

LEGAL MEASURES ON THE CONTROL OF SHARK HUNTING: CASE STUDY ON AUSTRALIAN LAW AND JAPANESE LAW

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ABSTRACT

The rapid decline of shark populations in Thailand has become a significant concern for the sustainability of coastal ecosystems. This decline is largely attributed to shark hunting conducted for various purposes, particularly for commercial exploitation. Sharks are frequently hunted for their fins, which are widely consumed as a delicacy in international markets. Another contributing factor is that fishermen often attempt to reduce shark populations because sharks prey on commercially valuable fish species that constitute an important source of income for local fisheries. These practices have caused serious ecological consequences for coastal ecosystems, as sharks play a critical ecological role in maintaining marine balance and coastal stability. Although Thailand is a member of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which aims to regulate and control international trade in endangered wildlife, the existing legal measures in Thailand appear to be insufficient to effectively address the problem of shark hunting. Therefore, this study examines and compares the legal frameworks of Australia and Japan with Thai law in order to propose amendments and improvements to Thailand's legal system for more effective regulation and control of shark hunting.

Keywords: Shark Hunting, Comparative Law, Legal Regulation

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INTRODUCTION

In recent years, shark populations in Thai jurisdictional waters have experienced a significant decline, largely as a consequence of fishing activities. Sharks are hunted for various purposes, particularly for commercial exploitation, including export to foreign markets and domestic consumption. In some cases, sharks are not intentionally targeted; however, fishermen may still take advantage of incidental catches by selling shark fins, which are considered a luxury culinary product. In addition, changes in marine biodiversity and ecosystem dynamics have further contributed to the reduction of shark populations by affecting their reproductive capacity and overall population recovery.

Thailand has introduced regulatory measures to address the issue of shark hunting. In particular, the country has implemented the Wildlife Preservation and Protection Act B.E. 2562 (2019), which is implied from Thailand's participation in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This legislation aims to promote shark conservation primarily through the regulation of international trade, including the export of shark products.

However, the effectiveness of these legal measures remains limited. The existing regulatory framework still contains significant legal gaps that allow shark hunting activities to persist. Moreover, the current enforcement mechanisms and penalties appear insufficient to effectively deter offenders and ensure compliance with conservation objectives.

Consequently, this study examines relevant Japanese legislation, particularly the Basic Act on the Environment (2018) and the Basic Act on Biological Diversity (Act No. 58 of 2008), which provide an important legal framework for environmental protection and biodiversity conservation in Japan. These laws contribute to the regulation and control of shark hunting and fisheries management within the country.

Under the Japanese regulatory framework, fishermen are required to obtain fishing licenses through a strict registration process administered by the competent ministerial authority. In addition, Japanese fisheries legislation establishes comprehensive regulatory measures governing fishing practices and the management of marine resources.

Furthermore, Japan has established relevant governmental organizations responsible for monitoring and investigating the presence and status of shark populations within its territorial waters. These institutional mechanisms play an important role in supporting conservation efforts and ensuring the sustainable management of marine biodiversity.

This study also examines the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) of Australia, which constitutes the primary legislative framework for environmental protection and biodiversity conservation in the country. The Act was developed in accordance with international environmental commitments, including the Convention on Biological Diversity, and aims to protect natural ecosystems and conserve biological resources. The EPBC Act plays a significant role in addressing the risk of shark population decline and potential extinction in Australian waters. The Australian government has demonstrated strong commitment to addressing the dramatic reduction of shark populations in recent years by implementing comprehensive regulatory measures and strengthening conservation policies.

Furthermore, effective enforcement mechanisms, together with growing public awareness and respect for environmental regulations, have contributed to improving compliance with conservation laws and enhancing the protection of marine biodiversity in Australia.

LITERATURE REVIEW

Shark populations worldwide have experienced a significant decline over the past several decades. According to the Food and Agriculture Organization (FAO) of the United Nations, approximately 100 million sharks are killed by humans each year, primarily for their fins. Conservationists warn that dozens of shark species are currently facing serious threats of

extinction. Over the past century, it is estimated that nearly 90 percent of the world's shark populations have disappeared. This alarming decline highlights the urgent need for effective legal regulations to control shark exploitation and to ensure the conservation of marine ecosystems. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) intends to preserve the animals which threaten from commercial purpose till nearly extinct. Shark is one of the regulated animal that it must have licensing for export and import the shark.

Thailand acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on 3 March 1973 and subsequently incorporated its conservation principles into domestic legislation through the Wildlife Preservation and Protection Act B.E. 2562 (2019). Under this legal framework, certain shark species were included in the list of protected wildlife, and hunting of these species was prohibited in Thailand.

However, the scope of protection provided under the Act does not extend to all shark species. Consequently, regulatory gaps remain within the legal framework, which continue to contribute to the persistence of shark hunting in Thailand.

Another significant regulatory gap is associated with the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which primarily focuses on the regulation of international commercial trade in wildlife. However, the principal drivers of shark population decline in Thailand are linked to domestic fishing practices rather than international trade.

