the following are defined as:

- (a) "Shark" means an animal commonly referred to as "shark" and includes all animals in the orders hexanchiformes, squaliformes, pristiphoriformes, squatiniformes, heterodontiformes, orectolobiformes, lamniformes, and carcharhiniformes. For the purpose of this Act, it also includes the subfamily mobulinae.
- (b) "Shark fin" means the dried, undried, processed, or unprocessed fins or tail of a shark.
- (c) "Shark part" means any part or commercial product derived from shark, including, but not limited to, squalene, cartilage, meat, skin, liver oil, shark fins, jaws, and teeth.

Section 3. Enactment. Subject to codification by the Law Revision Commission, the following new provisions are hereby enacted:

- (a) It shall be unlawful for any person to possess, receive, sell, transfer, import, export, store, have on board, or transship any shark, shark fins, or any other part of sharks.
- (b) Notwithstanding subsection (a), any person who holds a license or permit from [INSERT MANAGING AUTHORITY] to conduct research and possesses sharks in accordance with that license or permit shall not be subject to the penalties in this section.
- (c) Any person violating this section or any rule adopted pursuant to this section shall be penalized as follows:
  - a. For a first offense, by an administrative fine of not less than \$5,000 and not more than \$15,000;
  - b. For a second offense, by an administrative fine of not less than \$15,000 and not more than \$35,000. In addition, sharks, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture;
  - c. For a third or subsequent offense, by an administrative fine of not less than \$35,000 and not more than \$50,000 or by imprisonment of not more than one year, or both. In addition, sharks, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture.
- (d) In addition to any penalties imposed under Subsection (b), any person violating this section or any rule adopted under it may be assessed administrative and attorney's fees and costs, plus an additional amount equivalent to the current retail value of any confiscated shark and shark fin in the market for which it was destined.

Section 4. Severability. If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to person or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

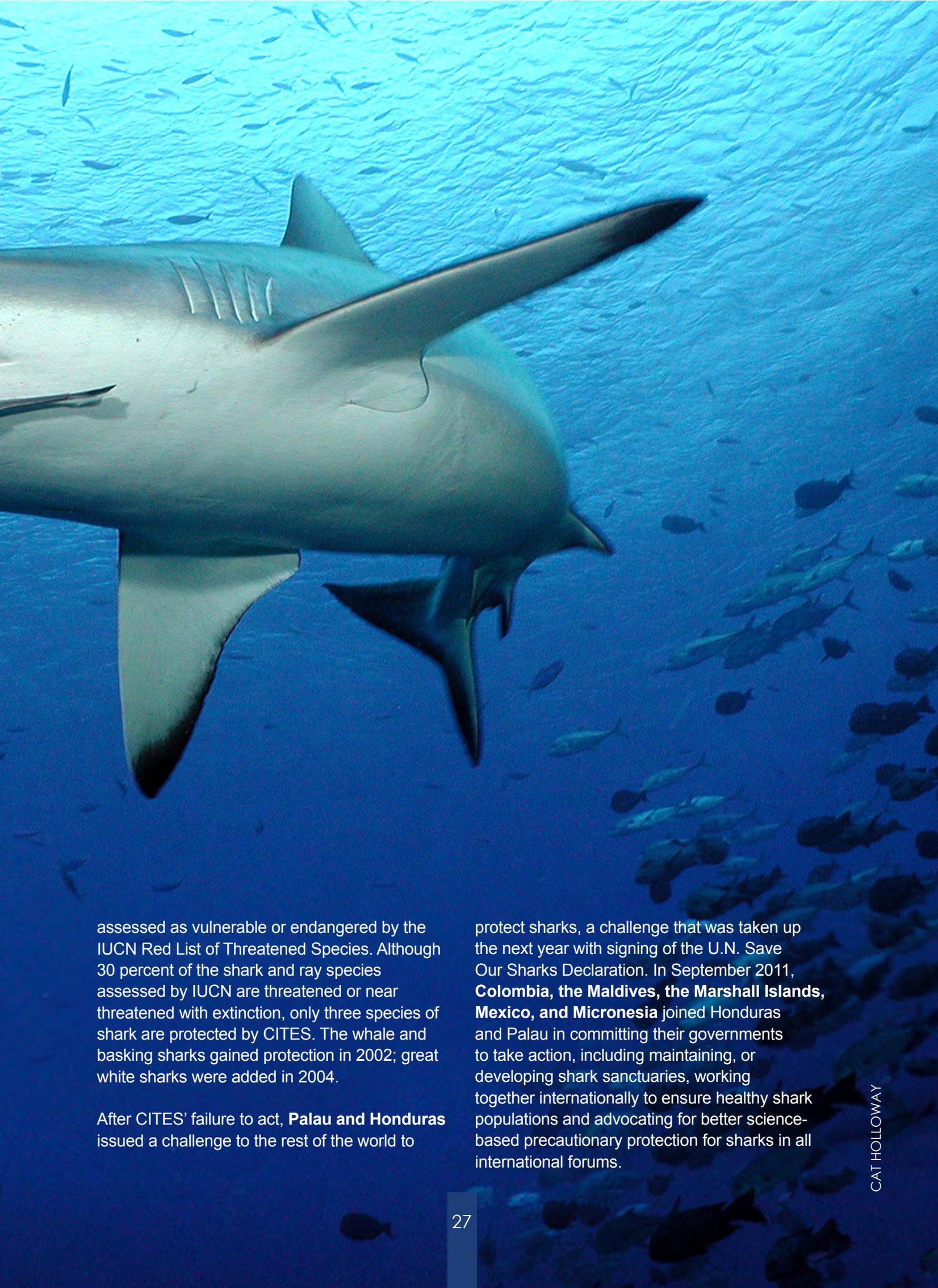
Section 6. Effective Date. This Act shall take effect upon its approval by the [HEAD OF STATE], or its becoming law without such approval.



# International and Regional Shark Agreements and Measures

**I**n recent years, several nations have joined together to protect sharks. Reducing mortality of migratory animals such as sharks requires transnational collaboration. There are a number of forums where this cooperation is possible, including regional fisheries management organizations (RFMOs), the United Nations, meetings of regional associations, and international meetings.

In 2010, proposals were put forward at the **15th meeting of CITES** in Doha, Qatar, to protect scalloped hammerhead, oceanic whitetip, spiny dogfish, and porbeagle sharks. In addition, great and smooth hammerheads and dusky and sandbar sharks were proposed for protection because of their similarity to scalloped hammerheads. Unfortunately, the meeting concluded without providing any trade protections whatsoever for these species, all of which are



assessed as vulnerable or endangered by the IUCN Red List of Threatened Species. Although 30 percent of the shark and ray species assessed by IUCN are threatened or near threatened with extinction, only three species of shark are protected by CITES. The whale and basking sharks gained protection in 2002; great white sharks were added in 2004.

After CITES' failure to act, **Palau and Honduras** issued a challenge to the rest of the world to

protect sharks, a challenge that was taken up the next year with signing of the U.N. Save Our Sharks Declaration. In September 2011, **Colombia, the Maldives, the Marshall Islands, Mexico, and Micronesia** joined Honduras and Palau in committing their governments to take action, including maintaining, or developing shark sanctuaries, working together internationally to ensure healthy shark populations and advocating for better science-based precautionary protection for sharks in all international forums.



Several RFMOs such as IATTC and ICCAT, which are responsible for managing highly migratory fish stocks, have also taken steps to protect vulnerable shark species. In 2009, ICCAT's 48 member countries agreed to ban the retention of bigeye thresher sharks caught in the Atlantic Ocean.

In 2010, they added oceanic whitetip sharks and six species of hammerhead sharks, and in 2011 they added silky sharks. In July 2011, the IATTC passed comparable protections for oceanic whitetip sharks, the first time sharks received regional protections in the eastern tropical Pacific Ocean.

Cooperation on shark protections was also agreed to at the regional level between the legislatures and executives of many of the island countries

### **Benefits of international and regional shark agreements**

- Protects migratory sharks across national borders.
- Closes multiple ports in a region, making it more difficult to land sharks.
- Builds pressure for other nations to enact shark protections.
- Improves enforcement through better collaboration.

and territories in the Pacific. In the summer of 2011, the meetings of the **Association of Pacific Island Legislatures (APIL)**, whose members are lawmakers from across the Pacific Basin, and the **Micronesia Chief Executive Summit (MCES)**, made up of governors and presidents from western Pacific nations, led to substantial protections for sharks.

In June 2011, APIL set the stage for the regional shark sanctuary agreement during its 30th meeting in Palau, stressing the need for additional actions to protect sharks. Members passed a resolution calling on “all member legislative assemblies of APIL to adopt similar legislation for a unified regional ban prohibiting the sale, trade, or distribution of shark fins, rays, and ray parts.”

