

‘Fins Naturally Attached’, the globally acknowledged best practice to prevent *Finning* – a review of the state of play and the effectiveness of alternatives.

Author: Iris Ziegler, Sharkproject International

Abstract:

After the amphibians, chondrichthyans are the most threatened vertebrate Class assessed to date. (IPBES 2019). The lucrative shark fin trade remains a main driver for overexploitation of sharks (Clarke et al. 2006). Oceanic shark species have been particularly affected due to the high value of their fins and their low reproduction rates, so that 52% of oceanic shark species are now classified as endangered or critically endangered by the IUCN (Pacoureaux et al. 2021). In light of these threats numerous jurisdictions have banned finning, but the implemented methods vary substantially in their effectiveness. A report published in 2021 “*Analysis of the Marine Stewardship Council’s policy on shark finning and the opportunity for adoption of a ‘Fins Naturally Attached’ policy in the MSC Fisheries Standard Review*” analyses the effectiveness of various fisheries management measures in enacting shark finning bans - including FNA, fin-to-carcass ratios, and fins artificially attached - finding that approaches other than FNA all contain substantial inadequacies and loopholes that complicate monitoring and enforcement. It is also noted that FNA without exception has now been adopted by multiple organizations and states including the European Union, the United States, Canada, NAFO, and GFCM, and is no longer just a feasible ‘best practice’ but increasingly a minimum requirement for sustainable fisheries management. Subsequently the Marine Stewardship Council (MSC) itself introduced an FNA policy in the latest version 3.0 of its Standard. The report concludes that Fins Naturally Attached (FNA) policy accompanied by adequate monitoring is well-established as the only effective method to enforce a shark finning ban and demonstrates that none of the common counter arguments represent impediments to implementation of such a policy. Alongside catch limits, retention bans, and bycatch reduction measures, eliminating finning by enacting FNA policy is essential to prevent the extinction of many shark species and the destabilising impact this will have on marine ecosystems.

From 2018 to 2022 to Marine Stewardship Council, one of the leading ecolabels for seafood, had been reviewing its Fisheries Standard and its new [Version 3.0 of the Standard](#) came into effect on May 1st, 2023, including substantially revised requirements for fisheries to demonstrate that no shark finning happens on board certified vessels. After many years of consultations with stakeholders throughout academia, civil society, and the industry, the new MSC Standard now requires all fisheries to demonstrate having a Fins Naturally Attached policy in place – without exceptions - as a prerequisite for certification. Based on scientific evidence and global acknowledgment the MSC is now also applying the global best practice as a minimum requirement for certification, a step IOTC should also consider embarking on to step-up shark conservation in the Indian Ocean by aiding identification and reporting, and enabling enforcement of the existing ban on *Finning*.

Introduction

At the 27th Session of the Indian Ocean Tuna Commission, the Maldives submitted a proposal IOTC-2023-S27-PropR[E] on the conservation of sharks caught in association with fisheries managed by IOTC, which among other shark conservation measures, proposed to require all CPCs to “*ensure that their vessels do not cut off any shark fins at sea and land all sharks with their fins naturally attached to the carcass*” and would thereby have removed the previous exemption from a FNA policy for fisheries that land sharks frozen. Until today those fisheries are allowed to continue applying the long outdated 5% fin-to-carcass rule, an inconsistency that is neither needed nor justified and cannot be monitored or enforced effectively, thereby allowing *Finning* to continue undetected. (IOTC WPEB 2009)

During the Commission meeting the proposal received co-sponsorship from a growing number of CPCs, including Bangladesh, the European Union, Indonesia, Madagascar, Pakistan, Somalia, and South Africa and was also supported by many other CPCs. However, in the end not even [Rev3](#) of the proposal, containing an already substantially weakened version of FNA with several concessions for alternatives, such ‘Fins Artificially Attached’ or identification via tags, could be agreed on unanimously by all CPCs, as some kept referring to the absence of scientific advice from the Scientific Committee for such a measure. Therefore, the Maldives decided not to go forward with a further revision of the proposal but instead withdrew the proposal and requested inclusion in the [report of the 27th Commission Meeting](#),

that the “*relevant Working Parties and IOTC Scientific Committee, at its 26th session, [...] review the latest science and best practices in other oceans and, in collaboration with the Compliance Committee as appropriate, provide advice to the Commission at S28 on technical and mitigation measures to strengthen the conservation of sharks. [...] including the application of fins naturally attached requirements to improve monitoring of elasmobranchs, prevention of the practice of shark finning, full utilization of caught sharks and effective monitoring of compliance with existing conservation and management measures.*”

This paper reviews the status of adoption of Fins Naturally Attached throughout fishing nations and in other RFMOs as has been summarized in a 2021 report, published in support of the Fisheries Standard Review of the Marine Stewardship Council (MSC). The MSC reviewed and updated its requirements with regard to preventing shark finning in MSC certified fisheries, a fact that was demonstrated to be occurring despite the existing prohibition of Finning in MSC certified fisheries since 2012.

An “*Analysis of the Marine Stewardship Council’s policy on shark finning and the opportunity for adoption of a ‘Fins Naturally Attached’ policy in the MSC Fisheries Standard Review*” by I. Ziegler, A. Hammond, S. Millward, K. Woodroffe, C. Vail, L. Guida, A. Hofford, and R. Arauz reviews alternatives to FNA and demonstrates why these are not effective in preventing shark finning.