In many cases, fishermen intentionally reduce shark populations because sharks prey on medium-sized fish species that represent an important source of income for local fisheries. As a result, the current regulatory framework, which primarily targets commercial trade, does not adequately address the underlying causes of shark hunting associated with fisheries activities in Thailand.

Shark hunting in Thailand has emerged as a significant concern in the context of marine conservation and biodiversity protection. A total of 87 shark species have been recorded in Thai waters, more than half of which are classified as threatened or at risk of extinction according to the assessments of the International Union for Conservation of Nature (IUCN). Despite these alarming conservation statuses, sharks in Thailand have historically not been comprehensively designated as protected species under national legislation. Nevertheless, sharks are increasingly recognized as rare marine species in Thai waters and play a crucial ecological role in maintaining the balance of marine ecosystems. The continued exploitation of sharks therefore poses a significant risk to the stability of marine biodiversity and contributes to the declining population of sharks in Thailand, increasing their vulnerability to extinction.

In 2021, a public awareness campaign was launched in Thailand to encourage society to refrain from consuming shark fin soup at celebratory events. The campaign emphasized that the consumption of shark fins involves cruelty toward marine wildlife and represents an unsustainable exploitation of marine resources. Moreover, such practices significantly contribute to the increasing risk of shark population decline and potential extinction.

As a result, growing public awareness has led to increased advocacy for stronger legal protection of sharks in Thailand. Previously, shark species were not included in the list of protected wildlife under the Wildlife Preservation and Protection Act B.E. 2535 (1992). However, the revised Wildlife Preservation and Protection Act B.E. 2562 (2019) expanded the category of protected marine wildlife to include several additional species, such as the Whale Shark and Omura's Whale.

Nevertheless, legal protection for sharks in Thailand currently applies only to certain species rather than to shark populations as a whole, leaving significant gaps in the legal framework for shark conservation.

Regarding to Japan, the protection of coastal ecosystems has been recognized as an important national priority, leading to the enactment of legal measures aimed at regulating fisheries and controlling activities that threaten marine biodiversity, including shark hunting.

Japan acceded to the Convention on Biological Diversity (CBD) on 28 May 1993, and the Convention entered into force for Japan on 29 December 1993. Through its participation in the CBD, Japan has undertaken international commitments to conserve biological diversity, promote the sustainable use of biological resources, and strengthen legal and policy frameworks for environmental protection.

Following its accession to the Convention on Biological Diversity (CBD), Japan enacted domestic legislation to implement its international commitments, including the Basic Act on the Environment (Act No. 19 of 2018). This legislation aims to promote environmental protection and biodiversity conservation, including the preservation of shark species diversity and the sustainable use of marine biological resources.

In addition, Japan has enacted the Basic Act on Biological Diversity (Act No. 58 of 2008), which establishes fundamental principles for the conservation and sustainable use of biodiversity. Under this legal framework, both the national government and local authorities are assigned responsibilities for protecting natural resources and maintaining the sustainability of marine ecosystems, including the conservation of threatened shark species.

Nevertheless, cultural practices involving the consumption of shark meat in Japan continue to pose challenges to shark conservation efforts, as such demand may contribute to the continued decline of shark populations.

In Australia, the principal legislation governing environmental protection and biodiversity conservation is the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which entered into force on 16 July 2000. This Act serves as the primary legal framework for the protection of natural resources and biodiversity in Australia.

The EPBC Act also plays an important role in regulating activities that may threaten marine species, including sharks, and aims to ensure the conservation and protection of shark populations in Australian waters. Furthermore, Australia is a party to the Convention on Biological Diversity (CBD), through which it has undertaken international commitments to conserve biodiversity and implement measures to protect endangered and threatened species that may affect the stability of Australia's ecosystems.

DISCUSSION AND CONCLUSION

In Thailand, shark hunting has historically occurred with limited regulatory precision, resulting in widespread exploitation for both consumption and economic purposes. Such practices have contributed to a significant decline in shark populations, which play a crucial ecological role in maintaining marine ecosystem balance. Consequently, Thailand has sought to address this issue by developing legislative and policy measures aimed at strengthening shark conservation and establishing a more effective regulatory framework.

Initially, the Thai Department of Fisheries introduced national policy measures known as the National Plan of Action for Conservation and Management of Sharks (NPOA-Sharks). This plan focuses on studying shark biology, ecosystems, and patterns of shark utilization in order to assess threats to shark populations and monitor the trade of shark products. However, these measures have been criticized for their limited effectiveness in ensuring long-term sustainability, as they primarily operate as domestic policy instruments rather than binding legal mechanisms.