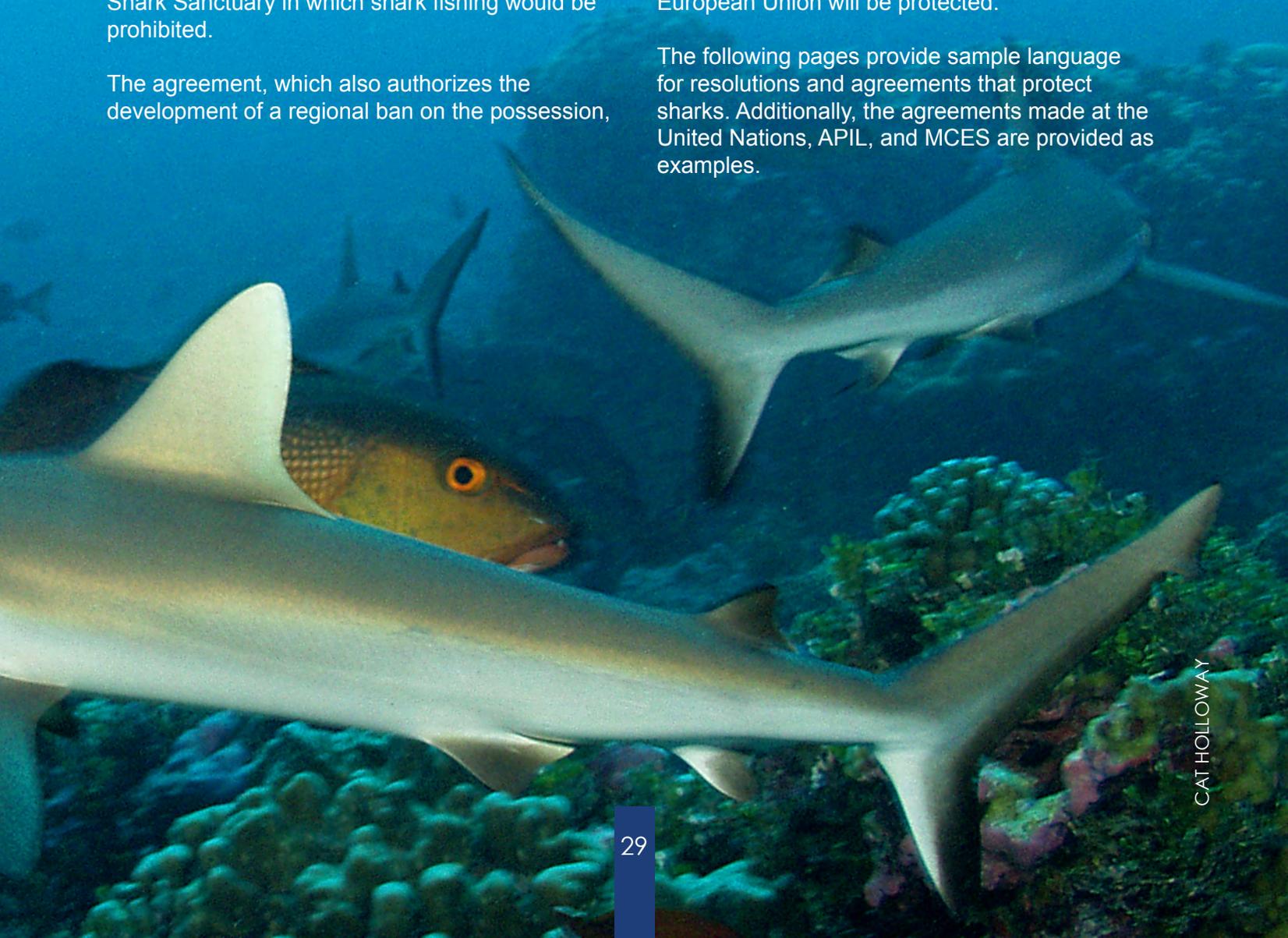
A month later, during the 15th MCES meeting in Pohnpei, Federated States of Micronesia, members passed a resolution to officially begin the process of creating a Micronesia Regional Shark Sanctuary in which shark fishing would be prohibited.

The agreement, which also authorizes the development of a regional ban on the possession,

sale, and trade of shark fins, covers the waters of the Marshall Islands; Palau; Guam; the Northern Mariana Islands; and Micronesia and its four member states: Yap, Chuuk, Pohnpei, and Kosrae. These are the first agreements to take a regional approach to shark conservation throughout Micronesia, an area covering more than 2 million square miles of the western Pacific Ocean. Once finalized, the Micronesia Regional Shark Sanctuary will become the world’s largest, as well as the first created through a regional agreement.

Regional and international collaboration will protect sharks that migrate beyond national borders and close ports to shark fishing in adjacent countries. It will also lead to improved and more-efficient enforcement of protections as more and more countries decide to ban shark fishing. For example, when the Micronesia Regional Shark Sanctuary takes effect, sharks in a contiguous body of water larger than the European Union will be protected.

The following pages provide sample language for resolutions and agreements that protect sharks. Additionally, the agreements made at the United Nations, APIL, and MCES are provided as examples.



## **Sample Resolution Calling for a Shark Sanctuary**

**Requesting the government to adopt policies to ban the commercial fishing of sharks, retention of incidental shark bycatch, and the possession, selling, offering for sale, transferring, importing, exporting, or distribution of sharks and shark parts, including shark fins.**

**WHEREAS** sharks have roamed the ocean for 400 million years and as apex predators play an integral role in maintaining ocean health; and

**WHEREAS** sharks are slow growing, slow to mature, produce few young, and are unable to maintain their populations when commercially overfished; and

**WHEREAS** scientific studies have shown that 26 million to 73 million sharks are killed each year, resulting in 30% of shark species to be assessed as threatened or near threatened by the International Union for Conservation of Nature Red List of Endangered Species; and

**WHEREAS** the nations of Palau, the Maldives, Honduras, The Bahamas, Tokelau, and the Marshall Islands have taken steps to protect sharks by creating national shark sanctuaries, banning the commercial fishing of sharks; and

**WHEREAS** Palau President Johnson Toribiong and Honduran President Porfirio Lobo Sosa challenged other nations to join them in protecting sharks; now, therefore

**BE IT RESOLVED** that [INSERT ORGANIZATION] hereby declares it is in agreement with Palau, the Maldives, Honduras, The Bahamas, Tokelau, and the Marshall Islands that sharks need protection to keep from going extinct and requests the government to adopt policies to ban the commercial fishing of sharks, retention of incidental shark bycatch, and the possession, selling, offering for sale, trading, or distribution of sharks and shark parts, including shark fins.

**BE IT FURTHER RESOLVED** that the [INSERT ORGANIZATION] President shall certify, and the [INSERT ORGANIZATION] Secretary shall attest to the adoption of this Resolution and that copies of the same shall be transmitted to the government, the Secretary General of the U.N. Convention on Biological Diversity, Palau President Johnson Toribiong, Honduran President Porfirio Lobo Sosa, and Director of Pew Global Shark Conservation Matt Rand.

**DULY REGULARLY ADOPTED ON [INSERT DATE]**

## **Sample Declaration Banning Shark Products**

**Authorizing a ban on the possession, selling, offering for sale, transferring, importing, exporting, storage, transshipment, or distribution of sharks and shark parts, including shark fins.**

**RECOGNIZING** sharks have roamed the ocean for 400 million years and as apex predators play an integral part in maintaining ocean health; and **UNDERSTANDING** sharks are slow growing, slow to mature, produce few young, and are unable to maintain their populations when commercially overfished; and

**HEEDING** scientific studies showing that 26 million to 73 million sharks are killed each year, resulting in 30% of shark species to be assessed as threatened or near threatened by the International Union for Conservation of Nature Red List of Endangered Species; and **ACKNOWLEDGING** the nations of Palau, the Maldives, Honduras, The Bahamas, Tokelau, and the Marshall Islands have taken steps to protect sharks by creating national shark sanctuaries, banning the commercial fishing of sharks; and

**KNOWING** the states and territories of California, Hawaii, Oregon, Washington, Guam, and Northern Mariana Islands, as well as several municipalities in Canada, have banned the sale, trade, and possession of sharks and shark parts, including shark fin; and

**AFFIRMING** Palau President Johnson Toribiong and Honduran President Porfirio Lobo Sosa challenged other nations to join them in protecting sharks; and

**NOTING** that trade bans have been effective in protecting other endangered species such as rhinoceroses, elephants, and sea turtles;

**BE IT THEREFORE RESOLVED** that [INSERT ORGANIZATION] hereby declares a ban on the possessing, selling, offering for sale, transferring, importing, exporting, storing, transshipping, or distributing of sharks and shark parts, including shark fins.

**BE IT FURTHER RESOLVED** that the [INSERT ORGANIZATION] President shall certify, and the [INSERT ORGANIZATION] Secretary shall attest to the adoption of this Resolution and that copies of the same shall be transmitted to the government, the Secretary General of the U.N. Convention on Biological Diversity, Palau President Johnson Toribiong, Honduran President Profirio Lobo Sosa, and Director of Pew Global Shark Conservation Matt Rand.





#### ADDITIONAL RESOURCES

Global Shark Conservation Campaign  
[www.PewEnvironment.org/Sharks](http://www.PewEnvironment.org/Sharks)

The Pew Environment Group on Facebook  
[www.facebook.com/PewEnvironmentGroup](http://www.facebook.com/PewEnvironmentGroup)

The Pew Environment Group on Twitter  
[www.twitter.com/PewEnvironment](http://www.twitter.com/PewEnvironment)

#### FOR MORE INFORMATION

Matt Rand  
Director, Global Shark Conservation Campaign  
Pew Environment Group  
901 E St. NW  
Washington, DC 20004  
202-552-2000  
[info@pewenvironment.org](mailto:info@pewenvironment.org)

<sup>1</sup>Clark, S.C., *et al.* (2006). Global estimates of shark catches using trade records from commercial markets. *Ecology Letters* 9:1115-1126. <http://137.52.224.90/ocean/ghri/forms/clarke06.pdf>.

<sup>2</sup>Camhi, M.D., *et al.* (2009). *The conservation status of pelagic sharks and rays: Report of the IUCN Shark Specialist Group, Pelagic Shark Red List Workshop*. IUCN Species Survival Commission Shark Specialist Group, Newbury, England. [http://cmsdata.iucn.org/downloads/ssg\\_pelagic\\_report\\_final.pdf](http://cmsdata.iucn.org/downloads/ssg_pelagic_report_final.pdf).

<sup>3</sup>Maguire, J.J., *et al.* (2006). *The state of the world highly migratory, straddling and other high seas fish stocks and associated species*. FAO Fisheries Technical Paper. No. 495. Rome: FAO. 84 pp. [www.fao.org/Newsroom/common/ecg/1000302/it/paper.pdf](http://www.fao.org/Newsroom/common/ecg/1000302/it/paper.pdf).