The reference and evidence provided in the attached report is further complemented by recent developments towards FNA as the only effective measure, as is widely recognized.

Discussion

Summary and Discussion of the Findings of the Analysis Report

An earlier report commissioned by the MSC reviewed the state of implementation of shark finning bans (Brautigam 2020) found that nine of the 43 nations with highest levels of shark fishing had no finning ban at all and bans could not be verified for a further nine. Although a significant number of jurisdictions have now implemented bans on shark finning, alongside other measures, bans on shark *Finning* have applied a variety of different requirements with ratio-based fins-to-carcass approaches remaining a preferred measure, as it is easiest for fishers to implement and allows optimization of storage capacity. However, as compiled in the analysis report (Ziegler et al. 2021) this measure hinders the collection of critical biological data, information on catch efforts and provides an opportunity for ‘high-grading’ as existing ambiguities make proof of compliance and enforcement difficult.

Existing ambiguities include but are not limited to the substantial differences between ratios for live weight and dressed weight requiring additional conversion factors, the variability of fin cutting techniques impacting the ratio, substantial species-specific differences in fin-to-carcass ratios between one and eleven percent, and the difficulty in identifying species based on separated fins (Cortez and Neer 2006, Oceana 2010, Oceana 2011, Biery and Pauly 2012).

As early as 2008 the IOTC WPEB had stated in its report “Given the broad brush nature of the ratio measure, it is unlikely to address any sustainability issues that might exist for particular species and it does not necessarily mean that the species most vulnerable to fishing will be better off (to achieve this, species-specific and even fleet-specific ratios would be required, as well as accepted criteria for calculating fin weight to carcass weight ratios). The measure also has limited ability to reduce shark finning practices.” when recommending to the Scientific Committee “*the alternative measure of landing sharks with their fins attached could be expected, if fully implemented, to end the practice of finning and also facilitate the collection of data that would be highly beneficial in shark stock assessments (e.g. data on species, sex ratios, numbers and size distributions of catches).*”

A growing number of governments and RFMOs have adopted ‘Fins Naturally Attached’ (FNA) policies over the last 15 years which are now in place in jurisdictions including the EU (2013), US (2010), UK (2009), India (2013), Costa Rica (2006), South Africa (1998), Brazil (2012), Cabo Verde (2014), El Salvador (2012), Sierra Leone (2019) and Canada (2019), as well as in several RFMOs including NEAFC (2014), NAFO (2016) and GFCM (2018). The EU’s (2013) shark finning resolution also notes that the United Nations General Assembly’s annual resolutions on sustainable fisheries since 2007, the 2008 IUCN Global Policy against shark finning, and the 2010 meeting of the Fish Stocks Agreement all call on nations to take measures to require that all sharks are landed with FNA, demonstrating that this policy has been recognised as a desirable target for almost two decades now.

Brautigam (2020) found that 19 of the world's 43 foremost shark fishing nations (i.e. 44%) have an FNA policy in place for at least some fisheries under their jurisdiction and these 19 nations represent 90% of the total 21 countries examined where finning was banned in legislation. The paper also highlights that *“there has been a steady evolution over the past decade at least towards a FNA requirement for fisheries landing sharks, and FNA is widely considered to be ‘best practice’ not only in ensuring that shark finning is not occurring but also in enabling fisheries monitoring at the level necessary to support adaptive management of these vulnerable species”*.

When the European Union evaluated the pros and cons of an FNA policy versus its at the time valid Council Regulation (EC) No. 1185/2003, which allowed exemptions from ‘Fins Naturally Attached’ allowing vessels to cut off fins on board if demonstrating full traceability and reconciliation, Fowler et al. (2010) summarized it as *“prohibiting the removal of shark fins on board vessels is the only fail-safe, most reliable, least expensive means to prevent finning and measure compliance; this method is viable for freezer vessels and can facilitate the collection of much-needed, species-specific catch data”*.

Introducing ‘Fins Naturally Attached’ has also been suggested in many scientific paper and reports over the last 15 years as the only effective measure to implement Finning bans (Cosandey-Godin A. and Morgan A, 2011) as at a value of “USD 1 billion per year for shark commodities, and around 7,100 tonnes in 2021 for shark fins “ (EU 2023/C 275/01, 2023) fins remain the main driver for shark exploitation.

As highlighted in the analysis report (Ziegler et al. 2021) a consultation workshop for the MSC Fisheries Standard Review in July 2020 (MSC 2020, July9th) with participants from academia, civil society, MSC conformity assessment bodies (CABs) and the seafood industry demonstrated clear support in favour of FNA, with 20 of 35 respondents feeling that no policies other than FNA could deliver a similar degree of confidence *“... the truth is the only efficient way to avoid shark finning especially on board is to mandate the fins to be landed attached to the shark. Any other way of separating the fins on the body you're opening the door to shark finning”* or equally facilitate auditing and independent assessment of a fishery *“from an auditing standpoint obviously... a fins naturally attached policy is the easiest, the most straightforward to assess... But really when it's the easiest to audit is when it's underpinned by fins naturally attached policy because like others have raised in the plenary the whole percentages thing is just fraught with the ability to interpret and to argue, and... if you see a fin that's separated from a shark under any other circumstance you can explain it away but you can't really explain it away when fins are required to be attached to the trunk.”*

The EU has strengthened its FNA policy by removing all exemptions via ‘special fishing permits’ from the previous regulation and demanding ‘Fins Naturally Attached’ without exceptions since 2013 ((EU) No. 605/2013) after having noted widespread noncompliance with the reporting requirements for these permits. Several other governments and RFMOs have now followed suit in introducing strict “Fins Naturally Attached” requirements; however, other governments and RFMOs have instead included alternative measures, such as ‘Fins Artificially Attached’, bag tagging systems, or combinations of these in their *Finning* ban regulations.

