9th October 2018

Mary Creagh MP
Chair, Environmental Audit Committee
House of Commons
London
SW1A 0AA

Dear Mrs Creagh,

Questions arising from Sustainable Seas evidence session

During my oral evidence to your Committee’s inquiry into Sustainable Seas on Tuesday 11th September, you asked me to follow-up or provide further information on points that were raised by members. I have also taken the liberty of correcting some factual errors made by one of the witnesses on the panel when talking about the MSC programme. For convenience, I have written my responses in the question order recorded in Hansard.

On the Hook

In Q102, you asked for the financial breakdown of the On the Hook campaign. I note that, following the hearing, On the Hook has changed its website to state that the majority of its funding is from World Wise Foods Ltd. In his answer to Q107, Mr Redfern appears to agree with Ms Lucas that World Wise Foods Ltd would stand to benefit commercially if the On the Hook campaign against the certification of the PNA Fishery were to be successful.

Shark finning in the PNA fishery

Following Mr Goldsmith’s request in Q127, I have included examples from the public domain of sanctions taken against vessels that broke the shark finning ban in the PNA fishery. The total number of shark finning incidents is 429 over a four-year period, as Mr Goldsmith states in Q120, Q121, Q122, and Q123. However, this four-year total overlooks the sharp downward trend over those four years which means that, during its engagement with the MSC programme, shark finning has nearly been eradicated in this fishery.

This trend is illustrated in the graph on the next page:
2015 remains the latest data set available. The auditors are also waiting for the 2016 and 2017 data sets. These can take some time for the relevant authorities to collate, synthesise and report on, so it may be some time before this data can be provided to the inquiry.

An independent review

Mr McNally (Q152) asked if we would agree to an independent review of how the system works and I would like to provide more context to my response. The most recent independent review, conducted by the Global Sustainable Seafood Initiative in 2017, gave the MSC the highest scores of any standard it has reviewed, gaining extra credit for requirements on deep sea fishing, vulnerable marine ecosystems, and data collection to demonstrate impact. Even without these extra credits taken into account, the MSC programme was still the highest-scoring scheme assessed.

The MSC has been in the process of reviewing its Standard since January 2018 and this will incorporate the submissions from On the Hook and Make Stewardship Count and other stakeholders.

The proposal by Shark Project – in their submission to your inquiry – to complete the review by the year end suggests they do not appreciate the scale of the task of reviewing a 700-page Standard alongside new developments in science and fisheries management. Several of the submissions to this inquiry including Magenex International, the Western Australian Fishing Council and Accreditation Services International, recommend against the approach suggested by Shark Project.

If we reacted to every stakeholder demand to review our programme in response to their specific concerns about a particular fishery, we would sacrifice the independence of our programme that Mr McNally’s question proposes. This again is why we submit to internationally accepted procedures for standard setting best practice, against which the credibility of the programme is benchmarked. This requires that we adopt clear Terms of Reference, provide free opportunities for stakeholder to comment, conduct the process in a transparent manner, and adhere to our clearly defined and inclusive governance structure.
We have been preparing our periodic standard review since January, incorporating the submissions from On the Hook and others. As part of our Fishery Standard Review, we have identified 25 key project areas including:

- Endangered, Threatened and Protected species,
- ecosystems,
- definition of the primary target species in mixed fisheries,
- fishery management,
- a review of the implementation and outcomes of the Standard and its application

**Company Vs product sustainability**

Ms McCarthy stated in Q112 that “companies are getting away with declaring themselves to be sustainable”. The MSC programme is clear that only the labelled product is sustainable – not all of a company’s activities. Late last year, the Dutch Advertising Code (equivalent to the Advertising Standards Authority) reviewed this issue as part of a complaint brought by World Wise Foods against Princes. In its decision the College van Beroep (the highest authority on the Dutch Advertising Code) noted that a Dutch consumer standing in front of a shelf of tuna will navigate mostly on the basis of the MSC ecolabel.

