



## IN YOUR OPINION DO MSC REQUIREMENTS CURRENTLY REFLECT GLOBAL BEST PRACTICE IN MANAGEMENT FOR PREVENTION OF SHARK FINNING?

No.

Far from it. A central weakness is that MSC does not require Fins Naturally Attached (FNA) policies of all fisheries interacting with sharks, something which places it far behind the curve of sustainable fisheries management globally. 'Fins Naturally Attached' (FNA) policies require fishers to land any sharks with their fins intact and have been widely shown to significantly reduce illegal targeting, dumping of carcasses at sea with retention only of fins and live finning. Already a few years ago, a comprehensive review of global finning legislation concluded that "due to the complications presented by the development and enforcement of species and fleet-specific regulations, finning bans which require that sharks be landed with fins attached are ideal. When sharks are landed with fins attached, it is easier for trained observers at landing sites to record the number, mass and species of sharks landed, making data collection and monitoring more straightforward and accurate" (Biery and Pauly, 2012; available at: <http://legacy.seaaroundus.s3.amazonaws.com/doc/Researcher+Publications/dpauly/PDF/2012/JournalArticles/Biery-and-Pauly-Global-species-specific-sharkfin-bodymass-ratios.pdf>). FNA policies also facilitate enforcement. If an FNA policy is in place in a fishery, there can be no ambiguity – if fins are discovered, for example, during a port inspection it is clear that a breach has taken place and that action must be taken. FNA policies have consequently been adopted and implemented by numerous countries and blocs including the EU (2013), US (2010), UK (2009), India (2013), Costa Rica (2006), South Africa (1998), Brazil (2012) and Canada (2019). A number of Regional Fisheries Management Organisations have also adopted FNA policies, such as NEAFC (2014), NAFO (2016) and GFCM (2018).

Given the scale of their adoption, at this stage it is arguable that FNA policies are not simply 'best practice' but increasingly a minimum requirement for fishery sustainability. When so many states and management organisations have had these policies in place for many years, it is concerning and disappointing that an organisation considered by so many decision makers as the 'gold standard' fisheries ecolabel would not.

## DO YOU THINK THERE IS A NEED TO REVISE THE REQUIREMENTS RELATED TO THE PREVENTION OF SHARK FINNING IN THE MSC STANDARD?

Yes.

Absolutely. 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.

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The MSC has demonstrated over the past few months that it was able to adapt its operations rapidly and effectively to the challenges of the coronavirus pandemic; it must also be able to adapt equally quickly to other key threats such as shark finning. The ongoing public consultation stage of the MSC's five-yearly Fisheries Standard Review (FSR) represents an opportunity for the bar to be (much) raised, and the MSC must seize it without any hesitation should it want to stay in the game and not further erode its credibility. There are already plenty of major deficiencies in the MSC processes, so the MSC should at least address this one to keep pretending it cares.

**BASED ON THE RESULTS OF A CONSULTANCY REPORT COMMISSIONED BY THE MSC, FINS NATURALLY ATTACHED (FNA) POLICIES HAVE BEEN IMPLEMENTED IN AROUND HALF OF THE TOP 40 SHARK FISHING NATIONS GLOBALLY. ARE THERE INSTANCES IN FISHERIES MANAGEMENT WHERE IMPLEMENTING A FINS NATURALLY ATTACHED POLICY IS NOT POSSIBLE OR FEASIBLE?**

No.

There is no reason why a fishery could not implement an FNA policy. The loss of economic efficiency caused by FNA policies vs. other policies (such as one based on Fin-to-Carcass Ratios; FCR) should not be retained by the MSC as a valid argument, as the MSC is *supposed* to be an environmental ecolabel, not an economic efficiency one.

**OTHER THAN FINS NATURALLY ATTACHED, ARE THERE OTHER POLICIES THAT COULD DELIVER A SIMILAR LEVEL OF CONFIDENCE THAT SHARK FINNING IS NOT OCCURRING?**

No.

See above. Except a "no shark catch policy" (which would of course result in a higher level of protection), any other policy than FNA would result in further undermining the legitimacy of the MSC and in further jeopardizing shark populations.

**HOW SHOULD ON-BOARD PROCESSING OR CUTTING OF FINS (EG. FOR STORAGE) IN MSC CERTIFIED FISHERIES BE CONSIDERED IN THE REQUIREMENTS?**

If "based on the results of a consultancy report commissioned by the MSC, Fins Naturally Attached (FNA) policies have been implemented in around half of the top 40 shark fishing nations globally", why should we discuss about how should "cutting of fins (e.g. for storage) in MSC certified fisheries be considered in the requirements"? This question seems to imply that FNA is not really an option, although as emphasized above, the implementation of an FNA policy is the only option forward for the MSC. There should be no exemption.

Please note that onboard processing such as freezing, beheading, skinning etc. can be done in compliance with FNA policies.