- Costa Rica included a ‘Fins Artificially Attached’ policy in its Fishery Law in 2005 allowing the landing of sharks only if the fins were attached to sharks’ bodies, thereby eliminating the previous fin-to-carcass ratio system. However, on June 7th 2006, the Costa Rican General Attorney ruled that the correct interpretation of ‘fins attached’ required the fins to be naturally, not artificially, attached to the body (C-233-2006): according to the General Attorney’s ruling, allowing the separation of the fins at sea to later be attached by artificial means facilitated the circumvention of effective controls and was contrary to the spirit of a shark finning ban. Costa Rica has subsequently implemented a ‘Fins Naturally Attached’ policy.
- The IOTC WPEB in 2009 determined the *“suggestion that fins could be detached and then re-attached to the carcass in a plastic bag was ecologically unacceptable. Rather, fins might be partially sliced through and folded over, thus minimizing storage space while remaining attached.”*
- New Zealand introduced a ‘Fins Naturally Attached’ regulation in 2014 (New Zealand) for all non-quota shark species and for spiny dogfish but allows ‘fins attached’ for blue sharks by requiring that fins are either folded, tied, or otherwise attached to the trunk of the shark as a compromise.
- WCPFC (2019) CMM 2019-04 introduced a ‘Fins Naturally Attached’ regulation for the Western Central Pacific Fishery Commission but provides several alternatives including ‘Fins Artificially Attached’ and even an exemption upon request of the member state.

- (1) *Each individual shark carcass and its corresponding fins are stored in the same bag, preferably biodegradable one;*
 - (2) *Each individual shark carcass is bound to the corresponding fins using rope or wire;*
 - (3) *Identical and uniquely numbered tags are attached to each shark carcass and its corresponding fins in a manner that inspectors can easily identify the matching of the carcass and fins at any time. Both the carcasses and fins shall be stored on board in the same hold. Notwithstanding this requirement, a CCM may allow its fishing vessels to store the carcasses and corresponding fins in different holds if the fishing vessel maintains 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.*
- *In case that a CCM wishes to allow its fishing vessels operating on the high seas to use any measure other than the three alternatives it shall present it to TCC. If TCC endorses it, it shall be submitted to the subsequent annual meeting for endorsement.*

This regulation was to be reviewed in 2023 but has been extended by [CMM 2022-04](#) until 2024.

Fowler et al. stated in 2010 that “a system of placing severed fins in bags that are then attached to carcasses has only been tested in a few, small-scale shark fisheries. The tag method appears to be completely untested. Implementation and enforcement of these methods would be impracticable and unacceptably labour-intensive for fisheries taking more than a few (5–20) sharks. The bag method also presents a variety of concerns with respect to ingestion/entanglement by wildlife, even if bags used eventually biodegrade.” Apparently WCPFC has also not been able to gather sufficient proof that these exemptions are working and therefore extended the provision by a further year.

The analysis report (Ziegler et al. 2021) also noted the shortcomings with ‘Fins Artificially Attached’ approaches as perceived by participants in the July 2020 MSC workshops with comments that “*artificial attachment can lead to high grading. It can lead to additional material waste products out there and additional cost so depending on how you are proposing an artificial attachment, it may involve additional plastic... there’s been many suggestions over the years and all of them have been found wanting and shown to have loopholes with them. So I wouldn’t recommend FAA in any way as an alternative*”.

In summary the series of workshops held by the MSC on the issue of *Finning* throughout the public consultation phase of its Fisheries Standard Review demonstrated widespread support for a ‘Fins Naturally Attached’ policy without exemptions as being the only viable solution. This widespread support from a variety of stakeholders has been summarized and highlighted with quotes from the workshop transcriptions provided for these workshops in the Analysis of the Marine Stewardship Council’s policy on shark finning and the opportunity for adoption of a ‘Fins Naturally Attached’ policy in the MSC Fisheries Standard Review (Ziegler et al. 2021) with a selection of quotes provided below.

Box 1: A selection of comments made by stakeholders in public consultation responses also expressing widespread support for FNA among most stakeholders

“MSC must implement the globally acknowledged best practice to prevent finning from taking place and this is without doubt FNA. It is not a nice to have but an absolutely mandatory requirement to demonstrate finning is not acceptable in MSC-certified fisheries.”
*“...consumers that buy MSC products *assume* that finning has not occurred in MSC-certified fisheries. If MSC extends its certification to fisheries that do not strictly enforce FNA, it is undercutting the value of its certification and misleading consumers.”*

“It remains the case that FNA is the minimum requirement needed to ensure MSC’s intention is achieved. Fin-to-carcass weight ratios are rightly criticized as insufficient... The current MSC scoring and guidance allows for exceptions even to the fin-to-carcass ratio policy methods and, we argue, has undermined momentum towards more widespread adoption of Fins Naturally Attached policies in many jurisdictions.”

