



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

BRUNEI DARUSSALAM – COUNTRY REPORT

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IUU RISK INTELLIGENCE

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **Brunei** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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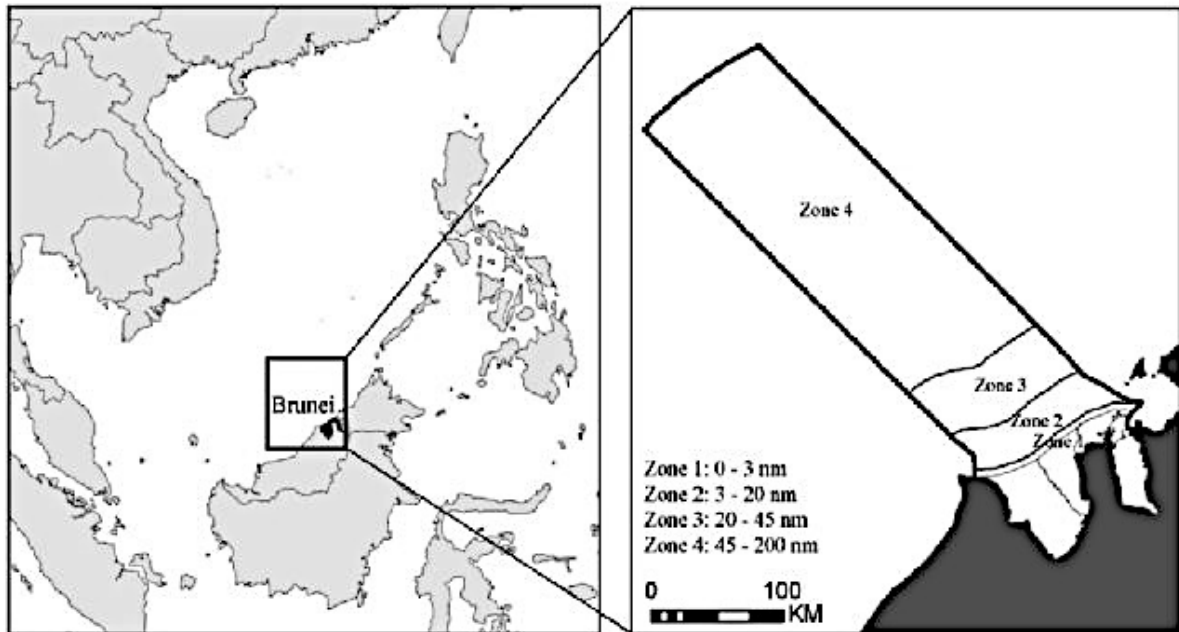
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BRUNEI DARUSSALAM – COUNTRY REPORT



Brunei EEZ map¹



FAO landings (2013): 4000 tonnes

Fisheries contribution to GDP (2014)²: 0.3%

Law of the Sea (Ratification/accession): 5th November 1996

Coastline: 161 km

RFMO Membership: None

Patrolling agencies: Royal Brunei Marine Police, Royal Brunei Navy

Rank	Priority for maritime security tasks
1.	Protection of oil and gas installations
2.	Narcotics trafficking
3.	Illegal Fishing

¹ http://www2.warwick.ac.uk/fac/sci/lifesci/study/pgr/currentstudents/lrfs/r_profile/background/

² This GDP figure is inclusive of Agriculture, Forestry and Fisheries.

SECTION 1: MCS INFRASTRUCTURE

- 1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?**

Score: 7

Score Range: 5-7

Yes, to a moderate extent for effective patrolling in territorial waters with regular patrols and MCS operations to check fishing vessels on a regular basis within the entire EEZ. Offshore waters remain exposed to illegal fishing from foreign fishing vessels (*mostly from Vietnam, China, Thailand & tuna vessels from Taiwan, and China*) (Anon, *pers.comm.*, 2016).

Brunei navy has 11 patrol and coastal combatant vessels (IISS 2013). See Goldrick and McCaffrie (2013); Jumat (2014); DWP (2011) for more information.

- 2. Does the country have adequate trained officers to conduct MCS operations?**

Score: 5

Score Range: 3-5

Such data is not publicly available. No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

There are adequate officers at disposal in Brunei Navy, Brunei Marine Police and Department of Fisheries for maritime enforcement duties. Although, their effective use falls short of expectation for fisheries control duties due to shifting priorities in coastal waters (Anon, *pers.comm.*, 2016).

- 3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?**

Score: 5

Score Range: 3-5

Brunei does not possess such capabilities. However, Brunei flagged fishing vessels do not fish beyond territorial waters. Except for few detentions in Malaysia there is no reported illegal fishing activity by Brunei flagged vessels on the high seas. At present, there is no national policy restricting activities of Brunei flagged vessels on the high seas, but most of the intrusions into

neighbouring waters by small boats are only accidental (Anon, *pers.comm.*, 2016).

4. **What proportion of fishing vessels above are equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?**

Score: 0

Score Range: 0-0

Vessel Monitoring System (VMS) is not required in Brunei's fisheries; most vessels are rarely capable of fishing beyond 20 nautical miles; Incursions if any are purely accidental into Malaysian waters (Anon, *pers.comm.*, 2016). See Ebil (2013) for more information.

