

Re: Regarding MSC and sourcing of fish products from occupied Western Sahara



From Erik Hagen <erik@wsrw.org>
To Sarah Grainger <Sarah.Grainger@msc.org>
Cc <coordinator@wsrw.org>
Bcc
Reply-To <erik@wsrw.org>
Date 2024-12-25 17:45

WSRW-CongelatsdelNord_25.12.2024.pdf (~898 KB) WSRW-Nuchar_25.12.2024.pdf (~913 KB) WSRW-Elreydelpulpo_25.12.2024.pdf (~865 KB)
WSRW-3depulpo_08.12.2024.pdf (~865 KB) WSRW-Unimer_08.12.2024.pdf (~572 KB)

Dear Sarah,

Thank you for your answer to us on 13 December 2024 of the mail we sent to you on 29 November.

We totally understand MSC's non-political nature. Regarding Western Sahara, we believe it is therefore important to emphasize the valuable guidance provided by the international court rulings we referenced.

Thank you also for your specific comment regarding Congelats del Nord and that you reached out to the company in relation to their incorrect reference to MSC.

There were some questions in our initial mail to you that remain unanswered. Because of this, we are still not yet totally understanding the context in which MSC's name is used in relation to the trade of products from the territory by a few specific companies. The references to MSC made by certain companies clearly can give an impression that MSC approves of the trade or of the companies' behaviour, even though it is probably not correct to assume.

As such, we would highly appreciate if you would be able to respond to the non-answered questions in our previous mail, including regarding the company 3 de pulpo (question series 3), El Rey del Pulpo (question 5) and Nuchar (question 4) and the overall conversations with COMAIP (question series 7).

The three above-mentioned Spanish companies are in different ways very specifically using MSC's name in its marketing.

Two of them do that on the same page as they are incorrectly marketing products from Western Sahara as being Moroccan. We reached out to 3 de pulpo and the Moroccan company Unimer on 8 December 2024 for clarifications of the MSC relationship, but they have so far failed to answer. We also wrote to El Rey del Pulpo, Nuchar and Congelats del Nord on 25 December 2024. See our letters to them attached to this email.

Taking into account your important information that there are no MSC certified fisheries in Western Sahara, then, logically, a company like El Rey del Pulpo would be gravely misleading its readers when stating that it "supports the Marine Stewardship Council, the blue label supporting certified fisheries, and sustainable fishing. We actively support certified octopus fisheries in the areas where we operate". The MSC claim is made on the same website where it informs about its rather controversial trade.

Based on the above, we have three further questions that we hope to see clarified.

1.
We sometimes observe companies (from different sectors) claiming publicly to be on their way to join a certification scheme or responsibility initiative, often for many years, without ever making efforts to fully join. In this context, it frustrates us to see companies making statements like "Unimer Group has embarked on an initiative to obtain MSC..." or, from 3 de Pulpo, that it claims to be in "In the process of certification according to IFS, BRC and MSC regulations".

Does MSC have routines to reach out to 'freeriding' companies who are neither certified nor affiliated with MSC, in order to prevent them from misleading their readers/clients about future hypothetical MSC certifications?

2.
We notice that Congelats Del Nord now has changed its website. We find it baffling that companies like this can claim that (as was written before) "We are part of a Fishery Improvement projects with the MSC (Marine Stewardship Council) to further provide sustainability options to the fishing industry" if it is not true.
We have noted that during the month of December, after your intervention, the company has changed the formulation into "We are part of Fishery Improvement projects, working towards Marine Stewardship Council Standards...."
The statement above is made on the very same website article that repeatedly make very incorrect statements of the country of origin of its products.

Will MSC, particularly in light of its non-political nature, consider reaching out to Congelats del Nord again to instruct them that MSC's good name should not be used in a context where the company is misleading its clients by erroneously and fraudulently referring to the wrong country of origin of its products, in disrespect of the principles established by the international courts and the United Nations?

3.
Since our last letter to you, we have noticed that El Rey del Pulpo claims that its supplier "Discefa joined the Marine Stewardship Council (MSC) to protect ocean life". <https://www.elreydelpulpo.com/en/octopus-for-business/> Such MSC reference is also made on the website of Discefa <https://www.discefa.com/en/sustainability/>.

We cannot find Discefa in the MSC registry. Does Discefa have a MSC certificate?

If yes, what are the risks that a MSC certificate to a company's operations in or imports from Location A can be used to normalise or greenwash an unsustainable practice carried out by the same company in/from Location B?

We wish to again thank you for your answer to our previous letter. Looking forward to hearing from you again.

And Merry Christmas!

Sincerely,

Erik Hagen
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