<sup>4</sup>Camhi, *et al.* The conservation status of pelagic sharks and rays.

<sup>5</sup>Piraino, S., G. Fanelli, and F. Boero. (2002). Variability of species' roles in marine communities: Change of paradigms for conservation priorities. *Marine Biology* 140(5):1067-1074. [www.biomareweb.org/downloads/speciesroles.pdf](http://www.biomareweb.org/downloads/speciesroles.pdf).

<sup>6</sup>Stevens, J.D., *et al.* (2000). The effects of fishing on sharks, rays and chimaeras (chondrichthyans), and the implications for marine ecosystems. *ICES Journal of Marine Science* 57:476-494. <http://icesjms.oxfordjournals.org/content/57/3/476.full.pdf>.

<sup>7</sup>Baum, J.K., and B. Worm. (2009). Cascading top-down effects of changing oceanic predator abundances. *Journal of Animal Ecology* 78(4):699-714. <http://onlinelibrary.wiley.com/doi/10.1111/j.1365-2656.2009.01531.x/abstract>.

<sup>8</sup>Myers, R.A., *et al.* (2007). Cascading effects of the loss of apex predatory sharks from a coastal ocean. *Science* 315:1846-1850. [www.sciencemag.org/cgi/content/abstract/315/5820/1846](http://www.sciencemag.org/cgi/content/abstract/315/5820/1846)

<sup>9</sup>Duffy, J.E. (2003). Biodiversity loss, trophic skew and ecosystem functioning. *Ecology Letters* 6(8):680-687.

<sup>10</sup>Schindler, D.E., *et al.* (2002). Sharks and tunas: Fisheries impacts on predators with contrasting life histories. *Ecological Applications* 12(3):735-748.

<sup>11</sup>Bascompte, J., C.J. Melian, and E. Sala. (2005). Interaction strength combinations and the overfishing of a marine food web. *Proceedings of the National Academy of Sciences* 102(15):5443-5447. [www.pnas.org/content/102/15/5443.full.pdf#page=1&view=FitH](http://www.pnas.org/content/102/15/5443.full.pdf#page=1&view=FitH).

<sup>12</sup>Sandin, S.A., *et al.* (2008). Baselines and degradation of coral reefs in the Northern Line Islands. *PLoS ONE* 3(2), 1-11. [www.plosone.org/article/attachment.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone.0001548&representation=PDF](http://www.plosone.org/article/attachment.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone.0001548&representation=PDF).

<sup>13</sup>*Ibid.*

<sup>14</sup>Mumby, P.J., *et al.* (2007). Trophic cascade facilitates coral recruitment in a marine reserve. *Proceedings of the National Academy of Sciences* 104(20):8362-8367. [www.pnas.org/content/104/20/8362.full.pdf+html](http://www.pnas.org/content/104/20/8362.full.pdf+html).

<sup>15</sup>Bascompte, Interaction strength combinations.

<sup>16</sup>*Ibid.*

<sup>17</sup>Cesar, H., L. Burke, and L. Pet-Soede. (2003). *The Economics of Worldwide Coral Reef Degradation*. Zeist, Netherlands. Cesar Environmental Economics Consulting. [www.wwf.or.jp/activities/lib/pdf\\_marine/coral-reef/cesardegredationreport100203.pdf](http://www.wwf.or.jp/activities/lib/pdf_marine/coral-reef/cesardegredationreport100203.pdf).

<sup>18</sup>Balmford A., *et al.* (2002). Economic reasons for conserving wild nature. *Science* 297(5583):950-953. [www.sciencemag.org/content/297/5583/950.full](http://www.sciencemag.org/content/297/5583/950.full).



# ENDNOTES





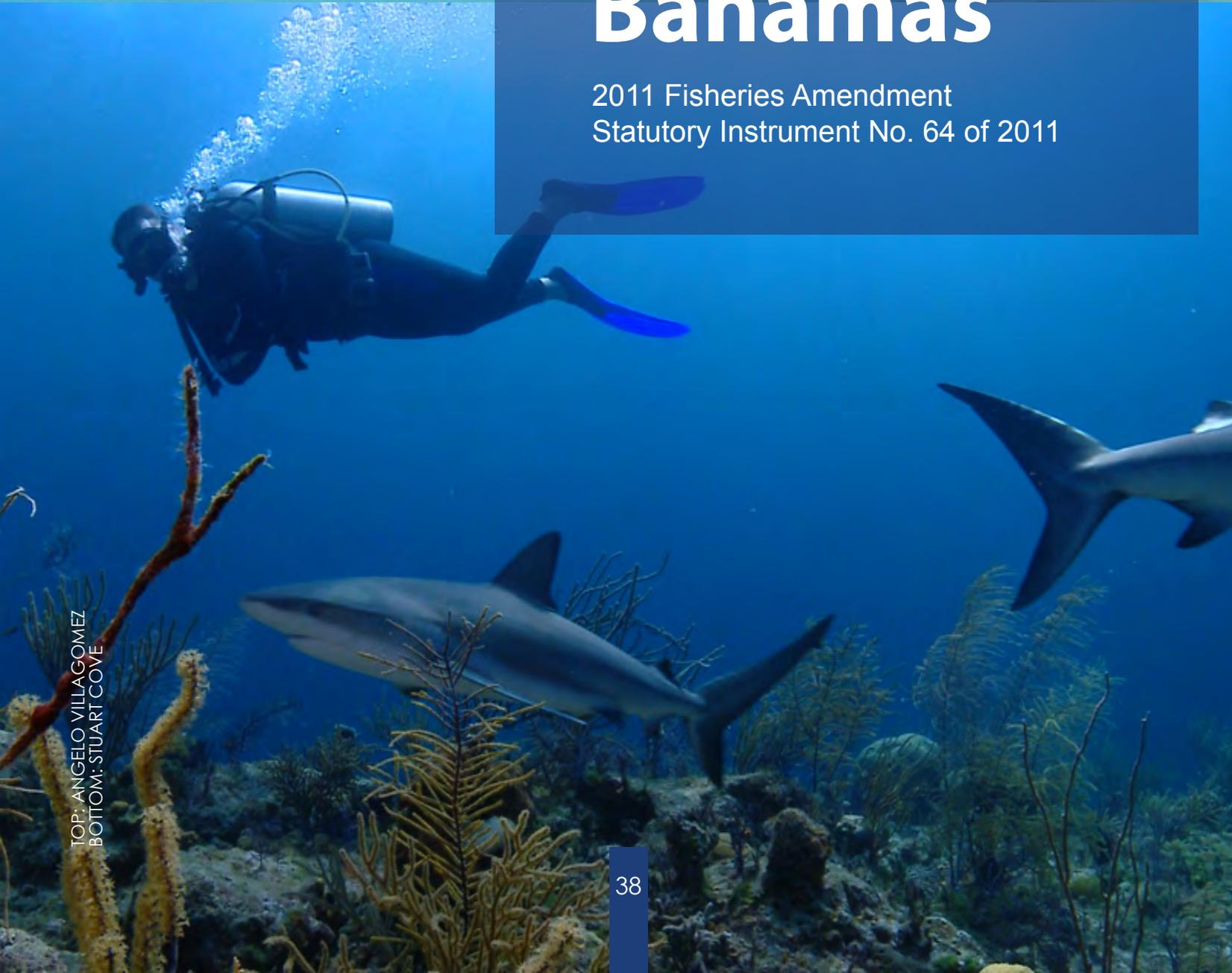
# APPENDIX

JIM ABERNETHY



# Bahamas

2011 Fisheries Amendment  
Statutory Instrument No. 64 of 2011



TOP: ANGELO VILLAGOMEZ  
BOTTOM: STUART COVE

**MINISTRY OF AGRICULTURE AND MARINE RESOURCES**  
**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT**

**(CHAPTER 224)**

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (AMENDMENT)  
REGULATIONS, 2011**

**The Minister in exercise of the powers conferred by section 19 of the Fisheries Resources (Jurisdiction and Conservation) Act, makes the following regulations --**

**1. Citation.**

These Regulations, which amend the Fisheries Resources (Jurisdiction and Conservation) Regulations', may be cited as the Fisheries Resources (Jurisdiction and Conservation) Amendment) Regulations, 2011.

**2. Insertion of new PART VA into the principal Regulations.**

The principal Regulations are amended by the insertion immediately after Regulation 36, of the new PART VA as follows --

**“PART VA  
SHARK**

- 36A. Prohibition on possessing, fishing for or landing shark or shark parts.  
Subject to Regulation 36D, no person shall possess, fish for or land, any shark or shark parts within the Bahamas or within the Exclusive Fishery Zone of The Bahamas.
- 36B. Prohibition on the sale of shark, shark parts or shark products.  
No person shall sell any shark, shark parts or shark products within The Bahamas or within the Exclusive a Fishery Zone of the Bahamas.
- 36C. Prohibition on export or import of shark, shark parts or shark products.  
Subject to Regulation 36D, no person shall export from, or import into, The Bahamas --
- (a) any shark  
(b) shark parts; or  
(c) shark products.
- 36D. Permit to fish for, possess or export any shark or shark parts for educational, scientific or research purposes.
- (1) A person who wishes to fish for, have in his possession or export any shark or shark parts for educational, scientific or research purposes, shall apply to the Minister for a permit.
- (2) An application made under paragraph (1), shall be made in the manner set out in Form 19A in the First Schedule.
- (3) Where the Minister approves an application made under paragraph (1), he shall issue a permit as set out in Form 20A of the First Schedule, specifying the terms and conditions of the approval including the payment of fees as specified in the Third Schedule.
- 36E. Catch and release of sharks.  
A person who hooks or catches a shark while fishing promptly release the shark in to the sea unharmed.”