“FNA is globally acknowledged best practice to prevent finning from happening and ensures that consumer confidence in MSC label can be upheld. An absence of FNA at the SG60 level is contradictory to MSC’s ‘zero tolerance’ policy to shark finning and risks public credibility and trust in MSC.”

“By not requiring Fins Naturally Attached policies, MSC lags behind the curve of global fisheries management rather than serving to drive improvements within that space as it should do.”

“At [organisation name redacted], we don't believe that MSC requirements currently reflect global best practice in management for the prevention of shark finning. To be honest, it's astonishing that we are now in 2020 and still having this conversation 'Fins Naturally Attached' (FNA) policies are now a mainstream trend, having been adopted by many governments and even RFMOs. Clearly the MSC is failing in the conservation of shark species and is falling far behind global fisheries management best practice.”

“I am aware that SG60 usually represents a minimum acceptable standard and SG80 would be considered global best practice. However in the exceptional case of shark finning where MSC has a zero-tolerance policy, I see no good reason why a FNA policy should not be considered a minimum acceptable standard given that it has already been global best practice for a decade. FNA should enter at SG60. This is the only appropriate response for a sustainability standard.”

“Should the MSC truly want to reach its advertised (but increasingly questioned) vision ‘of the world’s oceans [to be] teeming with life’, it should be blazing the trail in terms of global standards, not dragging its feet and responding to developments in fisheries management years after they’ve been well-established elsewhere. It is vital that a requirement for FNA policies in place in all fisheries interacting with sharks is introduced as part of the FSR accompanied by improved monitoring and compliance and greater standardisation and technical oversight by the MSC.”

“FNA is the globally recognized best practice. Requiring that all sharks be landed with fins attached prevents finning at sea by prohibiting the practice of harvesting fins and discarding the body. It also helps with monitoring and enforcement, as it eliminates the ability for fishing vessels to exploit the system through the inconsistencies and loopholes of fin-to-carcass ratios. It is worth noting that a blanket FNA policy also relieves pressure on human fisheries observers (many of whom face tremendous pressures and even threats to their lives in the course of doing their work) by establishing a clear standard for transporting and landing shark fins—a standard that largely removes the ability to participate in shark finning.”

“All policies other than FNA are open to loopholes, room for interpretation and difficulties in ensuring compliance. FNA is simple and effective and I cannot think of a valid reason why a fishery or the MSC would be resistant to adopting an FNA as a minimum acceptable standard.”

The report also evaluated and rebutted counterarguments against a FNA policy as frequently made by the industry, notably referencing logistical challenges, for example the freezer space required to store sharks with fins attached, the safety of fishers moving whole sharks into or out of the hold, and the possible ammoniation of shark meat due to urea content of the blood (New Zealand 2014). As most FNA policies allow for fins to be partially cut and folded over for ease of storage and allow the beheading and skinning of sharks for bleeding and degutting such arguments are mostly based on purely economic reasons of facilitated handling on board when directly cutting fins and storing them separately and the desire for transhipping detached fins separately from the shark bodies. However, the EU's longline fleets target sharks in all ocean basins, and being one of the world's largest shark fishing fleets, must adhere to the EU's strict FNA regulation in all oceans and have demonstrated since 2013 that 'Fins Naturally Attached' regulations can be applied to all kind of fisheries while greatly improving transparency and compliance monitoring especially in far distant water fishing fleets that often offload in ports outside their flag countries.

Another argument that has often been used to oppose the introduction of an FNA regulation is the extent of monitoring and surveillance in place, e.g. on purse seiners in the WCPFC claiming to achieve 100% monitoring, or the presence of cameras on board and the introduction of electronic monitoring systems. While an increase of independent monitoring is essential for improvements in collection of data on catch composition and bycatch and the presence of human observers allows also sampling of important biologic information, it is important to recognise that monitoring and surveillance requirements should not be confused with the necessity of having strong, enforceable and unambiguous policies in place against which monitoring and surveillance can be performed effectively and efficiently. This was highlighted in the public consultation workshops (MSC July 2020) "*It is worth noting that a blanket FNA policy also relieves pressure on human fisheries observers (many of whom face tremendous pressures and even threats to their lives in the course of doing their work) by establishing a clear standard for transporting and landing shark fins--a standard that largely removes the ability to participate in shark finning*". The substantial risks faced by fisheries observers have also been detailed in a recent report by Human Rights at Sea (2020 and 2021) which demonstrate that observers should not be seen as law enforcement agencies especially when alone on board of a vessel in the High Seas for many months.

