

## **Note of Seafood Ethics Common Language Group (SECLG) meeting held at Friends House, London. Tuesday 11 July 2017**

For the Seafood Ethics CLG minutes and meeting presentations see:

<http://www.seafish.org/responsible-sourcing/discussion-forums/the-seafood-ethics-common-language-group>

### **1. Welcome, introductions and apologies**

Estelle Brennan welcomed everyone to the meeting.

#### **Attendees**

Ahmad Ansari	SGS Germany GmbH
Aisha Aswani	Co-op
Alice Miller	International Pole and Line Tuna Foundation
Ana Nicula	Ocado
Andrew Nicholson	2 Sisters Food Group
Andy Hickman	Tesco
Annika Mackensen	GIZ
Aoife Martin	Seafish
Barry Harland	Whitby Seafoods
Caitlin Schindler	Lovering Foods Ltd
Catharine Woodhouse	US Department of Labor
Cathy Haenlein	Royal United Services Institute (RUSI)
Chris Shearlock	Princes Ltd
Claire Sammons	Lovering Foods Ltd
Colin McKerracher	BSI Group
Colleen Theron	CLT Envirolaw
Courtney Farthing	Pew Trusts
Darian McBain	Thai Union
David Dickens	Fishermen's Mission
David Parker	Youngs Seafood
Dominique Gautier	Sea Fresh Group
Emi Katoh	MRAG
Emily Botsford	ADM Capital Foundation
Erin Lyon	CSR Asia and Elevate
Estelle Brennan	Lyons Seafoods (Chair)
Fabrizio Barcellona	International Transport Federation
Gerbrand Haverkamp	Index Initiative
Giles Bartlett	Sealord Caistor
Hannah Macintyre	Marks & Spencer
Helen Duggan	Seafish
Huw Thomas	Pew Trusts
Jasmin Gunkar	Compass Group
Jon Whitlow	International Transport Federation
Joseph Prosho	Morrisons
Justine Currell	Unseen
Karen Green	Seafish (Minutes)
Katharine Bryant	Walk Free Foundation
Kevin Powell	Icelandic Seachill
Laura Falk	Sainsbury's
Lesley Fairhurst	Waitrose
Louise Unsworth	Maritime and Coastguard Agency

Lucy Blow	New England Seafood
Laky Zervudachi	Direct Seafoods
Libby Woodhatch	Seafish
Malcolm Morrison	Scottish Fishermen's Federation
Marcus Coleman	Seafish
Maria Varbeva-Daley	BSI Group
Mark McCombe	Caterers Choice
Martin Foley	Apostleship of the Sea
Max Schmid	Environmental Justice Foundation
Michaela Archer	Seafish
Mike Mitchell	Fair Seas
Mike Short	Seafood Industry Alliance
Natasha Zervudachi	Bidvest
Nick Kightley	Ethical Trading Initiative
Nigel Edwards	Icelandic Seachill
Richard Sharpe	Compass Group
Rick Fletcher	Freshtime UK Ltd
Robert Greenwood	NFFO
Ruth Hoban	New England Seafood
Sarah Eames	World Wise Foods
Shona Russell	St Andrews University
Steve Farrer	Liberty Asia
Tracy Cambridge	World Wildlife Fund
Victoria Dodman	Marks & Spencer
Victoria McGarry	Compass Group
Yemi Oloruntuyi	Marine Stewardship Council

**Apologies were received from**

Alma Bonilla	Joseph Robertson Ltd
Ana Himelic	International Labor Affairs Bureau (ILAB)
Anna Shepherd	Anti-Slavery International
Audrey Guichon	Freedom Fund
Dan Lee	Global Aquaculture Alliance
David Hammond	Human Rights at Sea
David Moore	New England Seafood
Duncan Jepson	Liberty Asia
Emily Pearce	Co-op
Hilary Owen	Bidfresh Group
Ingrid Kelling	International Pole and Line Tuna Foundation
Johanna Nyman	Environmental Justice Foundation
Kara Brydson	Seafish
Katarina Peacock	Ocean Fish (Vistgate Ltd)
Louise Herring	Marks & Spencer
Paul Williams	Princes Ltd
Phil Bloomer	Business & Human Rights Resource Centre
Simon Potten	Seafish
Tracey Strauch	Nomad Foods Europe