In the notes accompanying the final verdict, the College noted that, as the complainants World Wise Foods had stated, the Dutch Advertising Code holds advertisers to a very high standard on making sustainability claims. The College noted that MSC labelling gives consumers the confidence that the seafood they purchase is from a sustainable source. This, combined with ocean-to-plate traceability and the MSC’s reputation as a renowned institute, means they judge that the contents of the package meet that high bar to be described as ‘sustainable’. This is tribute to the credibility and assurance provided to consumers by the MSC program, as illustrated by the MSC label’s ranking as “top ecolabel” by Dutch environmental consumer agency Milieucentraal.

**Unassessed Vs Unsustainable**

Ms McCarthy also asked in Q116: “Unassessed means they are sustainable but you just have not got around to it; is that what you are trying to imply?” This is clearly not the case. Unassessed fisheries are fisheries where the sustainability is not known. If they submit to an MSC assessment – normally lasting 18 months and subject to extensive peer-review and stakeholder involvement – then we will be able to answer the question of the fishery’s sustainability. It is not – as Mr Redfern later asserted in Q140 a ‘flip of a coin’.

**Mr Redfern’s factual errors about the MSC**

Mr Redfern made a number of inaccurate statements in his evidence and I would like to take the opportunity to correct some of these here. For example, in Q138, he appeared to confuse
the UK and EU organic regulations with the voluntary Soil Association certification that I referenced in my answer to Q109.

Mr Redfern also asked in Q98 why the Maldives fishery was MSC certified and the Azores fishery – from which he buys his tuna – was not. The simple answer is that the Maldives fishery has completed the voluntary MSC assessment while the Azores fishery has chosen not to.

In his response to Q140, Mr Redfern inaccurately described the three principles of an MSC assessment as “science, management and methods”. The three principles are: stock status, environmental impact, and fishery management. Mr Redfern also misrepresented the MSC Theory of Change and I have included a copy of the document with this letter for you to review in more detail. I would particularly like to draw your attention to p5: Improving the performance of fisheries globally.

I hope this is helpful to the Committee, but please do get in touch with my office if you require any further information or clarification.

Yours sincerely,

Rupert Howes
Chief Executive
Marine Stewardship Council
Harnessing Market Forces for Positive Environmental Change

The MSC theory of change

The market incentives created by the existence and operation of the MSC program, and its uptake by major global buyers of seafood, are at the core of how the MSC promotes positive change in the world’s fisheries.

Introduction

The MSC operates a certification and ecolabel program based on a scientifically robust standard for assessing whether wild-capture fisheries are ecologically sustainable and well-managed. Fish products from fisheries that meet the MSC’s standard are eligible to use the MSC’s blue ecolabel or otherwise make a claim that they are MSC certified.

The MSC’s mission is to use this certification and ecolabel program to contribute to the health of the world’s oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood and working with our partners to transform the seafood market to a sustainable basis. We work collaboratively with the fishing industry, seafood business sector, governments, scientific community, environmental groups and others to give retailers, restaurants and consumers an opportunity to choose and reward sustainable fishing through their seafood purchasing choices.

Creating market incentives to improve the world’s fisheries

The MSC program is designed to create market incentives to reward sustainable fishing practices. When any buyer chooses to purchase MSC certified fish, certified fisheries are rewarded for their sustainable practices through that market preference. MSC and its partners encourage processors, suppliers, retailers and consumers to give priority to purchasing seafood from MSC certified fisheries and to demonstrate this through use of the MSC logo. Globally, buyers in major markets have made strong commitments to purchase sometimes up to 100 per cent of their wild-capture fish products from MSC certified fisheries, and these commitments are increasing.

These purchasing preferences increase the global demand and market access for certified sustainable seafood and provide the critical incentives needed for fisheries to undergo the rigorous and transparent assessments required in the MSC program. The same incentives also provide a significant influence on many fisheries that are operating below the MSC standard. If such fisheries want to enjoy these market rewards, they will need to reduce their environmental impact and improve their management practices to become eligible for certification. This “pull” for certification and the improved performance required in many cases in turn improves the stewardship of the world’s oceans and enables many fisheries to better compete in a global marketplace that increasingly demands proof of sustainability.