Secondly, even 100% observer coverage has not, to date, prevented finning, as documented by the continuation of finning even in areas and in fisheries with close to 100% observer coverage such as on the large purse seiners in the WCPFC and the Indian Ocean. Furthermore, at a mandatory observer rate of only 5% in most RFMOs including IOTC, most longlining vessels targeting sharks do not carry human observers and only few have so far installed electronic monitoring systems compliant with RFMO standards. No observers at all are on board of artisanal fishing boats, which also target sharks or catch and retain them as bycatch, especially in the Indian Ocean where a substantial catch of blue sharks is also caught by small scale fisheries, whereas blue sharks are mainly caught by industrial fleets in the Atlantic and Pacific. (Poseidon 2022)

Cases of finning continue to be reported by fisheries having 100% human observer coverage including MSC-certified fisheries such as the PNA fishery in WCPFC which had 429 incidences, or 2152 animals reported between 2012 and 2015 at the time of its recertification in 2018 (PNA Recertification report 2018) and no proof of adequate sanctions has been provided. The 2019 surveillance report for this fishery subsequently disclosed that 116 sharks had been finned in 2016 and 19 in 2017 in the MSC certified part of the fishery alone, which comprised less than 50% of the total catch effort of the fishery (PNA surveillance report 2019) and in the following surveillance report (PNA surveillance report 2021) additional cases of *Finning* were reported for the certified fishery as part of the respective MSC surveillance reports: 2 vessels (Fu Kuan 808 and Tayo Tofol) in 2019 and 1 vessel (Queen Isabella 88) in January 2020 which were suspended from the certification according to the MSC Fisheries Certification Standard. However, the scope extension report (PNA ACDR 2020) disclosed that in 2019 and in January 2020, seven incidences were recorded involving five vessels, classified in observer reports as finning, which the fishery client had however rated as "unsubstantiated" and were therefore dismissed without further action. In the Final Draft Report in 2021 a total of 6 incidences by 5 vessels (Taiyo Tofol in January 2019, Fu Kuan 808 in June 2019, Maroraoi in September 2019, Shilla Explorer in October 2019 and Xiang Fa 8 in August and in October 2019) were noted with 21 finned sharks in

2019 and 1 incident with 2 finned sharks in 2020 (Queen Isabella 88). No details were provided about the species involved in the *Finning* events.

'Fins Naturally Attached' Regulation and reported *Finning* in the Western Central Pacific Fisheries Commission (WCPFC)

The latest available Annual Report for the Regional Observer Programme (WCPFC-TCC18-2022-RP022) reports observer data from 2021 and notes that due to the COVID pandemic, observer deployment on most vessels was discontinued and only 105 purse seine trips were reported in 2021, about 8% of the normal 100% coverage. The ROP longline catch data was reduced to 512 trips. Infringements of WCPFC conservation and management measure CMM 2019-04 (which replaced CMM 2010-07) and prohibit vessels from retaining on board, transshipping or storing or landing fins harvested in contravention of shark CMMs are recoded based on recorded fate codes indicative of shark finning activities (of sharks other than of silky shark or oceanic white tip sharks) and the outcome of flag state investigations of these incidents. ROP observer data from 1 January 2015 -1 July 2022 tabulated in Table 20 of WCPFC-TCC18-2022-RP022 show alleged finning cases between 2016 and 2021, while retention of fins is listed separately in Table 15 for silky sharks and in Table 18 for Oceanic whitetip sharks since 2012.

For 2020 one case of *Finning* and for 2021 two cases were reported. No *Finning* of oceanic whitetip sharks was reported for either year, while two finned silky sharks were reported in 2020. This appears to be a significant decrease compared to previous years when 130 silky sharks were finned in 2016 and 10 oceanic whitetips in 2015 and 21+ 6 animals, respectively, in 2019. As apparent from the reported numbers in the previous section, most of the finning events happened in the PNA fishery, being by far the largest purse seine fishery in the WCPFC with a nominal observer coverage of close to 100% prior to the pandemic but almost no observers on board during the pandemic in 2020 and 2021. Therefore, the recent reduction should not be interpreted as demonstrating the effectiveness of the new CMM 2019-04 that came into force just at the beginning of the pandemic. The 2020 and 2021 numbers are therefore rather an indicator that despite the low observer coverage three new cases of finning were reported, although for other shark species not subject to a retention ban, as is in place for silky sharks and oceanic whitetip sharks. Noteworthy is also that [CMM 2022-04](#) defines 'sharks' as all species of sharks, skates, rays and chimaeras while no reference is made in the observer report as to the impacted subclasses of Chondrichthyes.

'Fins Naturally Attached' Regulation in the Inter-American Tropical Tuna Commission (IATTC)