**PLEASE DESCRIBE THE TYPES AND LEVELS OF EVIDENCE YOU WOULD EXPECT TO HAVE IN PLACE FROM A FISHERY INTERACTING WITH SHARKS, TO PROVIDE CONFIDENCE THAT SHARK FINNING IS NOT OCCURRING AT A 'MINIMUM ACCEPTABLE LEVEL' (I.E. SG60).**

To ensure that "shark finning is not occurring at a 'minimum acceptable level'", an FNA policy must be enforced at all levels (SG60, SG80, and SG100). As highlighted above, FNA policies are easy to enforce, as any stand-alone fin would effectively signify that the policy was breached. There is a wide array of independent verification tools (e.g. electronic monitoring, CCTV, inspections at sea or at port etc.) that can be used to ensure that FNA policies are enforced. Note that although commonly used, human observers should no longer be seen as the ultimate verification tool: they can be bribed... and murdered — included on MSC-certified vessels! — as highlighted by a recent Human Rights at Sea report (<https://www.humanrightsatsea.org/2020/07/03/report-fisheries-observer->



[deaths-at-sea-human-rights-and-the-role-and-responsibilities-of-fisheries-organisations/](#)). Alternative, effective options must therefore be sought at all costs.

**PLEASE DESCRIBE THE TYPES AND LEVELS OF EVIDENCE YOU WOULD EXPECT TO GET FROM A FISHERY INTERACTING WITH SHARKS, TO PROVIDE CONFIDENCE THAT SHARK FINNING IS NOT OCCURRING AT A 'BEST PRACTICE LEVEL' (I.E. SG80).**

See above.

**PLEASE DESCRIBE THE TYPES AND LEVELS OF EVIDENCE YOU WOULD EXPECT TO GET FROM A FISHERY INTERACTING WITH SHARKS, TO PROVIDE CONFIDENCE THAT SHARK FINNING IS NOT OCCURRING AT A 'STATE OF THE ART LEVEL' (I.E. SG100).**

See above.

**SHOULD ALL FISHERIES IN THE MSC PROGRAM (REGARDLESS OF DIFFERENT SCALES AND INTENSITIES) PROVIDE THE SAME LEVELS AND QUALITY OF EVIDENCE THAT SHARK FINNING IS NOT OCCURRING?**

No. This would be meaningless, as there are plenty of fisheries that do not interact with sharks whatsoever. "Evidence that shark finning is not occurring" should only be provided by fisheries that are known to interact or even specifically target sharks (a list of which could be based e.g. on the fishing gear, target species, fishing zone, landing port etc.), e.g. purse seiners and longliners targeting tropical tunas. All these fisheries should be classified as 'high risk' and should "provide the same levels and quality of evidence that shark finning is not occurring".

**WHAT CHARACTERISTICS WOULD YOU USE TO DETERMINE THAT A FISHERY IS 'HIGH RISK' OF BEING ENGAGED IN SHARK FINNING?**

See above. Characteristics including fishing gear, target species, fishing zone, landing port etc. (non-exhaustive list) could be used to determine that a fishery is 'high risk' (i.e. interacting with sharks, with finning therefore potentially occurring) or 'low risk' (i.e. fishery not interacting with sharks). For example, a longline or purse-seine fishery targeting tropical tuna in the Pacific or Indian Ocean should be considered 'high risk', while a pot fishery targeting lobster in Normandy should, obviously, be considered as 'low risk'.

For example, randomly, the PNA fishery, which was recertified in 2018 despite 429 incidents of shark finning having been recorded in the most recent dataset available (2012-2015) represents a serious stain for the MSC's reputation, given that the MSC Board resolved at its December 2011 meeting that shark finning should not be undertaken within certified fisheries... This fishery is obviously 'high risk'.

**WHAT CHARACTERISTICS WOULD YOU USE TO DETERMINE THAT A FISHERY IS 'LOW RISK' OF BEING ENGAGED IN SHARK FINNING?**

See above.

**HOW WOULD YOU EXPECT A ZERO-TOLERANCE POLICY ON SHARK FINNING TO BE IMPLEMENTED IN THE MSC STANDARD?**

With, for once, clear, transparent, and non-interpretable criteria. To begin with, a strict FNA policy should represent the minimum entry point, along with the exclusion of other destructive practices such as poison and explosives (but not only).

Any information related to shark finning for the assessed fishery should also be published in the most transparent fashion. Strong sanctions (i.e. loss of certificate) must also be enforced for any fishery with vessels involved in shark finning.



**THE MSC THEORY OF CHANGE AIMS TO INCENTIVISE IMPROVEMENTS IN FISHERIES MANAGEMENT ON THE WATER. HOW COULD MSC RESTRUCTURE THE REQUIREMENTS ON PREVENTING SHARK FINNING, TO BETTER INCENTIVISE IMPROVEMENTS IN MONITORING CONTROL AND SURVEILLANCE?**

By and large, this theory remains... a theory. In the two decades since its inception, MSC has become the world's dominant marine ecolabel, but its certification of the most impactful fishing practices such as hydraulic dredging, deep-sea bottom trawling, fishmeal fisheries, or fish aggregating devices — coupled with its inaccessibility to many of the world's most socially and environmentally sustainable fisheries — have rang the death knell for many, many stakeholders' hope. In essence, the permissiveness of the MSC standards renders its Theory of Change futile, as rewarding the worst fishing practices essentially caps ambition and weakens incentives for market actors to strive for best practice.

One of the most striking examples of the MSC's failing Theory of Change is shark finning, as evidenced with the aforementioned PNA fishery. Monitoring, control, and surveillance is of course of paramount importance for fisheries management, as any law/regulation remains utterly pointless if not enforced. But the first step is obviously to set the bar sufficiently high, which the MSC should do. Requesting that FNA policies be in place is crucial, should the MSC want to prevent shark finning from happening, and any assessed fishery should show clean hands to prove that shark finning is not occurring (see above).