**2. Minutes of the previous meeting on 25 January 2017 and outstanding actions.  
Estelle Brennan, Lyons Seafood, SECLG Chair.**

The final minutes were accepted as a true reflection of the meeting and have been added to the Seafish web page. Attendees were asked to take note of the meeting guidelines. In the following minutes Seafish will provide a link to the various presentations given at the meeting but not summarise the whole presentation. In the main we do not attribute the comments made at the meeting. Outstanding actions were all about circulating links. All the

presentations were added to the website and the links circulated in the SECLG follow-up email. There were a number of requests for future topics, from these we are covering the following today: RFS update, international efforts, more on the solutions, cohesion/co-ordination of the many initiatives, tools, and standards on offer/in development. There were a number of requests for updates on areas we tend to cover in the newsletter ie Seafood Task Force, Clearview, MSC Good Labour Practice commitment, Seafish Responsible Ports Scheme and ETI 'hot spots'.

### **Three years on – the global direction**

#### **1. We need a Trans-Atlantic, or perhaps Global Modern Slavery Agreement. Patricia Carrier, Business and Human Rights Resource Centre (BHRRC).**

In the UK we are nearly at the end of the first year for the UK Modern Slavery Act (MSA) and the requirement for mandatory reporting for companies of a certain size, and there is a big shortfall in the numbers that should have reported. There is no Government list of companies that should be reporting – 22,000 have reported. These statements show a clear picture of how risk is being mitigated but some of the statements are quite weak re disclosure. However the MSA has galvanised discussion, it has brought these discussions into the Boardroom, advocates within companies now have more leverage and investors are showing a lot of interest. The need for corporate reporting and to have mandatory due diligence plans in place is gaining momentum with developments in Australia and Canada. But there are risks. The global momentum to address modern slavery must not risk national legislation to support workers in the workplace and must not conflict with this. Multiple legislative reporting requirements could create reporting fatigue and we need to ensure that it is just the bare minimum requirements that are being met. The BHRRC is advocating for like-minded Governments to come together to ensure consistency in reporting requirements to ensure that it is not just the bare minimum that is being addressed – there is the option to raise the bar. Under the MSA the Government has not been too prescriptive and has given companies freedom on how they report. There needs to be a level playing field to give larger and smaller companies the same opportunities to comply. The requests going forward are: a central repository run by the Government for statements; to publish a public list of companies required to report; companies who fail to report should be excluded from bidding for Government contracts; and to add public entities to the list of those required to report.

#### **2. Global Slavery Index, supply chain transparency and mandatory reporting. Katharine Bryant, Walk Free Foundation (WFF).**

[http://www.seafish.org/media/1700934/seclg\\_july2017\\_walkfreefoundation.pdf](http://www.seafish.org/media/1700934/seclg_july2017_walkfreefoundation.pdf)

The WFF report 'Harnessing the power of business to end modern slavery' looks at the power of business and the shared interest in supply chains/ Governments have enacted legislation and have a vested interest in ensuring that that legislation is enacted. In the 'court of public opinion' responsible business does not want slavery in their supply chains and consumers do not want to buy products produced by slavery. There has been a shift in the last four years from voluntary initiatives to address human rights issues (which are often sector specific, and work well for those companies who are already doing the right thing) to mandatory reporting which has more leverage even though the MSA is still very light touch and lacks a list of companies required to report and a central repository. The Walk Free Foundation has called on the top 10 economies in the world to enact laws, at least as strong as the UK Modern Slavery Act 2015 with independent oversight and the ability to hold companies to account for slavery in their supply chains. The WFF, through the Global Slavery Index, has created an evidence base showing the estimated prevalence of modern slavery country by country; the 161 government responses to tackling modern slavery; and the factors which explain or predict vulnerability to modern slavery. The WFF is now working in collaboration with the International Labour Organization (ILO) to show levels of modern slavery by Nation State. In addition the WFF is working with the UWA Ocean Institute and the Sea Around Us Project to measure forced labour in IUU fishing to gain a better

understanding of the extent of forced labour in the fishing industry; the correlation between IUU fishing and forced labour; and the link between trade and prevalence.