The staff of the IATTC has reviewed the existing IATTC [Resolution C-05-03](#), specifically paragraph 4, stating that CPCs must ensure that their vessels carry onboard shark fins weighing no more than 5% of the weight of sharks onboard, up to the first point of landing, and concluded in its recommendations (IATTC-101-04) for this year's 101st Commission Meeting that "*the implementation of this standard has been a source of concern*" summarizing the same concerns that were discussed during the MSC Standard Review and shared by many scientists and Contracting Parties to the Commission (CPCs) during this year's 27th IOTC Commission Meeting. In particular the huge variability of fin-to-dressed weight ratio between different species from 6.25% for short-fin mako to 16.05% for silky shark, the ambiguity of conversion of the ratios live weight to dressed and dried weight and the separate storage of fins and carcasses on board of vessels are cited as reasons to "*seriously question whether the fin-to-carcass ratio is effective in prohibiting shark finning and detecting instances where finning prohibitions may have been violated, ultimately undermining the conservation value of the measure.*" The staff also concluded that "*the current fins-to-carcass weight ratio requirement lacks a clear scientific basis as a conservation measure for sharks*" and therefore recommended to "*prohibit the removal of shark fins on board vessels, requiring fins be naturally attached to the shark carcass until the first point of landing.*" Encouraged by this proposal of the scientific staff a large number of CPCs had proposed introducing 'Fins Naturally Attached' as part of proposals to strengthen RES C-05-03 ([Proposal IATTC-101 C-1 submitted by the European Union](#)) or in combined proposals amending several shark resolutions into a new resolution ([Proposal IATTC-101 C-4 submitted by Canada](#) and [Proposal IATTC-101 C-5 submitted by Belize, Costa Rica, El Salvador, Guatemala, Nicaragua and Panama](#)). In addition not only the NGO observers but also several industry observers ([Thai Union](#), [StarKist](#), [Bumble Bee](#) and [FCF](#)) announced support for 'Fins Naturally Attached' in their statements.

Despite all of this support, the finally agreed [Resolution C-23-07](#) on Conservation Measures for the Protection and Sustainable Management of Sharks has settled for a similar measure as is in place at WCPFC, allowing until 2026 the same exceptions from an ‘Fins Naturally Attached’ policy as CMM 2022-04 but without a requirement that fins and bodies be stored in the same hold and without a definition of ‘sharks’. The adopted Resolution C-23-07 also does not specify that fins and shark bodies have to be transshipped together as required in the WCPFC 2022-04.

The EU’s Commitment to promote ‘Fins Naturally Attached’ in all Regional Fisheries Management Organisations (RFMOs)

In response to the European Citizens’ Initiative (ECI) ‘Stop Finning – Stop the Trade’ the EU Commission has announced, among other measures, *“step up EU’s efforts in regional fisheries management bodies to adopt new and/or to strengthen and effectively implement current conservation and management measures for shark species, as well as to assess the effectiveness of the measures adopted and strengthen control measures to ensure current rules are properly applied and enforced. This includes adopting the fins-naturally-attached policy as the most effective means to end finning”*

Conclusions & Recommendation

The Analysis report (Ziegler et al. 2021) summarises that *“it appears that Fins Naturally Attached is no longer just ‘best practice’ in both a scientific and management sense of the term but is increasingly considered to be a minimum requirement or pre-requisite for sustainable fishery management.”* When combined with adequate monitoring of compliance via independent observation by electronic monitoring systems and/or human observers this is globally acknowledged to be the only truly effective measure to prevent *Finning*. This opinion is one shared with many scientists and civil society around the globe and widely backed by the seafood supply industry and the retail market (Ecology Action Centre, 2022). Despite a long-time resistance to action on this topic, the MSC has finally endorsed this shared perspective and introduced Fins Naturally Attached without exceptions as a prerequisite for all fisheries’ certifications. As alternative measures such as ‘Fins Artificially Attached’ are explicitly ruled out in the MSC Fisheries Standard v3.0 stating *“If fins are removed and then artificially attached to the carcass via ropes or wire or placed into a bag that contains that carcass and fins, this would not constitute FNA”*, it will be important for all RFMOs to now introduce an FNA policy in order to help their fisheries gain recognition as sustainable through the MSC ecolabel certification. Having to provide proof with a ‘very high accuracy’ that an FNA policy is truly in place and complied with at time of certification and throughout surveillance, they will rely on RFMOs to facilitate verification of an FNA policy being in place, which can most effectively be done by RFMO adoption of FNA regulations in their areas of competence with human observers and electronic monitoring systems to verify compliance.

The recent policy developments in the Pacific RFMOs have, however, not reflected the clear scientific advice, allowing substantial ambiguity to continue and requiring MSC certified fisheries to provide separate proof that they comply with an FNA policy without exceptions in order to achieve certification. This is neither helpful to promote sustainability nor in keeping with RFMOs’ mission to conserve and manage shark populations. Therefore, IOTC Scientific Committee should now take the lead in endorsing that ‘Fins Naturally Attached’ without any exemptions should be implemented at the 28th IOTC Commission Meeting.

References

Biery and Pauly (2012) A global review of species-specific shark-fin-to-body-mass ratios and relevant legislation *Journal of Fish Biology* 80:1643-1677 <http://www.fao.org/3/a-bh072e.pdf>

Brautigam, A. (2020) Best Practice in the Prevention of Shark Finning. Published by the Marine Stewardship Council https://www.msc.org/docs/default-source/default-document-library/stakeholders/best-practice-in-the-prevention-of-shark-finching-report.pdf?sfvrsn=3f26ac1c_4

Cosandey-Godin, A. and Morgan, A. 2011. Fisheries Bycatch of Sharks: Options for Mitigation. PEW Ocean Science Series at https://www.academia.edu/21833592/Fisheries_bycatch_of_sharks_options_for_mitigation

Clarke, S. Magnusson, J.E. Abercrombie, D.L. McAllister, M. and Shivji, M.S. 2006. Identification of shark species composition and proportion in the Hong Kong shark fin market using molecular genetics and trade records. *Conservation Biology* 20: 201-211.