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MSC is not alone in seeking to improve the stewardship of the world’s oceans – governments, industry associations and environmental groups are also working toward this goal, using an array of approaches. While our approach differs from that used by other organisations it is designed to complement them, and we believe that together we will contribute to significantly reducing the environmental impact of fishing.
Defining and assessing sustainability –
the MSC standard and scoring system

Assessing a fishery's sustainability is complex. But the basic concept is simple – current catches should be at levels that ensure fish populations and the ecosystems on which they depend remain healthy and productive for today’s and future generations’ needs.

To assess sustainability involves looking beyond just the amount of fish caught and the stock’s ability to regenerate. It also requires review of a multitude of factors, such as the dependence of other animals on those same fish, the impact of the unwanted catch of other species and the review of the fishing methods used and their impacts on habitat.

The MSC’s standard for sustainable fishing is comprised of three core principles that require:

1. healthy fish stocks;
2. that the fishery does not jeopardise the supporting ecosystem; and,
3. that management systems ensure the long-term future of all resources.

Based on this standard, the MSC assessment process reviews 31 specific questions about the fishery's performance and management to determine a fishery's sustainability. These “performance indicators” (PIs) are grouped under each of the MSC’s three main principles described above.

Each of the 31 PIs is scored on a 1-100 scale, with the 60, 80 and 100 levels defining key sustainability benchmarks. These benchmarks correspond to levels of quality and certainty of fisheries management practices and their likelihood to deliver sustainability. These benchmarks were derived from the experience of fisheries managers, scientists and other stakeholders worldwide. The MSC’s “scoring system”, has been developed over the past decade with the help of many hundreds of international fisheries and environmental experts.

As scores increase from 60 to 100 there is greater certainty that the fishery is more resilient to fishing pressure and natural changes in the ecosystem and has a lower risk of falling below the minimum performance level required by the standard.

A score of 60 represents the ‘minimum acceptable limit’ for sustainability practice that is established in the MSC’s fisheries standard. This limit provides assurance that the basic biological and ecological processes of all components impacted by the fishery are not compromised now or into the future (see graphic below).
The MSC standard and scoring system

A score of 80 conforms to the sustainability outcomes expected from fisheries management systems performing at ‘global best practice [1]’ levels and confers increased certainty about the fishery’s continuing sustainability.

A score of 100 represents the performance expected from a ‘near perfect [2]’ fisheries management system; one that has high levels of certainty about a fishery’s performance and a very low risk that current operations will result in detrimental impacts to the target stocks and supporting ecosystem.

A minimum score of 60 is required on each of the 31 PIs to qualify for MSC certification. However, the MSC program requires a higher level of assurance and performance than this minimum benchmark. To pass an MSC assessment a fishery must achieve an average score of 80 for each one of the three Principles, determined by the average of the PI scores under that Principle. Further, any PI that scores less than 80 must be improved to the 80 level over the course of the fisheries certification and usually within five years[1]. The MSC program very consciously allows fisheries to qualify for MSC certification without meeting the 80 level on all indicators. MSC believes the movement of fisheries from the 60 to 80 levels is a positive outcome for the world’s fisheries and directly in line with the MSC’s vision. This is one of the tenets of MSC’s theory of change.

Similarly the MSC program does not require performance at the 100 level in order to become certified. The 100 level recognises that higher performance is possible on any given indicator, but there are very few, if any, fisheries in the world that could achieve that level of performance across all PIs defined in the MSC standard.

A fisheries certificate is valid for five years provided that annual audits establish that the fishery continues to meet the MSC standard and is making adequate progress on required PI improvements.

[1] Generally accepted fisheries management methods and processes that have proven themselves over time to deliver long-term sustainability outcomes. They have been derived from review of fisheries management practices globally.

[2] There can be variances to this requirement in exceptional circumstances.

MSC sustainability benchmarks and scoring

<table>
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<th>Risk / Certainty</th>
<th>Certainty / Max Allowed Risk</th>
<th>Min Acceptable Limit</th>
<th>Global Best Practice</th>
<th>Near Perfect</th>
<th>Unconditional Pass</th>
<th>Conditional Pass</th>
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www.msc.org
Assessment and process

Assuring credibility through independent assessment and robust process

MSC adheres to the most rigorous international standards applicable to certification programs, including the use of third-parties to assess fisheries against the standard and decide whether to award certification. MSC itself does not perform the assessments. That work is done by professional certification companies who are held accountable and overseen by a separate accreditation organisation. This approach is used in all major certification and audit programs, and parallels the use of independent certified public accountants to audit the financial statements of businesses and nonprofit organisations.