**3. Amendment of Regulation 68 of the principal Regulations.**

Paragraph (2) of Regulations 68 of the principal Regulations is amended by deleting the words “three thousand dollars” and substituting therefor the words “five thousand dollars”.

**4. Amendment of the First Schedule to the principal Regulations.**

The First Schedule to the principal Regulations is amended by inserting in the appropriate numerical order, the following as new FORMS 19A and 20A --

---

<sup>1</sup>Sub. Leg. Vol. IV, Ch, 234-284.

**“FORM 19A  
(Regulation 36D (2))  
APPLICATION FOR A PERMIT TO FISH FOR, POSSESS OR EXPORT  
ANY SHARK OR SHARK PARTS FOR EDUCATIONAL, SCIENTIFIC OR RESEARCH PURPOSES**

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION)  
ACT (CH.244)**

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) REGULATIONS**

1. Name of Applicant .....
2. Address: .....
3. Telephone No.: ..... Fax No.: .....  
Email Address:.....
4. Name of institution/organisation on behalf of which educational, scientific or research project conducted.....  
.....
5. Purpose for fishing, possessing or exporting shark or shark parts  
.....  
.....
6. Description of educational, scientific or research project.....  
.....
7. Proposed geographical areas to conduct educational, scientific or research project.....
8. Proposed starting date:.....Proposed ending date:.....
9. Fish for, possess or export shark species.....  
.....
10. Quantity of shark species to be caught.....
11. Additional information:.....  
.....  
.....

Signature of Applicant

.....

Date

.....

**“FORM 20A  
(Regulation 36D (3))  
PERMIT TO FISH FOR, POSSESS OR EXPORT ANY SHARK OR  
SHARK PARTS FOR EDUCATIONAL, SCIENTIFIC OR RESEARCH PURPOSES  
FISHERIES RESOURCES (JURISDICTION AND CONSERVATION)  
ACT (CH.244)  
FISHERIES RESOURCES (JURISDICTION AND CONSERVATION)  
REGULATIONS**

No.....

This permit is granted to.....to fish for, have in his possession or export any shark or shark parts for educational, scientific or research purposes on behalf of.....during the period.....to..... in the geographical area of.....

This permit is issued subject to the following conditions:

1. The permit shall not be transferred or assigned.
2. The permit is granted on the understanding that the results of the educational, scientific or research project are communicated to the Government of The Bahamas.
3. Other conditions include:.....  
.....  
.....

This permit expires on .....day of .....,20.....  
DATED THIS.....DAY OF.....,20.....”.

**MINISTER OF AGRICULTURE AND MARINE RESOURCES,”**

5. Amendment of the Third Schedule to the principal Regulations.  
The Third Schedule to the principal Regulations is amended by inserting immediately following as Item (l) --  
“(1) Permit to fish for, possess or export any shark or shark parts for educational, scientific or research purposes \$50.00”

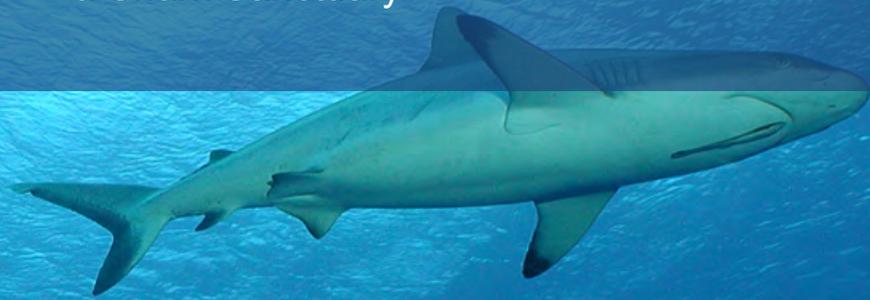
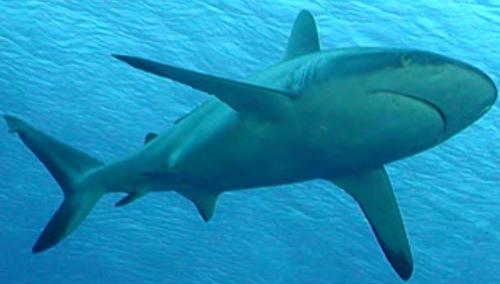
**Made this 5th day of July, 2011.**

**Signed  
LAWRENCE S. CARTWRIGHT  
Minister Responsible For Agriculture and Marine**



# Palau

2009 Presidential Proclamation  
Declaration Naming Palau's Waters  
a Shark Sanctuary



**President Johnson Toribiong**  
**Declaration Naming Palau's Waters a Shark Sanctuary**  
**September 25, 2009**

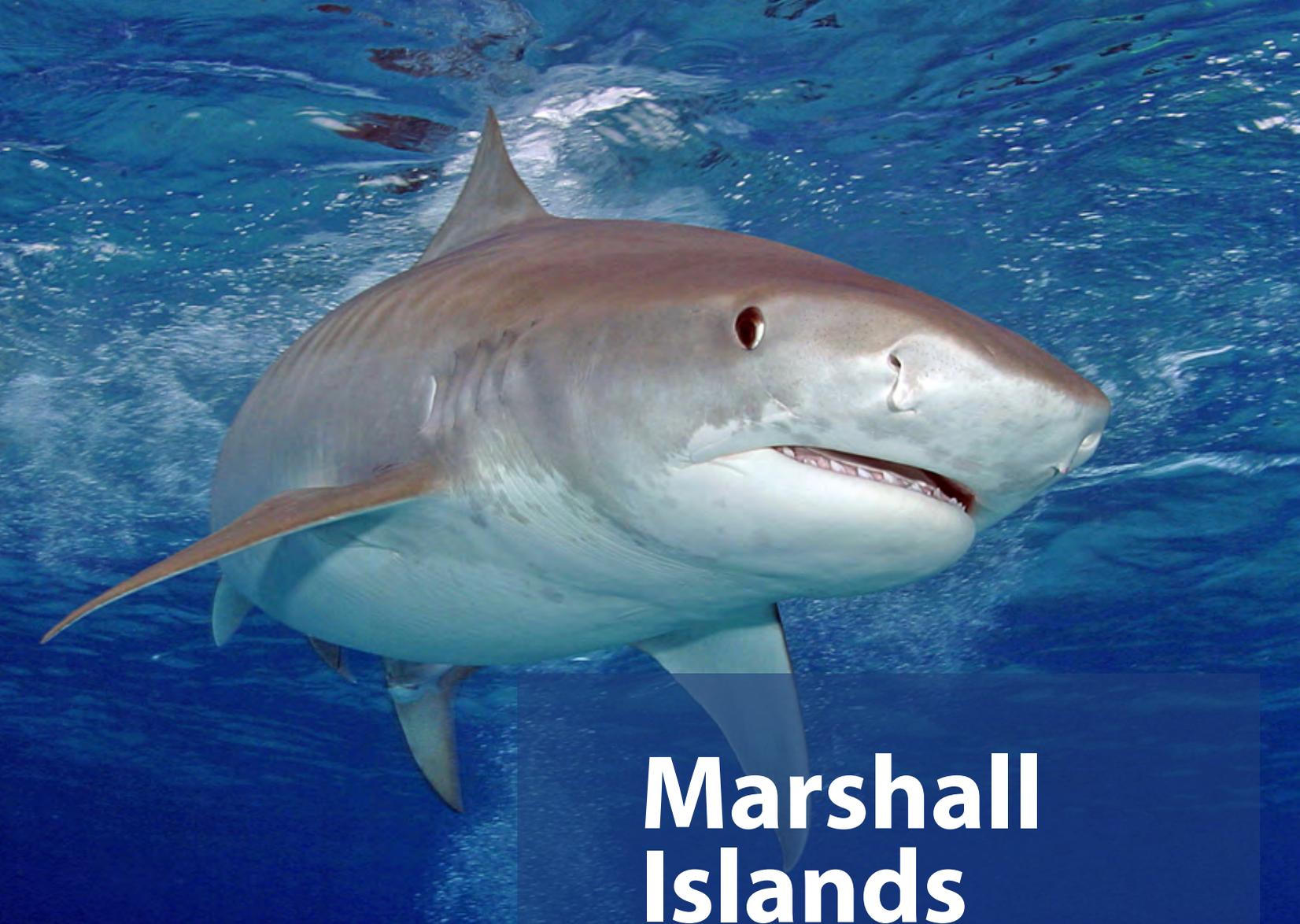
As top predators, sharks play a critical role in maintaining healthy marine ecosystems. Yet these animals – that predate dinosaurs by 200 million years - are at serious risk: 38% of sharks and related rays are threatened or near threatened with extinction and scientists lack population data for another 35% of species. Roughly 100 million sharks are killed annually, largely for their valuable fins. This rate is unsustainable, for most sharks grow slowly, mature late and produce few young over long lifetimes.

In order to protect sharks and the ecosystems they support, I declare Palau a Shark Sanctuary, where commercial shark fishing is outlawed throughout our entire exclusive economic zone with zero retention of sharks. This action will shelter over 100 Western Pacific sharks and ray species that are threatened or near threatened with extinction, including grey and blacktip reef sharks, which are residents of our reefs.

Protecting sharks maintains the integrity of our marine ecosystems, which host coral and reef fish in all shapes, sizes and colors, sea turtles, dolphins, and other marine life. This benefits not only Palauans, those who depend on the marine environment for their livelihoods, but also tourists from around the world that come to Palau to dive or snorkel, tour the Rock Islands, and swim in Jellyfish Lake.

With this declaration, I pledge to strengthen monitoring and enforcement of our fishing laws and close any loopholes in existing shark laws that might be exploited. In addition, I ask that nations respect our laws and keep illegal fishing vessels out of Palau's waters.

