

Dear Dr Kiene and members of the Marine Stewardship Council Board

MSC Board Meeting February 2020: Shark finning and Fins Naturally Attached policy

We are writing as a wide-ranging group of stakeholders to express our concerns about the ongoing incidence of shark finning in MSC-certified fisheries and the MSC's continued reluctance to implement globally acknowledged best practice to ensure this can no longer continue. Many of the signatories to this letter have already addressed this issue on several occasions through formal engagement with your programme, in direct communication with members of the MSC Board and in previous open letters sent in 2018 and 2019 signed by over 50 stakeholders.

The issue: shark finning

Shark finning is a significant concern to all of us who are working to ensure the future of marine ecosystems and their biodiversity. Besides being an extremely cruel and wasteful form of exploitation of marine life, shark finning is considered an IUU fishing activity in most parts of the world as it hinders reliable stock estimation of threatened shark species and contradicts effective management and conservation efforts. With about 30% of all shark species threatened by extinction within the next few decades, the MSC Board in December 2011 recognised the severity of the issue and resolved that fisheries engaged in finning would not be eligible for certification.

However, nearly ten years later, official data demonstrates that the horrific practice of shark finning is still occurring in certified fisheries, and the MSC has failed to implement effective measures requiring that fisheries must provide verified proof that finning is not happening prior to entering the program. This is not what consumers would expect when buying products marked with the ecolabel of an organisation which has supposedly implemented a ban on the practice, and further action is clearly required to stamp out its continued occurrence.

In theory, the MSC's policy on this issue is very clear, with a core requirement being that the CAB should not certify or maintain certification of a fishery when there is objective evidence that indicates finning is taking place. However, due to the lack of clear requirements, this policy has been subject to interpretation, meaning that fisheries have been able to become and remain certified, despite the existence of such evidence. Scoring on this issue by different CABs has been extremely inconsistent across different fisheries where there is a similar risk of finning.

Fins Naturally Attached: global best practice for prevention of shark finning

While the MSC has long recognised that ongoing shark finning in certified fisheries is an issue, its presently proposed solution – a two-year exclusion for those vessels following a successful prosecution for shark finning – is too weak, particularly given known low detection rates of finning and even lower prosecution rates in some jurisdictions where certified fisheries operate. While such exclusions may be helpful as an additional measure, we do not believe that they alone are sufficient to prevent finning from happening, or that they will be effective in reducing rates of finning without implementation of a Fins Naturally Attached policy and the strict monitoring of compliance with this policy.

'Fins Naturally Attached' at the point of landing stipulates that fishermen cannot land a shark without all of its fins naturally intact on the body and cannot possess, transfer or land shark fins that are not naturally attached to the corresponding carcass. Such policies are viewed globally as the most effective way of reducing illegal shark finning, when combined with effective compliance monitoring, and have thus been adopted by numerous RFMOs and governments, including the UK government, the European Union, United States and Canada, as well as being recommended by the majority of respondents to the MSC's recent shark finning consultation, many of whom felt the 2-year exclusion alone was inadequate.

At present, however, the MSC still does not require such a policy of fisheries that interact with sharks as a condition of entering the program. Furthermore, even a score of SG80 on this indicator can be achieved *either* where all sharks are landed with fins naturally attached *or*, where sharks are processed on board, if there are regulations in place concerning management, documentation of destination of all shark parts and good external validation of the vessel's activities. Nevertheless, there is proof that fisheries have been certified and re-certified, receiving scores of SG80, without a Fins Naturally Attached Policy being in place and where continued finning is happening.

Next steps

It is our belief that the MSC's failure to demand that certified fisheries reflect globally acknowledged best practice in this area from the start of certification by requiring an FNA policy to be in place in all fisheries that interact with sharks represents a significant weakness in the program and that this is a problem which the MSC must be moving much further and faster to address than as part of the upcoming Fisheries Standard Review, which will not result in change on the water until at least 2024, if not later.

We are writing ahead of your upcoming board meeting to express our belief that shark finning should preclude a fishery upfront from entering the certification process and that, before certification, fisheries with a high risk of interacting with sharks, as primary, secondary or ETP species should be required to have a Fins Naturally Attached policy in place and have to demonstrate compliance with such a policy prior to certification. This should be a mandatory requirement for a fishery to receive a score at SG60, regardless of whether sharks are considered a primary, secondary or an ETP species in the assessment.

There must be demonstrated, external verification of compliance with the policy via a harmonised, risk-based minimum level of observer coverage and/or electronic surveillance for all fisheries with similar risks to ensure there is a high probability that finning is not happening in any fishery seeking or having obtained MSC certification. In order to support implementation of the policy, the MSC must improve its technical oversight of CABs' compliance with scoring requirements to ensure scoring is harmonised between CABs and all assessed fisheries within the same risk category (e.g. based on target species, gear type, catch size) to generate a strong incentive for all fisheries in order that the existing ban on finning in MSC-certified fisheries is actively implemented and verified.

In light of the severity of this issue and the already long-running nature of this discussion process, the above changes to this requirement should be made immediately following your January 2020 meeting and should be implemented as a scope change much faster than the upcoming Standard Review. Furthermore, the MSC should actively promote and support introduction of an FNA policy at all RFMOs to facilitate and support fisheries in their attempts to achieve MSC certification.

While the MSC programme and ecolabel is a valuable tool in global fisheries management, to ensure its continued credibility and useful contribution to marine conservation, it is increasingly clear that more must be done to address serious issues such as ongoing shark finning in certified fisheries.

We look forward to hearing from you at your earliest convenience with regards to your views on this matter and would be very happy to set up a meeting for the board with some of the signatories of this letter while you are in London for your board meeting.

Yours sincerely,

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