To ensure rigor and objectivity, the assessment process is highly transparent and is open to the scrutiny of all interested parties. Anyone with an interest in the fishery is notified of the assessment and invited to provide information and comment. The assessment is undertaken by a team of highly-qualified and independent scientists who are hired by the certifier. The selection of the team cannot be concluded until public comment is sought on the suitability of the proposed candidates.

The assessment results are described in a series of reports produced by the certifier and the scientific team. The report lists the scores assigned to each PI and the rationale for each score. Additionally, the entire assessment and the scoring are subject to peer review by at least two further qualified scientists to ensure that these rationales are justifiable. When the peer review comments are incorporated a revised report is made available for public comment. A final report incorporating all public comments and associated changes is then produced, which determines whether the fishery does or does not meet the MSC standard.

This final report and determination can also be questioned through an appeal (called an “objection”) by any party who participated in the assessment. Objections to the scoring justifications or the assessment process are processed, heard and judged by an independent Adjudicator, who is a lawyer with experience in fisheries cases.

Once certified, fisheries and other segments of the seafood supply chain are eligible to use the MSC ecolabel or otherwise claim that products from that fishery are from a well managed and sustainable (MSC certified) fishery. Use of the MSC logo or the claim requires further independent verification and assurance of traceability. The MSC requires all companies processing certified fish to have in place traceability systems that ensure no product mixing or substitution can occur. Checks that confirm a product’s unadulterated progress through the supply chain are undertaken as well as periodic genetic testing to verify the fish species.
Improving the performance of fisheries globally

A core tenet of economics is the powerful effect of incentives and how they shape behaviour. This has proven true in the case of the MSC’s market-based program and global fishing. Many of the fisheries initially undertaking assessment against the MSC standard were well operated and had to make few changes to meet the standard. These pioneers provided the foundation for MSC to become established and the market’s recognition of these fisheries has provided the necessary incentives for other fisheries to follow.

Many fisheries achieving certification recently have made more substantial changes to improve their environmental performance prior to entering the assessment process to attain the MSC standard.

This is where the MSC will deliver its greatest contributions to environmental sustainability and this is becoming clearer as the program matures. There are many current cases throughout the world where fisheries are engaging with governments and non-governmental organisations to take the actions needed to improve their performance. In many of these cases, they are using the MSC standard as the benchmark against which to measure themselves and are creating “fishery improvement plans” and partnerships to address performance issues identified.

The improvements the MSC program incentivises will help safeguard healthy fish populations for future generations, supported by healthy habitats and robust ocean ecosystems and that fisheries management systems are effective in ensuring that these benefits can be sustained for the long-term. These transformations are the promise of the MSC, and an unprecedented example of markets transforming fishing practices for a sustainable future.

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The crew of the Ekofish Group North Sea plaice fishery at a press event to celebrate their certification.
A US Congresswoman has introduced legislation to restore Medicaid coverage for people from Compact of Free Association (COFA) islands living in the United States. Rep. Colleen Hanabusa (Hawaii) recently introduced HR 912, Restoring Medicaid for Compact of Free Association Migrants Act of 2013. If passed, the bill would amend Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which restricts access to federal public benefit programs and bars COFA migrants from access to Medicaid. Because of this, COFA migrants are currently ineligible for the expanded Medicaid benefits under the Affordable Care Act (ACA).

“This bill is sorely needed to fulfill our diplomatic and strategic military commitments and to restore safety net health care coverage for COFA migrants who contribute to the American economy, yet are unfairly denied access to quality health care programs,” said Kathy Ko Chin, president and CEO of Asian and Pacific Islander American Health Forum. “We strongly support the efforts of Rep. Hanabusa and her co-sponsors, Reps. Madeleine Z. Bordallo (Guam), Eni Faleomavaega (American Samoa), Gregorio Sablan (Northern Mariana Islands) and Tulsi.