**Action:** Circulate links to reports.

### **3. Keystone dialogues and the SeaBOS Initiative. Shona Russell, St Andrews University.**

[http://www.seafish.org/media/1700937/seclg\\_july2017\\_keystonedialogues\\_seabos.pdf](http://www.seafish.org/media/1700937/seclg_july2017_keystonedialogues_seabos.pdf)

This was a focus on keystone companies directing global seafood production. The top 10% account for 38% of global revenues which is equal to 18% of global seafood production, 11-16% of global catch and up to 40% of several of the world's largest or most valuable stocks. At the first Keystone Dialogue in the Maldives these keystone actors committed (amongst other commitments) to engage in concerted efforts to eliminate any form of modern slavery. Seafood Business for Ocean Stewardship (SeaBOS) has been created to: share best practices, learn and improve; be a shared voice towards regulators; assess and accelerate existing initiatives; develop and champion norms for sustainable and healthy seafood; become a platform for innovation and proactive strategies. A number of Task Forces have been established including one on IUU fishing and modern slavery,

**Action:** Circulate links.

### **4. The Seafood Stewardship Index (SSI). Assessing the contribution of leading seafood companies to the Sustainable Development Goals (SDGs). Gerbrand Haverkamp, Index Initiative.**

[http://www.seafish.org/media/1700940/seclg\\_july2017\\_seafoodstewardshipindex.pdf](http://www.seafish.org/media/1700940/seclg_july2017_seafoodstewardshipindex.pdf)

The SSI benchmark the contribution of companies to the SDGs closest to their core business. The index clarifies and assesses the contributions companies can make to achieve specific sustainable development outcomes. A new project will focus on the seafood sectors and SDGs 1, 2, 5, 8, 12, 14 and 15. The Index will help companies to better understand the expectations of stakeholders and will in turn demonstrate how companies perform against these expectations. It will give credit to leading companies while holding others accountable. Stakeholder dialogue is taking place in 2017 with the aim to publish the methodology in 2018 and the results in 2019.

#### Discussion

- **Question.** Do you think the SDGs generally are pushing positive change in business practice? **Answer.** Yes and WFF are working with the ILO to look at the correlation between different Government responses. The uptake of the SDGs has been phenomenal with reportedly 60% of businesses seeing a role for themselves in recognising the SDGs. This is a tremendous opportunity to move the SDGs to the business agenda.
- **Q.** There are concerns about ranking seafood companies; this is potentially incendiary with brand reputations on the line. The seafood industry is very complex. Some of the companies listed are primary producers, others are adding value further down the supply chain so there is the potential to be rated more than once. To what extent will the SSI engage with seafood companies directly? **A.** All companies can be involved in the development of the methodology and the SSI will go back to companies to verify information and review findings. Not all the questions will apply to all the companies. Companies will be informed of their final score and the hope is that this will be a smooth process.
- **Q.** The SSI will look at the larger players. Is there any scope to look at smaller scale? **A.** The primary focus is the bigger players however a second step could be a self-assessment benchmarking tool which could look down the value chain. It is very important to understand fully the interactions between large and small scale operators.

- **Q.** How will SeaBOS work? **A.** This is still being set up so has not been determined yet. At the moment the group is trying to establish a secretariat.
- **Q.** How does the WFF determine the reliability of data? **A.** Different sources of data are used. On prevalence this is likely to be a sample survey, GALLOP and primary data. For government response this is likely to be a desk survey to governments with the results analysed by civil society. For vulnerability this will use secondary, publicly verifiable sources.
- **Q.** If only 40% of MSA statements are compliant and there are currently no consequences to this, how will this be highlighted? **A.** Section 54 of the MSA gives some very broad areas for reporting and three areas that must be complied with. Strictly speaking if a statement is not filed the Secretary of State can get an injunction against that company, but as there is no master list of companies this is unlikely to happen. The reality is that there is no real enforcement and no real punishment for those who fail to report to meet Section 54 requirements.
- The impression is that the MSA is light touch however it has expanded the powers of the Gangmaster Licensing Authority and given it more resources to identify issues.