Finally, Palau will remain an international leader on shark conservation and marine preservation. I call on all nations to implement a global moratorium on shark finning, the wasteful and inhumane practice of bringing a shark on board a vessel, slicing off its valuable fins, and discarding the body overboard dead or to die. I will also urge the world's fisheries managers to set science-based limits to the number of sharks that can be caught within international waters. Finally, I will seek protections for vulnerable shark species threatened by international trade at the Convention on the International Trade of Endangered Species.



# Marshall Islands

2011 Legislation  
Public Law 2011-63



TOP: JIM ABERNETHY  
BOTTOM: CAT HOLLOWAY

## **“PART IV. PROHIBITION ON SHARK**

### **§229. Prohibition of Commercial Shark Fishing**

Commercial Shark fishing is hereby prohibited as a target fishery in the Republic of the Marshall Islands Fishery waters.

### **§229. Prohibition of taking of sharks, possession, sale and trade.**

(1) No person shall catch, capture or intentionally engage in fishing for shark or any part thereof or intentionally remove the fins or the tail of any shark or otherwise mutilate or injure any shark within the land or fisheries waters of the Republic of the Marshall Islands.

(2) Notwithstanding subsection (1):

(a) Any person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research on sharks and carries out activities in accordance with that license or permit shall not be subject to the penalties in this section.

(b) Fishing for shark for subsistence use is permitted provided that no person shall harvest shark that have been declared as protected species. The Authority may make Regulation imposing catch limit on all or certain species.

(3) Any shark that is inadvertently caught or captured, subject to subsection (2), shall be immediately released, whether the shark is dead or alive. No shark shall be retained even if caught as bycatch.

(4) No person shall possess, receive, sell, transfer, store or have on board or transship any shark, shark fins or any other part of shark. For the purpose of this subsection it shall be a rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of the shark, is deemed possessed or transferred in violation of this subsection.

(5) Notwithstanding subsection (4), any person who holds a license or permit from the Marshall Islands marine Resources Authority to conduct research and possesses shark fins in accordance with that license or permit shall not be subject to the penalties in this section.

(6) No person, operator, or Fishing vessel, licensed to fish in the Fishery waters, of the Marshall Islands shall possess, use or caused to use a trace wire. The Authority may make regulations and fishing license condition including restrictions on type of fishing gear in order to further reduce the mortality of sharks, in accordance with this Title.

### **§230. Penalties.**

(1) Contravention of provisions of this Part or a regulation promulgated pursuant to this Part, is an offence punishable by a fine of not less than twenty five thousand (\$25,000) and not exceeding two hundred thousand (\$200,000), and in addition to an amount equivalent to the current retail value of any confiscated shark fin in the market for which it was destined.

(2) Shark fins seized and forfeited pursuant to this Title shall be destroyed by incineration, dumping at sea or any other appropriate means.

### **Section 4. Amendments to the Fishing Access and Licensing Act (51 MIRC Ch4)**

(1) Section 409 is amended as follows:

### **§409. Transshipment.**

(1) The operator of a fishing vessel shall:

(a) not transship at sea under any circumstances;

(b) provide 72 hours notice to the Authority of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is



# Northern Mariana Islands

2011 Legislation  
Public Law No. 17-27



TOP: ANGELO VILLAGOMEZ  
BOTTOM: SHAWN HEINRICH

## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Final**  
**Governor**

**Eloy S. Inos**  
**Lieutenant Governor**

The Honorable Eliceo O. Cabrera  
Speaker, House of Representatives  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Paul A. Manglona  
Senate President  
Seventeenth Northern Mariana  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law H.B. 17-94, HDI, SDI, entitled, "To prohibit any person from possessing, selling, offering for sale, trading or distributing shark fins in the CNMI," which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

I commend the Legislature for its proactive measures to prevent the destruction of the shark population. Sharks are now some of the ocean's most vulnerable and in some cases most depleted species. Having played a key role in maintaining the health of marine ecosystems for some 400 million years, in the span of single human lifetime, 30% of sharks are now threatened with worldwide extinction. Upwards of 73 million sharks are killed annually to support the global shark fin trade. Sharks are slow growing, reach sexual maturity late, produce few offspring, and their populations have not been able to keep up with the onslaught of fishermen targeting their fins for use in shark fin soup.

Therefore, it is with great pleasure that I have signed into law H.B. 17-94, HDI, SDI to prohibit shark fining.

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Facsimile: (670) 664-2211/2311

This bill becomes Public Law No. 17-27. Copies bearing my signature are forwarded for your reference.

Sincerely,

Benigno R. Final  
Governor

cc. Lt. Governor  
Press Secretary  
DEQ  
CRM  
DLNR  
MINA  
All Departments and Agencies  
SAPLR

**Seventeenth Legislature of the  
Commonwealth of the Northern Mariana Island's  
IN THE HOUSE OF REPRESENTATIVES**

**Sixth Special Session  
June 22, 2010**

Representative Diego T. Benavente, of Saipan, Precinct I (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**B. B.17-94**

**AN ACT**

**To prohibit any person from possessing, selling, offering for sale,  
trading, or distributing shark fins in the CNMI.**

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 17-37.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, NOVEMBER 17, 2010;  
*with amendments* in the form of H. B. 17-94, HD1 and transmitted to the  
THE SENATE.

The Bill was not referred to a Senate Committee

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING,  
DECEMBER 30, 2010;

with amendments in the form of H. B. 17-94, HD1, SD1.

H. B. 17-94, HD1, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES  
ON JANUARY 4, 2011.

THE HOUSE OF REPRESENTATIVES ACCEPTED THE SENATE AMENDMENTS  
AND PASSED H. B. 17-94, HD1, SD1 DURING ITS 1ST DAY, THIRD REGULAR SESSION ON  
JANUARY 10, 2011.

Linda B. Millia, House Clerk

**Seventeenth Legislature of the Commonwealth of the Northern Mariana Island's**  
**IN THE HOUSE OF REPRESENTATIVES**  
**FIRST DAY, THIRD REGULAR SESSION**  
**JANUARY 10, 2011**  
 O. B. IT-94. ODI. SDI  
 AN ACT

TO PROHIBIT ANY PERSON FROM POSSESSING, SELLING,  
OFFERING FOR SALE, TRADING, OR DISTRIBUTING SHARK FINS IN THE CNMI.

Be it enacted by the Seventeenth Northern Marianas Commonwealth Legislature:

Section 1. Findings. The Commonwealth Legislature finds that sharks are one of the top predators in the marine food chain and play an important role in our ocean's ecosystem. Sharks have characteristics that make them more vulnerable to overfishing than most fish, and data from state, federal, and international agencies show a decline in the shark populations worldwide. Unlike other fish species, most sharks do not reach sexual maturity until seven to twelve years of age and then only give birth to a small litter of young. Thus, sharks, cannot rebuild their populations quickly once they are overfished.

The practice of shark finning, where a shark is caught, the fin is cut off, and the shark is returned to the water, causes tens of millions of sharks to die a slow death each year, some sharks starve to death, others are slowly eaten by other fish, and some drown because most sharks need to keep moving to force water through their gills for oxygen. Sharks are an essential element of the ocean's ecosystem, and by reducing the demand for shark fins, the Commonwealth can help ensure that sharks will not become extinct.

The Legislature also finds that the taking of sharks for subsistence purposes is a longstanding tradition. Moreover, the Legislature recognizes that incidental catching of sharks can be unavoidable. This Act is intended to address the harvesting of sharks for commercial purposes only.

Section 2. Enactment. Subject to codification by the Law Revision Commission, the following new provisions are hereby enacted:

"Section 101 Shark Fin Prohibition.

(a) It shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute shark fins in the CNMI. Restaurants in possession of shark fins which are prepared for consumption upon the enactment of this Act, may sell or offer for sale such shark fins for a period of 90 days after the enactment of this Act.

(b) Notwithstanding subsection (a), any person with a valid license or permit issued by the Department of Lands and Natural Resources to conduct research and who possesses shark fins shall not be subject to the penalties in this Act.

(c) Notwithstanding subsection (a), a person in possession of a shark for subsistence purposes, (non-commercial) only shall not be subject to the penalties in this Act.

(d) Pursuant to this Act. DLNR and DPS shall have concurrent jurisdiction to enforce, investigate and request the assistance of the Office of the Attorney General upon request the Office of the Attorney General may pursue either civil or criminal action to enforce this Act.

(e) Any person found in violation of this Act shall be fined not less than \$5,000 but not more than \$30,000 and for imprisoned for not more than six (6) months.

(f) Any person found in violation of this Act on their third or subsequent offense shall be assessed a fine of not less than \$10,000 and a minimum imprisonment of 15 days.

(g) Any item seized pursuant to enforcement of this Act and its regulations shall be held by any person authorized by DLNR pending disposition of civil or criminal proceedings, or the institution of an action *in rem* for the forfeiture of such item, except that after Notice and Public hearing DLNR, in lieu of holding such item, permit the owner, consignee, or other responsible person to post a bond or other surety satisfactory to DLNR.

(h) In addition to any penalties imposed under subsection (e) or (f), any person violating this Act or any rule adopted under it shall be subject to any other penalties authorized by 2 CMC § 5109, and may be assessed administrative fees and cost and attorney's fees and costs.

(i) The Department of Lands and Natural Resources may adopt rules and regulations pursuant to the Administrative Procedure Act necessary for the purposes of this Act.

(j) For the purpose of this Act. "shark fin" means the raw or dried fin or tail of a shark."

Section 3. Severability. If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction. the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or its becoming law without such approval.

Attested to by: Linda B. Muila. House Clerk  
 Certified by: Eliceo D. Cabrera, Speaker

Approved by this 27th of January, 2011  
 Benigno R. Fitial  
 Governor  
 Northern Mariana Islands



**IMINA 'TRENT AI UNU NA LIHESLATURAN GUAHAN  
2011 (FIRST) Regular Session**

**Bill No. 44-31 (COR)**

As substituted by the Committee on Rules,  
Federal, Foreign & Micronesian Affairs,  
and Human & Natural Resources,  
and amended on the Floor.