Subscriptions to the Journal Online are $57 a year using PayPal. Click on the Subscribe button to purchase a subscription using your credit card.
The Forum Fisheries Agency is gearing up to upgrade its fisheries monitoring in the Pacific by hiring a new firm to manage its regional surveillance program. MIMRA Director Glen Joseph is in Honolulu this week as a member of the FFA panel that is interviewing representatives of three short-listed companies. They are looking at two companies from Europe and one from Australia.

The FFA panel will recommend one of the companies to the annual meeting of the Forum Fisheries Committee, which is scheduled for next month in the Solomon Islands. A hiring decision is expected to be made at the meeting.

FFA has coordinated management of the vessel monitoring system (VMS) for many years. All fishing vessels in the Pacific are required to have VMS equipment on board that continuously transmits via satellite position data to the FFA in Honiara and to the island nation in whose waters the vessel is fishing or transiting.

Joseph said because of overlapping fisheries monitoring and management in the region, which includes the FFA, the Parties to the Nauru Agreement (PNA), and the Western and Central Pacific Fisheries Commission, there is a need to improve and integrate new features into the surveillance system, which is why FFA is planning to hire a private sector firm to work in the Solomons to manage the system.

The VMS involves monitoring vessels not only from Asia and the US but also from the European Union. “From the nuts and bolts operational side, we need to tweak the system by updating our use of technology,” Joseph said. The FFA panel will be attempting to determine which of the companies shortlisted for the job “can deliver the best technical capability,” he said.

A vessel operating under the Marshall Islands Fishing Venture has been fined $120,000 and had its license permanently suspended.

MIMRA Director Glen Joseph confirmed the fine on Friday and said shark fins and skins confiscated from the MIFV long line fishing vessel will be publicly burned in the near future.

“We will not relicense it to fish in RMI waters,” he said of the offending vessel. The vessel is flagged in the Federated States of Micronesia.

The message we want to get out to anyone operating in Marshall Islands waters is we are serious (about the shark ban), and it is the law,” Joseph said. “If you are licensed to fish for tuna, this is what you should catch,” he added. “We don’t want to find other species when we do inspections.”

Joseph noted that all vessels that come into Majuro for transshipment are subject to boarding and inspections. MIMRA and Sea Patrol cooperate in these checks on fishing vessels.
Will Wally break the record this weekend? US triples fee to fish in Pacific

Friday this week is an official RMI holiday for National Fisherman’s Day and it will also be the first day of fishing in the Marshalls Billfish Club’s annual tournament. This year will be the 30th such affair and the subject generating the most buzz around Majuro heading into the two days of fishing is the President’s Cup, which will be awarded as usual to the angler who has scored the most points in club competitions conducted since the previous annual tournament last July.

Wally Milne is the current point leader after his 550 lb. marlin in the June 23 Lazurus Andrik event gave him 3,839 total points. That vaulted him past Ronnie Reimers, whose “donut” that day left him in second place with 3,494 points.

One of those two club co-founders is almost certain to win this year’s Cup, given that third place Kyle Aliven is more than 2,000 points behind Wally, but whichever one it is will set a new performance standard in President’s Cup history.

Ronnie was the first winner of the outstanding angler of the year award in 1988 and he has won it a total of six times, tied with Bwiji Aliven for the most Cup titles.

Wally has won it the past two years, becoming the fourth angler to win it back-to-back, but no one has ever reeled in a “threepeat” in the 24 years of the cumulative point competition.

Anton deBrum won consecutive Cups during the 1990 and 1991 competitions when he was the Fishing Master on teams captained by Wally but his streak was brought to an end by Baron Bigler in 1992, who was Fishing Master for his father-in-law Ronnie in that year’s competitions.

Bwiji Aliven won consecutive Cups in 1999 and 2000 but surrendered it to Tira Keju following the 2001 annual tournament. And Ronnie won it in both 2002 and 2003 before Scott Howe put together a strong campaign to win the Cup in 2004, ending that streak.

Uliga Dock will serve as tournament headquarters for boat checkout and weigh-in on both Friday and Saturday and the general public is warmly invited to watch the proceedings, enjoy a cold beverage and a bite or two of barbecue, and experience the excitement of the 30th annual tournament.