### **Fishermen's safety and human rights and welfare**

#### **5. Cape Town Agreement on the Safety of Fishing Vessels. Courtney Farthing, Pew Trusts.**

[http://www.seafish.org/media/1700943/seclg\\_july2017\\_capetownagreement.pdf](http://www.seafish.org/media/1700943/seclg_july2017_capetownagreement.pdf)

Multiple United Nations agencies have drawn the links between IUU fishing, safety and labour. Two key initiatives: the Port State Measures Agreement and the Work in Fishing Convention are in place and are progressing. However the Cape Town Agreement, which was adopted by the IMO in 2012, will enter into force 12 months after 22 States ratify and to date only seven have. The Agreement covers new fishing vessels of 24 metres and over, operating on the high seas (with a combined total of 3600 eligible fishing vessels). It covers safety provisions; for existing vessels it covers navigational equipment, radio-communication equipment, safety equipment and international Fishing Vessel Safety Certificates. For new vessels it meets the standards of the Agreement as a minimum.

#### **6. Implementation of ILO Work in Fishing Convention (ILO 188) into UK law. Louise Unsworth, Maritime and Coastguard Agency.**

[http://www.seafish.org/media/1700946/seclg\\_july2017\\_ilo188\\_mca.pdf](http://www.seafish.org/media/1700946/seclg_july2017_ilo188_mca.pdf) The Maritime and Coastguard Agency (MCA) is the maritime authority for the UK. They work to prevent the loss of life on the coast and at sea; produce legislation and guidance on maritime matters; provide certification to seafarers and ships; and inspect ships for compliance against UK policy. Seafarer safety and health is not a devolved responsibility – the MCA will implement ILO 188 for the UK (England Scotland, Wales and Northern Ireland). ILO 188 is an international minimum standard regulating living and working conditions on board fishing vessels. It is based on a tripartite agreement reflecting the needs of the fishing industry. It comes into force internationally on 16 November 2017. There is a very specific list of what is included. It will entitle all fishermen to written terms and conditions of employment (a fisherman's work agreement), decent accommodation and food, medical care, regulated working time, repatriation, social protection and health and safety on board and provides minimum standards relating to recruitment and placement. This is supported by the fishermen's organisations. This will improve the living and working conditions for all fishermen working onboard UK Fishing vessels or in UK waters. ILO 188 regulates non-employed (share fishermen) as well as employed ones (the UK has been seeking to extend health and safety provisions to share fishermen for some time. There will also be a requirement for fishermen to be medically fit to work (there are no existing medical fitness requirements for UK fishermen). An eight week public consultation period is due to start in August 2017 and run through to October 2017. ILO 188 comes into force internationally in

November 2017. The target date for UK Regulations to come into force is February/March 2018.

**Action:** Circulate link to consultation once published.

#### Discussion

- **Question.** Has the MCA been in touch with other countries to discuss how they will be implementing ILO 188? **Answer.** That is certainly the aim.
- Once the legislation is in place we need to make sure it works in the UK and work with other countries to make sure it works internationally.
- **Q.** Do you envisage any challenges with implementing ILO 188 and the current mechanisms under which migrant workers come to work on UK fishing vessels? **A.** There could be an impact on recruitment, placement, work agreements etc. it could impact on Visa applications. The medical situation could have an impact as we will have to determine 'medically fit'.

#### Information exchange/Ethics and IUU/transshipment at sea

##### **7. The Truth Is Out There? Using Unconventional Sources to Bring Visibility. Steve Farrer, Liberty Asia.**

[http://www.seafish.org/media/1700949/seclg\\_july2017\\_libertyasia.pdf](http://www.seafish.org/media/1700949/seclg_july2017_libertyasia.pdf)