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA 'LAHEN GUAHAN**

This is to certify that **Substitute Bill No. 44-31 (COR), "AN ACT TO AMEND §§ 63101 AND 63129, AND TO ADD NEW §§ 63114.1, 63114.2, 63114.3, 63114.4 AND 63114.5, ALL OF ARTICLE 1, CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE POSSESSION, SELLING, OFFERING FOR SALE, TRADING, OR DISTRIBUTION OF SHARK FINS, RAYS AND RAY PARTS"**, was on the 24th day of February, 2011, duly and regularly passed.

Introduced by: B. J.F. Cruz  
R. J. Respicio  
T. C. Ada  
V. Anthony Ada  
F. F. Bias, Jr.  
Chris M. Duenas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
T. R. Mufia Barnes  
Adolpho B. Palacios, Sr.  
V. C. Pangelinan  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

AN ACT TO AMEND §§ 63101 AND 63129, AND TO ADD NEW §§ 63114.1, 63114.2, 63114.3, 63114.4 AND 63114.5,  
ALL OF ARTICLE 1, CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING  
THE POSSESSION, SELLING, OFFERING FOR SALE, TRADING,  
OR DISTRIBUTION OF SHARK FINS, RAYS AND RAY PARTS.

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Definitions.** New items (x), (y), (z), (aa) and (bb) are hereby *added* to §631 01 of Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read as follows:

“(x) Ray is defined as animals in the Order Myliobatiformes, including, but not limited to, Eagle Rays (*Aetobatus narinari*), Manta Rays (*Manta birostris*) and Blue-spotted Rays (*Taeniura lymma*).

(y) *Shark* is defined as an animal commonly known as a shark and includes all animals in the Orders Hexanchiformes, Pristiophoriformes, Squatiniformes, Heterodontiformes, Orectolobiformes, Lamniformes and Carcharhiniformes.

(z) *Shark Fin* is defined, for the purpose of this Act, as the fin or tail of a shark that has been removed from the body.

(aa) *Ray Part* is defined as any part of a ray.

(bb) *Shark Finning* is defined as the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.”

**Section 2. Shark Fins.** A new §63114.1 is hereby *added* to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

**“§63114.1. Shark Fins.**

(a) It shall be unlawful for any person to possess, sale, offer for sale, take, purchase, barter, transport, export, import, trade or distribute shark fins in Guam.

Restaurants in possession of shark fins which are prepared for consumption upon the enactment of this Act, may sell or offer for sale such shark fins for a period of ninety (90) days after the enactment of this Act.

(b) Notwithstanding Subsection (a), any person with a valid license or permit issued by the Director of the Department of Agriculture to conduct research and who possesses shark fins shall not be held in violation of this Act.

(c) Notwithstanding Subsection (a), a person in possession of a shark for subsistence and traditional and cultural sharing purposes shall not be held in violation of this Act.”

**Section 3. Ray Parts.** A new §63114.2 is hereby added to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

**“§63114.2. Ray Parts.**

(a) It shall be unlawful for any person to possess, sale, offer for sale, take, purchase, barter, transport, export, import, trade or distribute ray parts in Guam.

(b) Notwithstanding Subsection (a), any person with a valid license or permit issued by the Director of the Department of Agriculture to conduct research and who possesses ray parts shall not be held in violation of this Act. Research data and findings made pursuant to a license or permit shall be reported to I Maga ‘lahi and Liheslatura as a condition of the license or permit.

(c) Notwithstanding Subsection (a), a person in possession of ray parts for subsistence and traditional and cultural sharing purposes shall not be held in violation of this Act.”

**Section 4. Shark Feeding Prohibited.** A new §63114.3 is hereby added to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read: “§63114.3. Shark Feeding Prohibited.

(a) It *shall* be unlawful for any person to conduct any activity related to the feeding of sharks in Guam’s territorial marine waters.

(b) Persons engaged in the taking of marine life that results in captured, injured, or dead fish being incidentally eaten by sharks shall not be considered in violation of this Section; provided, that the purpose of the taking of marine life is not the feeding of sharks.

(c) Chumming or feeding fish for the purpose of harvesting marine species is permitted.

(d) As used in this Section:

*Commercial activity* means to engage in any action or to attempt to engage in any action for compensation in any form. The action or actions may include, but are not limited to, providing, or attempting to provide, guide services, charters, tours, and transportation to and from the location or locations for which such services are provided.

*Compensation* means money, barter, trade, credit, and other instruments of value, goods, and other forms of payment.

*Feeding* means the introduction of or an attempt to introduce any food or other substance into the water to attract marine life for any purpose other than to take the marine life.”

**Section 5. Rules and Regulations.** A new §63114.4 is hereby added to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

**“§63114.4. Rules and Regulations.**

The Director of the Department of Agriculture *shall* develop rules and regulations, in accordance with the Administrative Adjudication Act (AAA), Title 5, Guam Code Annotated, Chapter 9, to carry out the provisions of this Act. Such rules and regulations may be revisited annually for revision through the AAA process.”

**Section 6. Consultation.** A new §63114.5 is hereby *added* to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

**“§63114.5. Consultation.**

Every five ( 5) years this Act *shall* be reviewed by the Department of Agriculture to determine if changes are necessary. In so doing, the Department *shall* consult with the University of Guam Marine Laboratory, the National Oceanic and Atmospheric Administration, local fishermen, including the Guam Fishermen’s Co-Operative Association, the Marianas Underwater Fishing Federation, and the Guam Organization of Salt Water Anglers, to have local input to balance scientific data presented.

The report *shall* be forwarded to I Liheslaturan Guahan thirty (30) days after completion.”

**Section 7. Penalties.** §63129 of Article 1, Chapter 63 of Title 5, Guam Code Annotated is hereby *amended* to read:

**“§63129. Penalty.**

(a) Any person violating §631 04, §631 05, §631 06, §631 07, §631 08, §63114.1 or §63114.2 of this Article is guilty of a felony punishable by imprisonment of not more than five ( 5) years, or by a fine of not less than Five Hundred Dollars (\$500), nor more than Five Thousand Dollars (\$5,000), or by both, per violation.

(b) Any person violating §63114.3 of this Chapter or any rule adopted thereunder shall be subject to:

- (1) seizure and forfeiture of a commercial marine license, vessel, or shark feeding equipment; and
- (2) an administrative fine of at least Twenty-five Thousand Dollars (\$25,000) per violation; provided,

that the violator may be assessed administrative fees and costs and attorneys fees and costs.

(c) Any person violating §§ 63606.1 or 63606.2 of this Chapter 26 shall be guilty of a felony, and upon conviction thereof may be imprisoned for not more than five ( 5) years, or fined *not more than* One Hundred Thousand Dollars (\$1 00,000), or both.

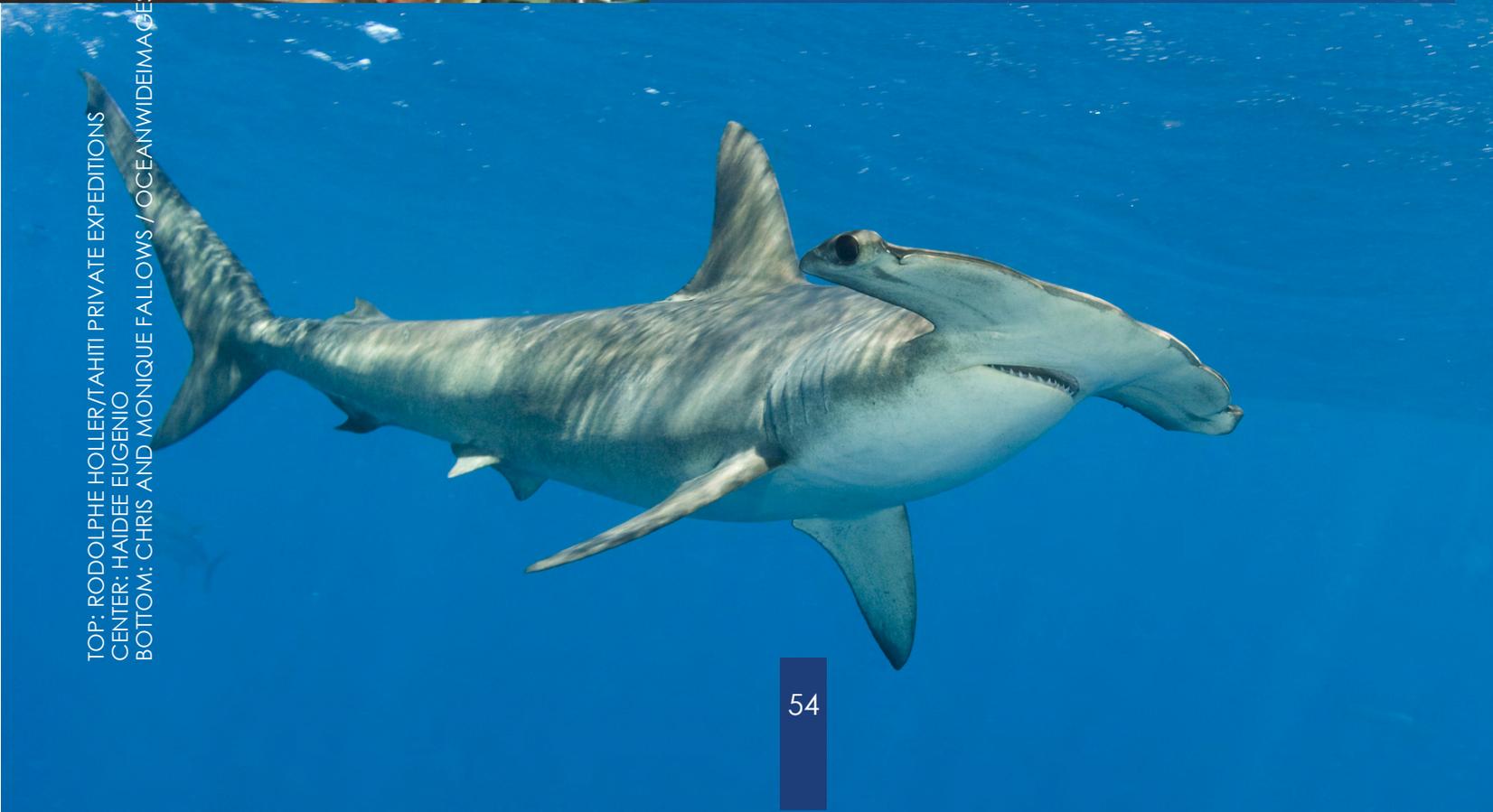
(d) A violation of any other provision of this Article or its supporting regulations *shall* be guilty of a misdemeanour, and upon conviction thereof, *shall* be punishable by a fine of not less than Fifty Dollars (\$50), *nor more than* Five Hundred Dollars (\$500), or by imprisonment of not more than ninety (90) days, or by both fine and imprisonment. In addition, all pelagic drift nets or their components, equipment for their manufacture, containers for such nets, fish or fish products gathered through the use of a pelagic drift net, and all conveyances including aircraft, vehicles and vessels used for their *transport* shall be subject to forfeiture, and may be seized by an authorized government of Guam official under process issued by the Superior Court, *except* that such seizure without such process may be made when the seizure is incidental to an arrest or a search pursuant to a search warrant, or as provided by § 63128 of this Article.”