Subsequently, Thailand strengthened its conservation efforts by engaging with international legal frameworks, particularly the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), in order to regulate shark trade and improve conservation measures. In addition, Thailand developed the National Plan of Action for the Conservation

and Management of Sharks B.E. 2563-2567, which incorporates international conservation principles into domestic policy. These measures include:

- 1) The designation of the Whale Shark as a reserved wildlife species in 2019, followed by the listing of several hammerhead species—including the Winghead Shark, Smooth Hammerhead, Scalloped Hammerhead, Great Hammerhead—as well as the Zebra Shark in 2024.
- 2) Strict prohibition on the trade and possession of listed shark species without authorization consistent with CITES regulations.
- 3) Strengthened law enforcement measures to combat the illegal smuggling of sharks and shark products.

Despite these measures, shark conservation in Thailand remains limited in scope. Legal protection applies only to certain listed species, while other unregulated species continue to be exploited. As a result, shark populations in Thailand continue to decline. This situation highlights the need for Thailand to examine foreign legal frameworks, particularly those of Japan and Australia, in order to develop more effective regulatory approaches.

In Australia, more than 70 shark species are recognized as indigenous marine species. Historically, large shark populations occasionally led to shark attacks affecting tourists and fishermen, which contributed to the emergence of shark hunting for commercial purposes. However, uncontrolled exploitation subsequently resulted in significant declines in shark populations. In response, Australia strengthened its regulatory framework through the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Under this legislation, activities that may significantly impact threatened species require government approval, and strict conservation measures are implemented to protect marine biodiversity. The Act also regulates wildlife trade in accordance with CITES classifications and prohibits certain fishing equipment associated with shark hunting. Furthermore, seasonal restrictions and conservation measures are implemented to support the recovery and sustainability of shark populations.

Similarly, Japan has adopted comprehensive legal and regulatory measures for shark conservation. More than 100 shark species are found in Japanese waters, including both common and endangered species such as the Blue Shark. Shark catches in Japan often occur as incidental bycatch during commercial fishing operations. Fishing activities are regulated through a licensing system administered by the Ministry of Agriculture, Forestry and Fisheries. Japan also addresses concerns related to shark finning, which has been widely criticized for its environmental impact.

Nevertheless, certain regions in Japan, such as Kesennuma, maintain long-standing cultural practices involving the utilization of sharks. In these communities, nearly every part of the shark is used to produce various products, including processed seafood and traditional dishes such as Mouka no Hoshi. This practice demonstrates an approach emphasizing comprehensive and sustainable utilization of marine resources.

Japan is also a party to the Convention on Biological Diversity (CBD), which commits member states to biodiversity conservation. To fulfill these obligations, Japan has enacted important environmental legislation, including the Basic Act on the Environment and the Basic Act on Biological Diversity. These laws promote biodiversity conservation, regulate fisheries activities, and encourage sustainable utilization of marine species.

From this comparative analysis, it can be observed that the three countries adopt different regulatory approaches. Thailand primarily focuses on wildlife protection through species-specific regulation, which results in limited protection for only certain shark species. In contrast, Japan employs comprehensive fisheries regulation, licensing systems, and quota controls that apply broadly to shark populations while allowing regulated utilization aligned

with cultural practices. Australia adopts a biodiversity-centered regulatory approach that integrates environmental law, wildlife trade regulation, and seasonal fishing controls.

Therefore, Thailand should consider reforming its legal framework by strengthening regulatory mechanisms governing shark hunting, expanding species protection coverage, and adopting more comprehensive management strategies similar to those implemented in Japan and Australia. Such reforms would enhance the effectiveness of shark conservation policies and contribute to the long-term sustainability of marine ecosystems in Thailand.

Recommendations

First, Thailand should expand the scope of legal protection for shark species. Currently, only certain shark species are listed as protected wildlife under national legislation. This species-specific approach creates regulatory gaps that allow the continued exploitation of unlisted shark species. Thailand should therefore consider adopting a broader conservation framework that provides protection for a wider range of shark species or establishes comprehensive regulatory controls over shark hunting activities.

Second, Thailand should introduce stricter fisheries management measures similar to those implemented in Japan. For instance, a licensing system requiring fishermen to obtain official authorization before engaging in shark fishing activities could significantly improve monitoring and regulatory oversight. In addition, the establishment of annual catch quotas for shark species would help ensure the sustainable management of shark populations.

Third, Thailand should strengthen the enforcement of existing environmental and wildlife protection laws. Although Thailand participates in international agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), enforcement mechanisms remain limited. Strengthening monitoring systems, increasing penalties for illegal shark hunting and trade, and improving coordination among enforcement agencies would enhance compliance with conservation regulations.

Fourth, Thailand should adopt integrated conservation policies similar to those implemented in Australia under the Environment Protection and Biodiversity Conservation Act 1999. Such policies emphasize biodiversity conservation and ecosystem protection rather than focusing solely on wildlife trade regulation. Seasonal fishing restrictions, habitat protection, and sustainable fisheries management could help restore declining shark populations.

Finally, Thailand should promote greater public awareness and community participation in shark conservation. Educational campaigns encouraging responsible consumption and discouraging the demand for shark products—particularly shark fin soup—can play a crucial role in reducing exploitation. Public awareness initiatives, combined with stronger legal measures, would contribute to long-term conservation outcomes.

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