5. **What percentage of fishing vessels (>20 m OAL) are monitored through onboard observers at sea (for major commercial fish stocks)?**

Score: 0

Score Range: 0-0

Available information suggests that there is no observer scheme in Brunei's fisheries.

SECTION 2: INSPECTIONS

6. **How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?**

Score: 5

Score Range: 4-7

Precise data is not available for Brunei. Over the past six years only 9% of illegal fishing vessels spotted poaching in Brunei's waters have been detained (Bandial and Begawan 2015).

Regular sea-based patrols are reported for fishing vessels in Zones 1, 2 and 3. There are also reports of apprehension of foreign fishing vessels in Zones 1 and 2 well within the 24 nm limits alluding to absence of regular patrols in offshore waters. There is virtually no domestic fishing for tuna and large pelagics in Zone 4, which extends from 45-200 nm within the EEZ; and hence there is shortage of information on extent of IUU activities by foreign fishing vessels in offshore waters. Even when data on sightings of foreign fishing vessels is collected it is not shared for research purposes, hence very limited conclusions can be drawn on number of sea patrols within this zone and the

wider EEZ. Therefore, more information is needed before arriving at concrete conclusions for this aspect. Apart from licensing by fleet types by the Fisheries Department very few small-scale vessels are registered in Brunei making enforcement operations less effective (SEAFDEC 2012). See Ebil (2013); DWP (2011) reports for more information.

In recent years, much headway has been achieved through unveiling of Joint Operations Centre and the formulation of National Plan of Action to Control IUU fishing. However, effectiveness of maritime security numbers or other MCS policy plans are not publicly released consequently operational strategies for sea-based patrols cannot not be assessed fully under present structure (Anon, *pers.comm.*, 2016).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 5

Score Range: 4-7

No finding. Such data is not available for Brunei's fisheries. Brunei Air Force has 1 squadron of CN-235M aircraft for maritime patrols (IISS 2013; DWP 2011).

Exact number of hours spent on fisheries patrols in the EEZ waters remains unknown as such data is of a non-public nature (Anon, *pers.comm.*, 2016).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 4

Score Range: 2-4

Limited actions are undertaken through national laws for fishing vessels using its ports. There is limited disclosure of data on number of vessel inspections for domestic and foreign fishing vessels at Brunei ports each year. Vessel owners and local authorities at ports and fishing harbours suggest that such inspections are not conducted regularly even within main fish landing ports (Anon, *pers.comm.*, 2016).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catches inspections) on a regular basis?

Score: 5

Score Range: 4-7

Some fish landing sites have better coverage while others are inspected less often based on risks posed by their maritime activities. There are adequate plans to monitor domestic fishing vessels operating in Zones 1 to 3, with license requirement by fleet type and only valid permit holders allowed to land their catches at Muara Fish Landing Complex and Kuala Belait Fisheries Centre (Anon, *pers.comm.*, 2016).

For further information refer SEAFDEC (2012); Bandial and Begawan (2011); Bandial and Begawan (2015); Ebil (2013) documents.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 5

Score Range: 2-5

Transshipments are mostly reported at designated ports for domestic fishing boats. The Joint Operations Centre monitors vessel movements using state of the art technology, but most of the illegal foreign wooden vessels detained do not have vessel-monitoring devices so navy must rely on aerial patrols. Most of the illegal activity is observed in Malaysian waters, and as vessels often hop from Brunei to Malaysian waters the extent of illegal transshipment activity in offshore waters is harder to compute. The extent to which transshipments at sea are monitored cannot be appraised using existing Government reports (Anon, *pers.comm.*, 2016).

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 1.5

Score Range: 1-4

Mesh size violations and use of illegal fishing gear is reported in small-scale fisheries. There are no reported national plans to undertake routine inspection of fishing gear at either ports or at-sea (Anon, *pers.comm.*, 2016). See Matzaini *et al.*, (2007); Ebil *et al.*, (2013) report for more information.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 5

Score Range: 5-7

Fisheries Order 2009 (No. S25) is the main national legislation for fisheries management in Brunei waters. Brunei adopted NPOA on IUU Fishing in 2011. Brunei is not a party to the UN Port State Measures Agreement, UN Fish Stocks Agreement or the FAO Fisheries Compliance Agreement. See Bandial and Begawan (2015); Jumat (2014); Anon (2010); Ebil (2013); DOF (2011) reports for more information.

Over the past six years only 9% of illegal fishing vessels spotted in Brunei's waters have been detained (Bandial and Begawan 2015). Recently, CCAMLR has written to CITES reporting that Brunei Darussalam (CITES member) has failed to participate in CCAMLR catch documentation scheme regulating illegal trade of toothfish (Traffic 2016).



Waters up to 10 nautical miles are regularly patrolled and maritime laws are applied when suspicious vessels are detected. Smaller fishing boats commit more violations. However, offshore waters do not receive the same attention and patrol vessels often report illegal fishing by Vietnamese and Malaysian boats, with a few apprehensions reported from this zone. However, Brunei’s performance can be considered exceptionally good when compared to its neighbours. Brunei has dedicated surveillance with worthy patrol vessels and aircraft to detect and intercept illegal vessel traffic within its maritime zone (Anon, *pers.comm.*, 2016).

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuuriskintelligence.com/>). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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