**Section 8. Severability.** *If* any provision of this law or its application to any person or circumstance is found to be invalid or contrary to Law, such invalidity *shall not* affect other provisions or applications of this law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.



# Hawaii

2011 Legislation  
Public Law 31-10



TOP: RODOLPHE HOLLER/TAHITI PRIVATE EXPEDITIONS  
CENTER: HAIDEE EUGENIO  
BOTTOM: CHRIS AND MONIQUE FALLOWS / OCEANWIDEIMAGES.COM

# A BILL FOR AN ACT

RELATING TO SHARK FINS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Sharks are one of the top predators in the marine food chain and play an important role in our ocean's ecosystem. Sharks have characteristics that make them more vulnerable to overfishing than most fish, and data from state, federal, and international agencies show a decline in the shark populations both locally and worldwide. Unlike other fish species, most sharks do not reach sexual maturity until seven to twelve years of age and then only give birth to small litter of young. Thus, sharks cannot rebuild their populations quickly once they are overfished.

The practice of shark finning, where a shark is caught, the fin is cut off, and the shark is returned to the water, causes tens of millions of sharks to die a slow death each year. Some sharks starve to death, others are slowly eaten by other fish, and some drown because most sharks need to keep moving to force water through their gills for oxygen.

Sharks are an essential element of the ocean's ecosystem, and by reducing the demand for shark fins, Hawaii can help ensure that sharks will not become extinct.

SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

~~"§188 -~~ **Shark fins; prohibited.** (a) It shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute shark fins.

(b) Notwithstanding subsection (a), any person who holds a license or permit issued by the department of land and natural resources to conduct research or for educational purposes possesses, sells, offers for sale, trades, or distributes shark fins shall not be subject to the penalties in this section.

(c) Prior to July 1, 2011, any restaurant holding a valid certificate, permit, or license issued by the department of health under section 321-11 may possess, sell, offer for sale, trade or distribute shark fins possessed by that restaurant as of July 1, 2010 which are prepared for consumption.

(d) Any person violating this section or any rule adopted pursuant to this section shall be penalized as follows:

(1) For a first offense, by an administrative fine of not less than \$5,000 and not more than \$15,000,

(2) For a second offense, by an administrative fine of not less than \$15,000 and not more than \$35,000. In addition shark fins commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A; and

(3) For a third or subsequent offense, by an administrative fine or not less than \$35,000 and not more than \$50,000 or by imprisonment of not more than one year, or both. In addition, shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in a violation of this section shall be subject to seizure and forfeiture pursuant to chapter 712A.

(e) In addition to any penalties imposed under subsection (d), any person violating this section or any rule adopted under it shall be subject to any other penalties authorized by section 188-70, and may be assessed administrative fees and costs, and attorney's fees and costs.

(f) The department may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(g) For the purpose of this section, "shark fin" means the raw or dried fin or tail of a shark."

SECTION 3. Section 188-40.5, Hawaii Revised Statutes, is repealed.

~~["§188-40.5] **Sharks; prohibitions; administrative penalties.** (a) No person shall knowingly harvest shark fins from the territorial waters of the State, or land shark fins in the State, unless the fins were taken from a shark-landed whole in the State.~~

~~(b) Any person violating this section or any rule adopted thereunder shall be subject to:~~

~~(1) Seizure and forfeiture of shark fins, commercial marine license, vessel, and fishing equipment, and~~

~~(2) An administrative fine of not less than \$5,000 and not more than \$15,000. In addition, the violator may be assessed administrative fees and costs, and attorney's fees and cost.~~

~~(c) Any criminal prosecution or penalty imposed for violation of this section or any rule adopted thereunder shall not preclude seizure and forfeiture pursuant to chapter 712A, or the imposition of any administrative fines and costs or attorney's fees and costs under this section.~~

~~(d) This section shall apply to the following vessels when fishing outside the territorial waters of the State:~~

~~(1) Vessels that hold a fishing license or permit issued by the State as a prerequisite to participation in the fishery, or that have owners or captains who hold a fishing license or permit issued by the State as a prerequisite to participation in the fishery;~~

~~(2) Vessels that are registered under section 200-31, or~~

~~(3) Vessels with federal documentation that lists as a homeport a location within the State; provided that the enforcement of this section on these vessels outside the territorial waters of the State shall not apply of enforcement of this sections in violation of, or in conflict with, federal law.~~

~~(e) Notwithstanding anything to the contrary, this section shall apply only to vessels that off-load cargo in the Sate of its territorial waters.~~

~~(f) As used in this section:~~

~~"Land" or "landed" means when the shark or any part thereof is first brought to shore.~~

~~"Shark fin" means the raw or dried fin of a shark with the shark carcass removed.~~

~~"Whole" means the entire shark with its head and flesh intact, allowing for the removal of the blood, internal organs, and tail at sea."}]~~

~~SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.~~

~~SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.~~

~~SECTION 6. This Act shall take effect on July 1, 2010.~~



TOP: JIM ABERNETHY  
BOTTOM: RODOLPHE HOLLER / TAHITI PRIVATE EXPEDITIONS



# 2010 Joint Declaration of the Presidents of Palau and Honduras

TOP: PEW ENVIRONMENT GROUP  
BOTTOM: MARK CAWARDINE/OCEANWIDEIMAGES.COM



## **JOINT DECLARATION OF THE PRESIDENT OF PALAU AND HONDURAS**

In this past year, our Countries have declared our waters shark sanctuaries (havens). In the waters of Honduras and Palau, sharks are now protected from being commercially fished and are free to live and reproduce undisturbed in this area of almost one million square kilometers. As Heads of State, we have taken this step because of the dire situation sharks are currently in, and because we believe it is in the long-term interest of our Countries to have healthy ocean ecosystems, which is not possible without healthy shark populations. Studies have shown that large predatory fish have declined by over 90% in the past 50 years. We understand that up to 73 million sharks are removed annually from the ocean for their fins. This cannot continue.

We are concerned about the disappearance of sharks given their vital role in maintaining biodiversity in the marine ecosystem. Scientists tell us that sharks cull the sick and help ensure that diseases do not spread, and that sharks keep the entire marine food web in balance. Scientists have even linked sharks to healthy marine habitat like coral reefs and sea grass beds. Ocean biodiversity has evolved over the last 400 million years with sharks playing a critical role in keeping the balance, yet we are now upsetting this balance and leaving a poor legacy for your children and grandchildren.

In addition to the role of sharks in healthy ecosystems, sharks are also a critical part of our economic development. A live shark is worth far more than a dead shark. An FAO study in one country concluded that in a popular dive spot, a single reef shark has a renewable value of over \$33,000 a year. The same shark brings \$32 to a fisherman, and only once. Our sustainable development relies in large part on marine tourism and is inextricably linked with healthy reefs and the ability of tourists to see large species such as sharks.

We cannot stand idly by while sharks are eradicated. Through the General Assembly, all the countries of the world have acknowledged the importance of the precautionary principle and the ecosystem approach to fisheries management, and the conservation of marine life. We agree wholeheartedly with these standards. This is why we have chosen to protect the sharks in our waters. In this, the International Year of Biodiversity, we encourage other countries to join us.

New York, New York, 22 September 2010.

**H.E. Mr. Johnson Toribiong**  
President of the Republic of Palau

**H.E. Mr. Porfirio Lobo Sosa**  
President of the Republic of Honduras



# 2011 U.N. Save Our Sharks Declaration



TOP: JIM ABERNETHY  
BOTTOM: PEW ENVIRONMENT GROUP

## DECLARATION

We the undersigned States, meeting in New York during General debate of the 66th General Assembly at the United Nations:

*Recognizing* the importance of maintaining and ensuring the sustainable use of biodiversity in the marine ecosystem,

Also *recognizing* the importance of applying the precautionary approach in oceans management,

*Noting* that the sharks are essential to maintaining biodiversity in the marine ecosystem,

Also *noting* that sharks are integral to the culture and tradition of many peoples,

Further *noting* that sharks are a valuable asset for ecotourism,

*Seized* by scientific findings that the removal of large numbers of sharks at the current rate of up to 73 Million a year is a threat to shark's continued existence and to the health of the oceans generally,

*Compelled* by the needs to take urgent action,

HEREBY:

- commit ourselves to maintaining and/or developing shark sanctuaries which end commercial shark fishing in our national waters while respecting local practices, customs and traditions and noting the importance of alternative livelihoods for people currently engaged in such fishing;
- commit to working together internationally to ensure healthy shark populations and healthy oceans; and
- commit to advocating the need for better science based, precautionary protections for sharks in all international fora.