Steve explained the role of Liberty Asia in visualising the methods and entities involved in facilitating or financially benefitting from slavery and producing a complete picture of 'end to end' slavery to present to the banking sector and banking regulators (all the seafood companies use banks and banks are integral to future growth in the sector). Business is at the heart of human trafficking and there is the belief that human rights issues will become a banking priority in 2018. Banks and business will lead the drive for change not Government, A number of typologies have been produced which are not in the public domain. Two examples were given covering the New Zealand fishing industry from 2007 to 2013 and the situation in Indonesia. In conclusion human trafficking at a level never seen in human history and current strategies are not having enough impact. Financial institutions and trade payments are the key to disrupting the business of slavery. Human trafficking is becoming an Anti-Money Laundering (AML) regulatory priority in 2017. Please note a major section of the presentation was embargoed

##### **8. IUU Fishing and its Security Dimensions. Cathy Haenlein, Royal United Services Institute.**

The Royal United Services Institute (RUSI) is publishing an Occasional Paper 'Below the Surface: How Illegal, Unreported and Unregulated Fishing Threatens Our Security' on 18 July 2017. The Occasional Paper critically analyses current understandings of illegal, unreported and unregulated (IUU) fishing as threats to security. It shows how much IUU fishing takes place on a systematic and industrial scale, across multiple jurisdictions, as a form of transnational organised crime. Such organised, high-volume IUU fishing can involve a range of violent and destructive criminal practices. In particular, there is evidence that high-volume IUU fishing can form part of broader processes of 'crime convergence'. This occurs as IUU fishing offences intersect with other criminal activities, covering multiple illicit commodities, crossing multiple jurisdictions and violating multiple legal frameworks. However, IUU fishing is often treated by governments as the result of technical regulatory infringements and designated a matter for industry regulators. This Occasional Paper calls for a paradigm shift in the way we view and respond to high-volume IUU fishing.

**Action:** Circulate link to the RUSI event and the Occasional Paper when published.

**9. PAS 1550: Exercising due diligence in establishing the legal origin of fishery/seafood products and marine ingredients. Tracy Cambridge, WWF and Max Schmid, Environmental Justice Foundation.**

[http://www.seafish.org/media/1700952/seclg\\_july2017\\_pas1550\\_wwf\\_eif.pdf](http://www.seafish.org/media/1700952/seclg_july2017_pas1550_wwf_eif.pdf)

The aim of the PAS is build on the BRC Advisory Note for the UK supply chain on how to avoid Illegal, Unreported and Unregulated (IUU) fishery products, which was published in February 2015, and to include aspects of traceability and social elements. It is aimed at processors and importers. The PAS gives recommendations on: the considerations within a due diligence system in order to minimise the risk of IUU seafood in the supply chain; the considerations to minimise the risk of a lack of decent conditions at work in the supply chain; and what traceability systems are used to deliver the ability to verify the claim. The PAS is due to be published in July/August 2017. The next steps are to encourage businesses to download and implement the PAS and to support initiatives that reduce the risk of IUU, improve traceability and improve working conditions.

**Action:** Circulate link to the PAS once published.

Discussion

- **Question.** At the last SECLG meeting INTERPOL spoke about 'hidden boards'. Their focus is the catching sector but is that the end of the game? **Answer.** It is not really hidden – you don't have to look very far to identify crime. There is a lot of fleet swapping between entities and a lot of information in the public domain. Interrupting supply is one mechanism to address this.
- Recruitment paths are poorly evidenced and this is a key issue. It is important to identify 'hot spots' and look at those who are benefitting financially.
- **Q.** Have the changes that have been introduced in New Zealand addressed the problems? **Answer.** The New Zealand Government has acknowledged there is a problem and have tried to address it. This has made a difference but the reality is that the problem has changed and this needs to be acknowledged and addressed.

Knowledge transfer

**10. Multi Stakeholder Initiatives (MSI). Erin Lyon, ELEVATE.**

[http://www.seafish.org/media/1700955/seclg\\_july2017\\_multistakeholderinitiatives\\_elevate.pdf](http://www.seafish.org/media/1700955/seclg_july2017_multistakeholderinitiatives_elevate.pdf)

Elevate is the fourth largest global social compliance auditing organisation. MSIs can often be very successful in bringing stakeholders together, defining challenges, sharing different perspectives and finding effective solutions. But the impacts for the intended beneficiaries are not well researched or evaluated. The Roundtable on Sustainable Palm Oil (RSPO), formed in 2004, is one of the most often quoted. This was formed to promote the growth and use of sustainable palm oil products and has moved on into the Palm Oil Innovation Group. Another example is the Electronic Industry Citizenship Coalition (EICC) which has tried to challenge the issues surrounding recruitment. This has highlighted ten things to consider about the future of MSIs namely:

