



# IUU Risk Intelligence

Putting Compliance First

## GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

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### MALAYSIA - COUNTRY REPORT

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IUU RISK INTELLIGENCE

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## SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for Malaysia 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.*

### **Suggested citation:**

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## MALAYSIA – COUNTRY REPORT



**FAO landings (2013):** 1,443,568 tonnes

**Fisheries contribution to GDP (2010):** 1%

**Law of the Sea (Ratification/accession):** 14<sup>th</sup> October 1996

**Coastline:** 4675 km

**RFMO Membership:** IOTC

**Patrolling agencies:** Malaysian Maritime Enforcement Agency; Marine Police; Fisheries Department

Rank	Priority for maritime security tasks
1.	Piracy & Human Trafficking
2.	Smuggling & illegal Bunkering
3.	Illegal Fishing

## 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: 5.5

Score Range: 5-7

Adequate for patrolling major fishing grounds along the peninsular coast, but illegal fishing operations are more widespread in offshore waters and Marine Protected Areas. Illegal bunkering and transshipments are a persistent problem within coastal provinces. There are 19 MCS bases to organize fisheries and maritime patrols along the coast. MMEA has eight aircraft and more than 136 patrol vessels mostly smaller vessels but only 60% of them are operational at any given time. Ageing patrol vessels and poor inter-agency coordination has hampered effective patrolling in many sections of the coastline. Malaysian fishing vessels operating in Zones B and C within the EEZ often sell their catches to foreign vessels abusing diesel subsidy from the Government leading to massive pilferage and under-reporting of fish catches (Anon, *pers.comm.*, 2016).

Malaysian Maritime Enforcement Agency (MMEA) has 126 patrol vessels, which include 50 ships and 76 boats (Anon 2010). See Hamid *et al.*, (2016); Shalan (2014); IISS (2013); Tang (2011); Jane (2012); Bakar (2010); Kasmin (2003); Anon (2012b) for more information on Malaysia's surveillance infrastructure. MMEA received two Bay-Class patrol vessels (Kapal Maritim (KM) *Satria* (*ex- ACV Dame Roma Mitchell*; KM *Perwira* (*ex-ACV Arnhem Bay*) from Australia (Rahmat 2015). The Department of Fisheries has 65 patrol vessels for patrolling the Malaysian EEZ (Flewwelling and Hosch 2006).

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

Score: 5

Score Range: 4-5

MMEA, Marine Police and Department of Fisheries are moderately staffed for enforcement of inshore and offshore fisheries. However, several jurisdictions have reported capacity shortfall leading to gaps in enforcement, esp., in offshore waters (Ng 2009; Poh 2009; Ahmad 2011; Poh and Fanning 2012; Daw *et al.*, 2002; Anon 2014).

Many remote islands and coastal waters in Sarawak and Sabah have critical capacity shortfalls for maritime law enforcement and fisheries monitoring duties (Anon, *pers. comm.*, 2016).

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

Score: 2.5

Score Range: 2-4

Currently the country has limited means to track activities of its vessels operating on the high seas using vessel monitoring system. Malaysian flagged vessels have been apprehended for illegal fishing in Indonesian and Philippines EEZs. Malaysia is not a signatory to FAO Compliance Agreement. See Pitcher (2006) and APEC (2008) documents for more information.

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

Score: 1

Score Range: 1-2

There are more than 6116 registered trawlers operating with licenses in Malaysia. Nearly 2% of the total fishing fleet had VMS coverage. Since 2006, VMS is required for all C and C2 class fishing vessels operating in the EEZ and all deep-sea vessels above 70 GRT are required to have VMS tracking devices (IOTC 2015b). Government has provided 2360 AIS units for installation on Zone B fishing trawlers, but only 286 units have been fitted on vessels operating in Kedah, Perlis and Terengganu (Anon 2017).

Under the new Government order from Sept 1, 2014 tracking devices are mandatory for all industrial fishing vessels operating in Zone B and Zone C. This measure has been imposed to curtail illegal sale of diesel and fish to foreign fishermen. However, several hundred vessels have not complied with this requirement (Anon, *pers. comm.*, 2014).

