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**Canada's submission to support the review of the  
effectiveness of the alternatives to fins naturally attached**

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**WCPFC-TCC20-2024-DP03**

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Submitted by Canada

# Canada's submission to support the review of the effectiveness of the alternatives to fins naturally attached

## Background

In 2019, WCPFC16 adopted a conservation and management measure for sharks (CMM 2019-04), that included a prohibition on shark finning (**paragraph 7**); a requirement to land sharks with fins naturally attached to the carcass (**paragraph 8**) or to take alternative measures (**paragraph 9**); along with reporting requirements on the implementation and enforcement, and a task to TCC to advise on the effectiveness of such alternative measures, and as appropriate, recommend changes (**paragraph 11**).

In 2022, WCPFC19 adopted a revised measure (CMM 2022-04) introducing strengthened provisions on gear requirements, safe handling and release guidelines, and additional research efforts. As it relates to fins naturally attached, CMM 2022-04 also extended the expiration date associated with **paragraphs 8 and 9** from 2022 to 2024.

In 2023, TCC19 was unable to conduct the review as directed in **paragraph 11** due to a lack of information currently available. Several CCMs raised the need for a clear process to evaluate the effectiveness of the alternative measures currently implemented under **paragraph 9** of the measure to inform the review of this measure. As such, some CCMs committed to provide additional information ahead of TCC20 on the implementation of alternative measures under **paragraph 9** to inform the review of the measure in 2024 (see paragraphs 377, 382-384 of the TCC19 Summary Report).

As TCC19 was unable to evaluate the effectiveness of the alternatives to fins naturally attached, WCPFC20 adopted the following recommendations related to CMM2022-04:

(712) The Commission directed CCMs who utilize alternative measures to the prohibition on finning in paragraph 7 of CMM 2022-04, to provide detailed information on the implementation and monitoring of those alternative measures in advance of TCC20, as directed in paragraph 11 of CMM 2022-04. The Commission also encourages CCMs to report to TCC20 any enforcement difficulties that they encountered in the case of the alternative measures and how they have addressed risks such as monitoring at sea, species substitution, etc. The Commission tasks the Secretariat to compile information with regards to the application of the provisions in paragraphs 8 and 9 of CMM 2022-04. The information provided shall be used by TCC20 and WCPFC21 to review the implementation of alternative measures.

(716) The Commission noted that limited information is currently available in regard to alternative measures currently implemented under paragraph 9 of the measure to inform the review of this measure, and TCC19 noted that it is not in a position to evaluate the effectiveness of such measures. TCC19 also noted that some CCMs have committed to provide additional information ahead of TCC20 on the implementation of alternative measures under paragraph 9 to inform the review of the measure in 2024.

## Canada's submission

Pursuant to the requirement in paragraph 11 of CMM 2022-04 and the WCPFC20 recommendations related to that measure, Canada presents the following:

### Detailed explanation of implementation of paragraph 8 or paragraph 9 as applicable including how compliance has been monitored:

Canada prohibits the practice of shark finning, as well as the import and export of shark fins or parts of shark fins that are not naturally attached to the carcass. This prohibition is ensured through the delivery of a robust monitoring, compliance and surveillance (MCS) scheme facilitated through a comprehensive domestic regulatory framework, specifically, through the Fisheries Act legally binding prohibition on shark finning (sec. 32), licence conditions (sec. 43.4) and the Fishery (General) Regulations section 33, which requires the immediate and safe release of incidental catch. Licence conditions also specify that any shark caught (dead or alive) must be released in a manner that causes the least amount of harm, and shall not be used for food or other purposes.

Any Canadian fishing vessel operating in the Convention Area must release all sharks and record all shark interactions, which are reviewed by Canadian authorities upon landing. Canadian fisheries authorities monitor the activities of their vessels through several MCS activities, including mandatory haul reporting requirements, dockside monitoring programs, logbooks, mandatory catch documentation inspections, port offload and landing inspections, aerial surveillance and at-sea vessel inspections by Canadian fisheries enforcement personnel. Potential infringements and instances of non-compliance are investigated by Canada's Department of Fisheries and Oceans, an agency mandated to enforce Canada's Fisheries Act and regulations. Violations are punishable by fines up to \$1,000,000 for an individual's first-time offence and \$2,000,000 for an individual's subsequent offence. A Canadian fishing corporation is liable to fines of up to \$4,000,000 per count. Violators of Canada's Fisheries Act may also be imprisoned, or face licensing sanctions.