1. Quality of the technical support
2. Cost commitments to sustain and contribute – 10 year maturity
3. Addressing the parallel government track
4. Strength of secretariat and strong governance
5. Member representation and strong governance
6. Cross MSI learnings – collaboration not competition & crowding
7. Data to demonstrate impact
8. Accountability for change
9. Commitment to scale pilots
10. Trust

**Action:** Circulate links to RSPO and EICC.

## 11. Seafish activities – HRRTS and RFS. Helen Duggan and Libby Woodhatch, Seafish.

[http://www.seafish.org/media/1700958/seclg\\_july2017\\_hrts\\_rfs\\_seafish.pdf](http://www.seafish.org/media/1700958/seclg_july2017_hrts_rfs_seafish.pdf)

### Human Rights Risk Tool for Seafood (HRRTS)

The Human Rights Risk Tool for Seafood (HRRTS) is the result of a collaboration between Seafish, the Monterey Bay Aquarium, The Sustainable Fisheries Partnership and Liberty Asia to develop one risk assessment approach to identify and assess the risk of human rights abuses in fisheries worldwide. The aim is to produce risk ratings of human rights abuses by country and fishery. Once a risk has been identified users will be directed to TESS to inform businesses on how to mitigate and engage. Fishery profiles and what they will feature was covered. The risk assessment methodology has been finalised, which incorporates feedback from the peer review. An expert in human rights has been contracted to develop the profiles (with a target of 24 by Spring 2018). A Barents Sea Cod Working Group has been formed to provide feedback against the first updated pilot Fishery Profile. This is currently being reviewed. The HRRTS website is in development to house the database. A peer review of the partially populated prototype is planned by September 2017.

### Action

11.1. If you are interested in feeding back on the Barents Sea cod fishery profile E:

[helen.duggan@seafish.co.uk](mailto:helen.duggan@seafish.co.uk)

11.2. Circulate link to the HRRTS briefing note.

### Responsible Fishing Scheme (RFS)

In the 142 vessels are currently engaged with RFS, including 90 vessels fully certified. This covers: Scotland 70 vessels (44 certified); England 68 vessels (43 certified); Wales 2 vessels (1 certified); Northern Ireland 2 vessels (2 certified); Non certified -1 in technical review, 18 pending audits, remainder to be arranged. In addition in Orkney 16 vessels are trialling the group methodology (application to RFS and certification is likely in autumn 2017). In March 2017 the Seafish Board confirmed its commitment to make RFS a global scheme focused on socially responsible fishing and to appoint an RFS International Working Group to conduct international fisheries pilots, with proposals for a revision of the standard and audit methodology.

- A new RFS (NewOrg) governance structure will be put in place. Seafish is currently initiating the process of commissioning an entity to run, manage and govern RFS on a global scale going forward.
- An RFS International Working Group (an independent group of representatives of harvesting companies or organisations) will fund, manage and run RFS pilots. The pilots will reflect the geographic, species and harvest types of various fisheries and harvesters.
- A draft Vessel Improver Programme (VIP) self-assessment tool has been created alongside an overview of the Seafish RFS VIP process and an RFS VIP Self-assessment validation and recommendations template. External funding has been secured for the RFS VIP Pilot I Ben Tre mixed trawl fishery in Vietnam. A consultant is undertaking an RFS VIP baseline assessment in September 2017. A second VIP Pilot in the Maldives is complete and the feedback incorporated into the VIP Toolkit document.

### Discussion

- **Question.** What is the timeline for RFS internationalisation? **Answer.** 2018 is projected.
- **Q.** Who will fund the international outreach? **A.** An RFS International Working Group (an independent group of representatives of harvesting companies or organisations) will fund, manage and run RFS international pilots.

**12. Date of the next meeting.**

Estelle thanked all the speakers for their insight and commented we are still on this journey but there has been a lot of passion in the room today. The date of the next meeting has not been set but will be in January 2018.