



Mr. Rupert Howes, Chief Executive
 Dr. Werner Kiene, Chair of the Board
 Marine Stewardship Council
 Marine House
 1 Snow Hill
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October 5th, 2018

OPEN LETTER

Dear Dr. Kiene, Mr. Howes, MSC Trustees,

We trust that you are aware that shark finning is unfortunately still happening in the recently re-certified PNA fishery.

This practice continues even though it was banned from 'certified' fisheries, following the MSC's decision of 2011 which states that "fisheries engaged in shark finning would not be eligible for certification to the MSC standard for sustainable fisheries". Between 2012 and 2015, there have been **429 cases of illegal shark finning incidents** that have been reported by observers in the PNA fishery. These incidents occurred while the fishery was being promoted by the MSC as a 'great sustainable choice'. The MSC has also remained silent on the **1,943 silky sharks that were illegally retained** onboard vessels involved in the PNA fishery in direct contravention of Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measures (CMMs).

Despite the ban, however, as well as solid evidence (see below) provided by the NGO community that shark finning was still being carried out, neither the CAB, nor the IA, nor the MSC intervened in the recertification of this fishery meaning that the PNA fishery now carries the MSC label for another five years. Worryingly, the fishery tried to portray shark finning as 'a problem' that occurs only occasionally and made an impassioned plea during an objection hearing for it to retain their certification and continue their activities as usual.

Any environmentally minded individual - from ethical consumers to green business - would be shocked to know that tuna from the MSC certified PNA purse seine fishery is associated with the global shark fin trade, particularly when the MSC claims that their blue MSC ecolabel "represents the world's most recognised and market-leading seafood certification scheme". Building on this claim, MSC's then Standards Director, Dr David Agnew, also claimed that "people buying MSC labelled PNA tuna can be confident that their purchase is making a positive difference to the sustainability of our oceans" – all of this despite the (at least) 429 admitted cases of shark finning. We believe, that both, our ocean and consumers deserve better.

In the attached paper we have shown the extent of the shark finning that still exists in the recently recertified PNA fishery. We believe that the MSC is obliged, under its own commitments to the FAO Ecolabelling Guidelines and ISEAL, to ensure that its claims about sustainability are truthful and do not mislead consumers. We therefore request that the MSC lives up to its commitment to use its eco-label and fishery certification programme "to contribute to the health of the world's oceans by recognising and rewarding sustainable fishing practices" and take the following steps immediately:

1. Constitute an independent review panel of at least 3 technical experts (one of whom is fully versed in the MSC standard and one a barrister with the appropriate legal experience) to re-evaluate the occurrence of shark finning in the PNA fishery.
2. In order to ensure that the review panel has access to all the relevant information and to ensure that proceedings are fully transparent, the MSC and the fishery must agree to provide access to all the following sources of information:

- I. Observer reported incidents of shark finning as well as incidents involving the illegal retention, transshipment and landing of shark fins, through the WCPFC's Regional Observer Programme (ROP), by vessels involved in the PNA fishery. Records should be from when the fishery was certified in December 2011 until the most recent information available.
- II. Observer reported incidents of illegal retention of oceanic whitetip and silky sharks, through the WCPFC's ROP, by vessels involved in the PNA fishery since the fishery was certified in December 2011. Records should be from when the fishery was certified in December 2011 until the most recent information available.

- III. Details and submitted reports of compliance cases, under Articles 23.5 and 25 of the WCPFC Convention, involving sharks in the PNA fishery. This should include cases where Members of the Commission have commenced an investigation into potential violations of the Convention and the relevant shark CMMs by fishing vessels flying its flag or its nationals. It should also include all final reports submitted to the Commission on the outcome of such investigations and all annual reports submitted by WCPFC Members on sanctions imposed in response to violations of the shark CMMs;
- IV. Data on shark finning gathered from High Seas Boarding Inspections (HSBIs), port inspection, trade data, VMS and Secretariat or other reports;
- V. Details of all investigations, prosecutions or other sanctions resulting from shark finning or illegal shark retention in the PNA fishery.
- VI. Documents relating to the effectiveness of the Monitoring, Control and Surveillance (MCS) strategy that is in place to eradicate shark finning.

3. A re-hearing (of the objection hearing) to take place before the Review Panel within 90 days of receipt of this letter. Parties to set out their respective cases on whether the level of shark finning in the PNA is compliant with the MSC standard, as assessed by the certifier, Acoura.

4. The decision of the Review Panel must be final and be accepted by all parties that are part of the objection;

5. If the Review Panel finds that shark finning has been regularly occurring in the PNA fishery it should lead to an immediate suspension of their certificate.

We would urge the MSC to respond to these requests as a matter of urgency.

This is an open letter calling the MSC for action and we respectfully ask you to share this letter with all of your board members and the STAC.

Yours sincerely,

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