Cortés and Neer (2006) *Preliminary reassessment of the validity of the 5% fin to carcass weight ratio for sharks*
https://www.researchgate.net/publication/254006867_Preliminary_reassessment_of_the_validity_of_the_5_fin_to_carcass_weight_ratio_for_sharks

Dulvy, N. K., Pacoureau, N., Rigby, C. L., ... Hilton-Taylor, C., Fordham, S. V., & Simpfendorfer, C. A. (2021). Overfishing drives over one-third of all sharks and rays toward a global extinction crisis. *Current Biology*, 31(21), 1-15.e1-e8. <https://doi.org/10.1016/j.cub.2021.08.062>

Ecology Action Centre Leading Conservation NGOs Warn That Major Seafood Ecolabel is Risking its Reputation, press release 17 June 2022 <https://www.perishablenews.com/seafood/leading-conservation-ngos-warn-that-major-seafood-ecolabel-is-risking-its-reputation/> and https://www.sharkproject.org/media/fhpi0niv/ngo-letter-to-msc-16-may-2022_final.pdf

EU COMMUNICATION FROM THE COMMISSION (2023/C 275/01) on the European Citizens' Initiative (ECI) 'Stop Finning – Stop the Trade' [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0804\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023XC0804(01))

EU Regulation No 605/2013 of the European Parliament and of the Council of 12 June 2013 amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0605>;

Fowler, S. and Séret, B. 2010. Shark fins in Europe: Implications for reforming the EU finning ban. European Elasmobranch Association and IUCN Shark. Specialist Group http://www.sharkadvocatesinternational.org/shark_fin_report_final.pdf

Human Rights at Sea Fisheries Observer Deaths at Sea, Human Rights and the Role and Responsibilities of Fisheries Organisations – 1 July 2020 Report https://www.humanrightsatsea.org/sites/default/files/media-files/2021-12/HRAS_Abuse_of_Fisheries_Observers_REPORT_JULY-2020_SP_LOCKED-1.pdf

Human Rights at Sea Independent Case Review of death of Kiribati fisheries observer Eritara Aati Kaierua. 19 May 2021. https://www.humanrightsatsea.org/sites/default/files/media-files/2021-12/HRAS_Eritara_Aati_Kaierua_Kiribati_Independent_Case_Review_19_May_21_SP%20%281%29.pdf

IATTC Document IATTC-101-04 Staff Recommendations for Management and Data Collection, 2023; Inter-American Tropical Tuna Commission, 101st Meeting; Victoria, B.C., Canada, 7-11 August 2023; https://www.iattc.org/GetAttachment/35d28a85-4428-444b-be41-22d06384addc/IATTC-101-04_Staff-recommendations-to-the-Commission.pdf

IATTC RESOLUTION C-23-07; 101st MEETING; Victoria, B.C., Canada 7-11 August 2023 CONSERVATION MEASURES FOR THE PROTECTION AND SUSTAINABLE MANAGEMENT OF SHARKS; https://www.iattc.org/GetAttachment/6e08563b-454c-4df2-961b-0b9ffef04fcd/C-23-07_Sharks-consolidates-and-replaces-C-05-03,-C-16-04,-and-C-16-05.pdf

IOTC WPEB Report of the Fourth Session of the IOTC Working Party on Ecosystems and Bycatch Bangkok, Thailand 20 - 22 October 2008; https://www.ccsbt.org/system/files/resource/en/4d9163b881d15/erswg8_info_01.pdf

IOTC WPEB Report of the Fifth Session of the IOTC Working Party on ecosystems and Bycatch Mombasa, Kenya 12 - 14 October 2009 ioTC-2009-WpEb-r[E] https://www.bmis-bycatch.org/system/files/zotero_attachments/library_1/6M7UHR1I%20-%203439.pdf

IOTC WPEB Working Party on Ecosystems and Bycatch REPORT OF THE 16TH SESSION OF THE IOTC WORKING PARTY ON ECOSYSTEMS AND BYCATCH 2020; IOTC-2020-WPEB16-R[E] p 21f ; https://iotc.org/sites/default/files/documents/2020/11/IOTC-2020-WPEB16-R_FINAL.pdf

IOTC RESOLUTION 17/05 ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY IOTC; 2017; <https://iotc.org/cmm/resolution-1705-conservation-sharks-caught-association-fisheries-managed-iotc>

IOTC IOTC-2023-S27-R[E] Report of the 27th Session of the Indian Ocean Tuna Commission, Mauritius, 8-12 May 2023; <https://iotc.org/sites/default/files/documents/2023/07/IOTC-2023-S27-RE.pdf>

IPBES. Díaz Sandra (Co-Chair, Argentina), Settele Josef (Co-Chair, Germany), Brondízio Eduardo (Co-Chair, Brazil/United States of America); Report of the Plenary of the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services on the work of its seventh session; IPBES/7/10/Add.1; Summary for policymakers of the global assessment report on biodiversity and ecosystem services; 2019 <https://zenodo.org/record/6417333>

Jurado, J. 2006. Dictamen C-233-2006 del 7 de junio del 2006. Respuesta al “recurso de revocatoria con nulidad concomitante y reconsideración subsidiaria” contra el dictamen C-026-2006 interpuesta por INCOPECA. Procuraduría General de la República. Costa Rica.