Three runners who qualified to move onto the preliminaries were Australian athletes who will prepare for the 2012 Summer Olympics Games that open in London later this month.

Garstang had a disappointing showing in the men’s 100-meter dash, finishing far off the pace at 12.56 seconds. The race was won by New Zealand sprinter Isaac Taito, who took the gold in a speedy 10.65 seconds. Jamodore Latifa ran the 100-meter preliminary race in 12.14 and the finals in 12.20. Latifa also ran in the 200-meter race, finishing in 25.69 seconds. — 14th out of 15 runners who qualified to move onto the finals heat.

President’s Cup Winners

1988 Ronnie Reimers
1989 Helly Kajoejno
1990 Anton deBrum
1991 Anton deBrum
1992 Baron Bigler
1993 Ronnie Reimers
1994 Bwiji Aliven
1995 Ronnie Reimers
1996 Bwiji Aliven
1997 Redmond Simeon
1998 Ladie Jack
1999 Bwiji Aliven
2000 Bwiji Aliven
2001 Tira Keju
2002 Ronnie Reimers
2003 Ronnie Reimers
2004 Scott Howe
2005 Ronnie Reimers
2006 Anja Antakbon
2007 Bwiji Aliven
2008 Anja Antakbon
2009 Bwiji Aliven
2010 Wally Milne
2011 Wally Milne

US Ambassador Martha Campbell and Foreign Minister Philipp Muller cut a cake Tuesday at an Embassy party marking July 4, the 236th anniversary of US independence. Campbell noted that this year is also the 25th anniversary of her initial arrival in RMI. Photo: Rachel Bigler.

Three fishing vessels were caught with shark skins, fins and carcasses on board by the Marshall Islands Marine Resources Authority (MIMRA) last month. Taiwan-flagged Eastern Star and Spanish-flagged Albacora Uno were fined $55,000 each by MIMRA. Both vessels are represented locally by Uliga Shipping Agency, Majuro. The confiscation materials included two bags full of dried shark skins and fins for Eastern Star and 18 shark carcasses for Albacora Uno.

Meanwhile, RMI-flagged Koo’s 107 was penalized for a bag full of shark skins and fins. The vessel is still undergoing its case with MIMRA. Penalty for the vessel has not yet been decided. MIMRA enforcement officer Marcella Tarkwon, in referring to MIMRA Act Title 61 under the RMI law, stated that vessels settle their cases with MIMRA instead of going to court. “All three fishing vessels were caught in Majuro lagoon during off loading,” said Tarkwon.

Nemra wins second place in 200m dash

Marshall Islands runner Haley Nemra took second place in the 200-meter dash at last week’s Oceania Regional Championships in Cairns, Australia.

She and runner Timi Garstang are leaving Australia this week for England, where they will prepare for the 2012 Summer Olympics Games that open in London later this month.

Garstang had a disappointing showing

From page 1

The Marshall Islands Journal — Friday, July 6, 2012
MEMORANDUM

TO: Fishing Companies, Fishing Associations, Companies, Agents and General Public
FROM: Glen Joseph, Director of MIMRA
Date: November 30, 2011
RE: NOTICE ON TOTAL BAN ON SHARK.

Please be advised that the Republic of the Marshall Islands has passed new amendments to its Fisheries Laws which are codified under Marshall Islands Revised Code Title 51. This serves as a courtesy notice. The amendments became Public Law 20011-63. These Law came into force on October 17, 2011.

Part IV of PL 2011-63, generally prohibits; commercial shark fishing, taking of shark, possession or transfer of any part of the shark, sale and trade. Any shark that is inadvertently caught, or caught as a by catch shall not be retained whether dead or alive. One of the exemptions is fishing for shark for subsistence use. Violation of Part IV attracts a severe penalty of a minimum fine of $25,000 and a maximum fine of $200,000 in addition to an amount equivalent to the value of shark fins confiscated. You are encouraged to obtain independent legal advice on the new amendments as this Notice is not a legal advice.

Copies of the PL 2011-63 can be obtained either through the Nitijela’s Office or upon request to MIMRA.

We thank you for your cooperation and understanding in the effort to conserve our marine resources.