New York, New York  
September 2011



# Association of Pacific Island Legislatures

Resolution prohibiting the possession, selling, offering for sale, trading, or distribution of shark fins, rays, and ray parts



TOP: JIM ABERNETHY  
BOTTOM: ANGELO VILLAGOMEZ

## A RESOLUTION

APIL Resolution No. 30-GA-03, CDI

**“Requesting all legislative assemblies of the Association of Pacific Island Legislatures to adopt legislation prohibiting the possession, selling, offering for sale, trading or distribution of shark fins, rays and ray parts.”**

**WHEREAS**, there is an inhumane practice called shark finning which involves cutting off the fins of a shark and then throwing the shark back into the ocean, often while still alive, only to drown, starve or die a slow death by predation from other animals; and

**WHERE**, approximately 73 million sharks are killed each year primarily for their fins; and

**WHEREAS**, killing sharks at this rate, and pushing an estimated one-third of open ocean shark species to the brink of extinction, damages the ecosystems that support many other species, degrading habitats like coral reefs and kelp forests and ultimately affecting the fish populations that we depend on for food; and

**WHEREAS**, shark populations cannot sustain current slaughter rates and unlike other fish species, sharks produce few pups, and thus many species are endangered or threatened due to the shark fin trade; and

**WHEREAS**, each entity within this Association shares the same ocean water resources and ecosystems that are affected by the harvesting of shark fin; and

**WHEREAS**, the Republic of Palau created the world’s finest shark sanctuary, banning the catching and export of shark; and

**WHEREAS**, the State of Hawaii passed SB 2169 that prohibits the sale, possession or distribution of shark fins and fin products; and

**WHEREAS**, the Commonwealth of the Northern Mariana Islands passed H.B. 17-94, HDI, SDI to stop the sale and possession of shark fins; and

**WHEREAS**, the 31st Guam Legislature recently passed Bill 44-31 prohibiting the possession, selling, offering for sale, trading or distribution of shark fins, rays and ray parts; and

**WHEREAS**, similar model legislation has been passed in the State of Washington and has been introduced in other Coastal States; and

**WHEREAS**, the member legislative assemblies should consider the possession of shark for sustenance and cultural sharing purposes to be allowable; now, therefore,

**BE IT RESOLVED** by the Association of Pacific Island Legislatures, 30th General Assembly, Republic of Palau, June 15-17, 2011, that the APIL hereby declares that it is in agreement with the perceptive enactments of protective legislation in Palau, Hawaii, CNMI and Guam and requests all members legislative assemblies of the APIL to adopt similar legislation for a unified regional ban prohibiting the possession, selling, offering for sale, trading or distribution of shark fins, rays and ray parts; and

**BE IT FURTHER RESOLVED** that the APIL President shall certify, and the APIL Secretary shall attest to the adoption of this Resolution and that copies of the same shall be transmitted to the Pew Environment Group and to the Chief Executives and Legislative Presiding Officers of each member jurisdiction of the Association of the Pacific Island Legislatures.

DULY AND REGULARLY ADOPTED ON THE 17TH DAY OF JUNE, 2011.

**REBLUUD KESOLEI**  
**APIL PRESIDENT**

**ALIK J. ALIK**  
**APIL SECRETARY**



# Micronesian Chief Executive Summit

Resolution establishing the regional  
shark sanctuary in Micronesia



TOP: ANGELO VILLAGOMEZ  
BOTTOM: ANDY MURCH/OCEANWIDEIMAGES.COM



## A RESOLUTION OF THE 15TH MICRONESIAN CHIEF EXECUTIVE SUMMIT

**Authorizing the development of a regional ban on the possession, sale, offer for sale and trade of shark fins in the Oceans of the Federated States of Micronesia, The Republic of the Marshall Islands, the Republic of Palau, the Territory of Guam and the Commonwealth of the Northern Marianas (Micronesia) and calling for the development of a strategic framework in order to implement a marine based conservation program of action that will establish the world's first Regional Shark Sanctuary in Micronesia by December 2012.**

**AFFIRMING** our strong commitment to the UN Convention on Biological Diversity ("The Convention") and its recognition of the "importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere";

**RECOGNIZING** the Convention's affirmation of State' sovereign rights over their own biological resources and the responsibility of each state "for conserving their biological diversity and for using their biological resources in an sustainable manner";

**CONFIRMING** the Convention's, and the member states' commitment to the development of national strategies, plans or programs of action for the conservation and sustainable use of biological diversity;

**ACKNOWLEDGING** the Convention's recognition of the precautionary principle, which states that where there is a threat of significant reduction or loss of biological diversity, the lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat;

**NOTING** His Excellency, President Johnson Toribiong's landmark speech before the United Nations General Assembly in September of 2009 declaring Palau's intention to become the world's first national shark sanctuary and thereby ending all commercial shark fishing in its waters;

**NOTHING** that both the Governor of the Commonwealth of the Northern Mariana Islands, the Honorable Benigno Fitial, and the Governor of the Territory of Guam, the Honorable Eddie Baza Calvo, signed into law, local legislation that, taken together with the law signed by President Barack Obama, bans the possession, sale and trade of shark fins in the entire archipelago of the Marianas Islands, and Honorable Governor Sebastian Anefal of Yap State declared the waters of Yap State a Sanctuary for Manta Rays;

**TAKING INTO ACCOUNT** the Association of Pacific Islands Legislatures' (APIL) passage of Resolution No. 30, GA 03, CDI at the June 2011 General Assembly meeting in the Republic of Palau requesting that all its member Legislatures adopt legislation prohibiting the possession, sale, offering for sale, trading or distribution of shark fins, rays and ray parts and banning the commercial harvesting of sharks;

**WELCOMING**, the Pacific Island and State of Hawaii's passage of SB, 2169 that prohibits the sale, possession of, and distribution of shark fins and fin products;

**CONSCIOUS** of the fact that, as apex and keystone predators, sharks serve as an integral components of our Pacific Ocean's balanced marine ecosystem and that their removal from this ecosystem could very well upset this basic balance and thereby result in future food shortages;

**CONCERNED BY** the fact that over 70 million sharks are harvested each year primarily for their fins, a rate of harvesting that, taking into account the slow growth of sharks compared to other fish species, will push an estimated one third of open ocean shark species to the brink of extinction;

**REALIZING** that effective protection of sharks in our Pacific region requires a joint and concerted effort by all jurisdictions to develop a single shark sanctuary where it is prohibited to possess, sell or trade shark fins or to commercially harvest sharks;

**REALIZING the importance of the development of comprehensive and cohesive laws, the development of effective joint enforcement capacities and mechanisms, the identification of short, medium and long term funding mechanisms and the establishment of national, regional and international coordinating mechanisms;**

**BE IT THEREFORE RESOLVED**, the Chief Executive declare a regional ban on the trade of shark fins and the commercial harvest of sharks in all nine jurisdiction of Micronesia be imposed and to work towards creating a Regional Shark Sanctuary in the Micronesian region,

That a Regional Shark Sanctuary working group be established to implement our decision and intention to establish a regional ban on the commercial trade of shark fins and the commercial harvest of sharks and to work towards creating the world's first regional shark sanctuary.

The working group shall report back to the Chief Executives to:

- I. Recommend a comprehensive approach to developing a strategic regional plan for the jurisdictional implementation of a ban on the possession, sale and trade of shark fins;
- II. Recommend a comprehensive approach to developing a Regional Shark Sanctuary by 2012;
- III. Identify potential options for short, medium and long term funding necessary for the implementation of a ban on the possession, sale and trade of shark fins and commercial harvesting of sharks and the proposed process for moving forward with fund-raising and related activities;
- IV. Recommend systems and processes necessary to support the Chief Executive's declaration and the work of the Working Group
- V. Develop documents to support a cohesive and comprehensive jurisdictional and regional ban on the possession, sale and trade of shark fins, including jurisdictional laws/regulations and regional arrangement for the establishment of a regional shark sanctuary; and
- VI. Develop preliminary phased time-lines for these activities.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be transmitted to the President and Vice President of the APIL, the Administrator of USEPA Region 9, the Assistant Secretary of the Office of Insular Areas within the U.S. Department of Interior, the Assistant Secretary for Fish and Wild Life and Parks, of the Department of the Interior, the Chair of the Alliance of Small Island Developing States and the Secretary General of the UN Conventio on Biological Diversity and the Administrator of the National Oceanic and Atmospheric Administration (NOAA);

Signed this day July 28 2011 at the Micronesian Chief Executives' Summit in the Federated States of Micronesia.

Benigno R. Fitial  
Governor of the Commonwealth  
of the Northern Mariana Islands

Johnson Elimo  
Acting Governor of Chuuk State  
Federated States of Micronesia

Johnson Toribiong  
President  
Republic of Palau

Emmanuel Mori  
President  
Federated States of Micronesia

Lyndon H. Jackson  
Governor of Kosrae State  
Federated States of Micronesia

John Ehsa  
Governor of Pohnpei State  
Federated States of Micronesia

Eddie Baza Calvo  
Governor  
Territory of Guam

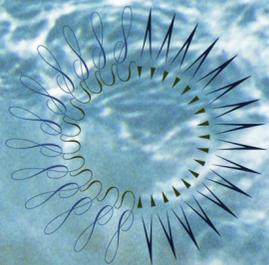
Jurelang Zedkaia  
President  
Republic of Marshall Islands

Sebastian L. Anefal  
Governor of Yap State  
Federated States of Micronesia









THE  
**PEW**  
ENVIRONMENT GROUP

FOR MORE INFORMATION

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