MSC Fisheries Standard v3.0; Date of publication: 26 October 2022; SA2.4.3 and SA2.4.4 https://www.msc.org/docs/default-source/default-document-library/for-business/program-documents/fisheries-program-documents/msc-fisheries-standard-v3-0.pdf?sfvrsn=53623a3_31

MSC July 7th 2020 Annex IIIa: Transcript from the online workshop on evaluating MSC’s requirements for the prevention of shark finning held on 7 July 2020 [https://www.msc.org/docs/default-source/default-document-library/stakeholders/consultations/annex-iii-a--transcript-from-fisheries-standard-review-consultation-workshop---evaluating-requirements-for-the-prevention-of-shark-finning-\(7-july-2020\).pdf](https://www.msc.org/docs/default-source/default-document-library/stakeholders/consultations/annex-iii-a--transcript-from-fisheries-standard-review-consultation-workshop---evaluating-requirements-for-the-prevention-of-shark-finning-(7-july-2020).pdf)

MSC July 9th 2020 Annex IIIb: Transcript from the online workshop on evaluating MSC’s requirements for the prevention of shark finning 9 July 2020 [https://www.msc.org/docs/default-source/default-document-library/stakeholders/consultations/annex-iii-b--transcript-from-fisheries-standard-review-consultation-workshop---evaluating-requirements-for-the-prevention-of-shark-finning-\(9-july-2020\).pdf](https://www.msc.org/docs/default-source/default-document-library/stakeholders/consultations/annex-iii-b--transcript-from-fisheries-standard-review-consultation-workshop---evaluating-requirements-for-the-prevention-of-shark-finning-(9-july-2020).pdf)

New Zealand Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2014 <https://www.legislation.govt.nz/regulation/public/2014/0279/latest/DLM6241112.html>; Regulation 52B: inserted, on 1 October 2014, by regulation 5 of the Fisheries (Commercial Fishing) Amendment and Fisheries (Commercial Fishing) Regulations 2001 (SR 2001/253) Order in Council At Wellington this 17th day of September 2001; version of 03 August 2023 <https://www.legislation.govt.nz/regulation/public/2001/0253/latest/whole.html>

New Zealand Ministry for Primary Industries (2014) Elimination of shark finning in New Zealand fisheries <https://www.mpi.govt.nz/dmsdocument/1137/direct>

Oceana (2011) *Shark Finning and the EU* https://eu.oceana.org/sites/default/files/oceana_finning_feb_2011_11.pdf

Oceana (2010) Transforming shark finning bans: towards a real and effective finning ban in ICCAT https://oceana.org/sites/default/files/euo/ICCAT_Shark_Finning_English.pdf

Pacoureaux N. Cassandra L. Rigby. Peter M. Kyne. Richard B. Sherley. Henning Winker. John K. Carlson. Sonja V. Fordham. Rodrigo Barreto. Daniel Fernando. Malcolm P. Francis. Rima W. Jabado. Katelyn B. Herman. Kwang-Ming Liu. Andrea D. Marshall. Riley A. Pollom. Evgeny V. Romanov. Colin A. Simpfendorfer. Jamie S. Yin. Holly K. Kindsvater & Nicholas K. Dulvy. 2020. Half a century of global decline in oceanic sharks and rays. *Nature* | Vol 589.

PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine fishery, Public Certification Report; March, 2018; p.59 (Table 16)
<https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments>

PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine fishery, 1st Surveillance report; May 31, 2019; p 42-43 <https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments>

PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine fishery 2nd Surveillance report; 2021, p 45 <https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments>

PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine fishery, Announcement Comment Draft Report (ACDR) Scope Extension: Bigeye tuna and catches in all set types (FAD and non-FAD sets), 2020, p 62 <https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments>

PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine fishery, Final Draft Report Scope Extension: Bigeye tuna and catches in all set types (FAD and non-FAD sets), 2021, Table 28 <https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments>

Poseidon, 2022. Blue Shark: economic valuation of the global market for blue shark products and interdependent policy analysis for sustainable management and trade. 10.5281/zenodo.7311641. Report produced for Oceana by Poseidon Aquatic Resources Management Ltd.

WCPFC Conservation and Management Measures [CMM 2019-04](#) superseded by [CMM 2022-04](#) Conservation and Management Measure for Sharks

WCPFC TECHNICAL COMPLIANCE COMMITTEE Eighteenth Regular Session Electronic Meeting 21 –27 September 2022 14th ANNUAL REPORT FOR THE REGIONAL OBSERVER PROGRAMME WCPFC-TCC18-2022-RP022 September2022 <https://meetings.wcpfc.int/node/17166>

WCPFC COMMISSION NINETEENTH REGULAR SESSION, Da Nang City, Vietnam, 28 November to 3 December 2022, CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS, Conservation and Management Measure 2022-04; <https://cmm.wcpfc.int/measure/cmm-2022-04>

Ziegler I., Hammond A., Millward S., Woodroffe K., Vail C., Guida L., Hofford A, Arauz R.; Analysis of the Marine Stewardship Council’s policy on shark finning and the opportunity for adoption of a ‘Fins Naturally Attached’ policy in the MSC Fisheries Standard Review; 2021; <https://www.sharkproject.org/en/cooperation/fins-naturally-attached/finfreemsc/>