### Enforcement difficulties encountered in the case of the alternative measures:

As part of Operation North Pacific Guard in 2023, Canada conducted High Seas Boardings and Inspections (HSBI) and aerial surveillance operations:

- Twelve (12) WCPFC authorized fishing vessels were subject to HSBI. Each of these 12 vessels were found to be in possession of shark. Canada identified the following during its HSBI activities:
  - Seven (7) vessels were observed to be in potential contravention of CMM 2022-04 **paragraphs 8 and 9**, which require vessels to either land sharks with fins naturally attached to the carcass (**paragraph 8**) or if allowed by its CCM, to use one of three alternative measures (**paragraph 9**).
    - Five (5) of these 7 vessels, observed to be in potential non-compliance with **paragraphs 8 and 9**, were also observed to be in contravention with the obligations in **paragraph 9(3)** which requires vessels that store carcasses and fins in different holds to maintain a record or logbook that shows where the tagged fins and

correspondingly tagged carcasses are stored, in a manner that they are easily identified by inspectors. This created significant challenges for inspectors.

- The remaining 5 vessels inspected were found to be in possession of shark with the fins not naturally attached to the carcass, however, all 5 appeared to be compliant with the alternative categories prescribed pursuant to paragraph 9.
  - The number of shark fins and carcasses inspected which were believed to be in contravention of these requirements totaled six (6) full sets of primary fins, 2094 individual fins, including a large quantity of juvenile and smaller fin types, and approximately 81 shark carcasses for which fins could not be located – posing a risk for transshipment of fins-only to receiving vessels.
- 114 WCPFC authorized fishing vessels believed to be actively engaged in fishing operations within the Convention Area (comprising all activity categories, including transit, setting, hauling, loitering, etc.) were observed by a surveillance aircraft. Canada identified the following potential violations of **paragraphs 7 and 9**, during these aerial patrols of the proportion of vessels found to be actively hauling gear and, or processing shark:
    - 12 vessels were found to be in potential contravention of **paragraphs 7 to 9** on at least one occasion; however, many were observed in violation on multiple days and with multiple sharks.
    - Of these 12 vessels, occurrences of shark finning practices were observed, where fins were removed and retained, and carcasses discarded.
    - Several shark carcasses and fins were observed intermixed on vessel decks, demonstrating that some vessels are not in compliance with **paragraph 9**. The high volume of loose fins and carcasses observed on deck in some cases would make it highly unlikely for vessels to accurately match carcasses and corresponding fins in accordance with the alternatives set out in **paragraph 9(1-3)**, by storing in the same bag, binding the carcass to the corresponding fin by rope or wire, or by using a tagging system.

### Canada's conclusion

In light of the concerning proportion of non-compliance rates and suspected finning practices observed during Canadian enforcement operations in the North Pacific, Canada does not believe that the alternative measures in **paragraph 9** are effective, and that they in fact facilitate the continuation of prohibited finning practices.

The authorization of the alternative measures in **paragraph 9** also presents inspection effort challenges, resulting in protracted inspections due to the additional time required by inspectors to match carcasses to fins, especially with use of the tagging system where carcasses may be stored in separate holds from the fins. Canadian inspectors had difficulties locating corresponding fins and carcasses, particularly

where the tagging system was used, and in one case, were unable to find the corresponding amount of fins for 81 shark carcasses, which due to the current alternative provisions, could potentially require inspectors to completely remove all product from holds in order to be certain that corresponding fins were not at the very bottom – which would be a very unlikely scenario, but one that would be currently allowed with the tagging system. Observations made during Canada’s aerial surveillance efforts have also demonstrated that some vessels are likely not ensuring that corresponding carcasses and fins are matched as several vessels have been noted intermixing piles of loose fins on vessel decks.

The continued authorization of the alternative measures in **paragraph 9** provides an opportunity for fishers to “high grade” shark fins – the part of the shark that is exponentially more valuable than the carcass – providing an opportunity for fishers to retain more expensive larger fins and match them to smaller bodies or to less valuable shark species.

Canada looks forward to submissions from other CCMs in accordance with **paragraph 11** of CMM 2022-04 and to discussions on the effectiveness of these alternative measures at TCC20 to inform the review of the measure in 2024.