IOTC (2013) document suggests that installation of MTUs is mandatory for all high seas fishing vessels >15 m in OAL. The exact number of vessels covered through VMS remains unknown. Currently in 2015, only 10 Malaysian longliners operate in IOTC convention area. Some sources mention that majority of fishing vessels are not equipped with VMS (APEC 2008). All C2-class fishing vessels (~1089 C2 vessels of >70 GRT were licensed in 2011; Total fishing vessels in 2011: 53,002) operating in offshore waters were required to install vessel-tracking units (Sutarji and Hashim 2009).

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

Score: 0

Score Range: 0-0

Information from IOTC, APEC (2008); Pitcher (2006); Flewwelling and Hosch (2006) suggests that there is no observer scheme in Malaysian fisheries.

## SECTION 2: INSPECTIONS

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

Score: 5

Score Range: 4-5

MMEA is mostly in-charge of enforcement for detaining illegal foreign vessels in offshore waters while Marine Police & Fisheries Department play a vital role in enforcing local fisheries within 10 nm. The number of inspections has risen from 10,973 during the year 2011 to 13,978 during the first 6 months of 2012 (MMEA 2012). MMEA conducted 912 inspections on marine vessels which indicated an increase from 675 checks in 2007 and 147 inspections in 2006 (Anon 2009). The above figures are inclusive for fishing vessels, fuel tankers, cargo vessels and Human trafficking boats. See Sutraji and Hashim (2008); Shalan (2014); Tajudin (2015) for more information.

Majority of the infringements are detected based on sorties in inshore waters and fisheries enforcement capacity has improved in MPAs. Almost two-thirds of the MMEA's patrol boats were inherited from other patrolling agencies such as RMN, Marine Police and Royal Malaysian Customs Department; some are as old as 25 years and can rarely operate beyond 50 nautical miles. Although recent procurements have enhanced operational capability, offshore waters would need more vessels to pose a viable deterrence to maritime threats (Anon, *pers.comm.*, 2016).

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

Score: 5.5

Score Range: 4-7

Malaysia has limited aerial surveillance capabilities as it operates only four King Air 350 aircraft. According to Anon (2010) MMEA has five aircraft for patrolling the Malaysian EEZ. Anon (2012b) suggests poor use of intelligence

data with data gathered by Malaysian Air Force, taking one hour before it is passed to the MMEA regional centre or patrol boats reaching the specified position. See Lamin (2003); APEC (2008) for more information. According to Harun *et al.*, (2004) Malaysian Royal Air Force has better patrolling capacity in inshore areas with gaps in monitoring offshore waters due to operational limits of patrol aircraft.

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

Score: 4.5

Score Range: 3-5

See Q.9 for more information. Malaysia is not a signatory to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing. See APEC (2008); Wahab (2012) reports for more information. Data on frequency of dockside inspections is not available to arrive at any concrete conclusion. Multiple agencies are involved in port state control and lack of inter-agency coordination has led to poor monitoring of fishing vessels (Wahab 2012).

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

Score: 5

Score Range: 3-5

No, only to a limited extent. Although random inspections are undertaken at landing centres and dockside (Flewwelling and Hosch 2006); destructive fishing practices, use of illegal gear and illegal live reef fish trade continue to undermine effective management of fish stocks in many sections of the Malaysian EEZ (Busing 2004; Spait 2001; Poh and Fanning 2012; Arai 2015; Pomeroy *et al.*, 2016; Lim 2016; Islam *et al.*, 2017).

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

Score: 4.5

Score Range: 3-5

Unreported transshipments at sea is reported as a major problem in many areas largely due to the high ratio of foreign to local crew presence on fishing vessels in Malaysian EEZ (APEC 2008). Malaysia is not a signatory to the UN Fish Stocks Agreement. See Suparmaniam (2008) for more information. The lone tuna carrier vessel operating in IOTC waters is monitored using vessel monitoring system and trip reports.

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

Score: 4

Score Range: 3-5

Routine inspections are undertaken at landing centres in many provinces, but they are not adequate especially in artisanal fisheries (Flewwelling and Hosch 2006; Bhattacharya 2016). Kuperan *et al.*, (2002); Suparmaniam (2008) and APEC (2008) suggest there are significant gear and equipment violations for fishing vessels operating in the Malaysian EEZ. Use of banned and destructive gears is also threatening sensitive coastal habitats in many jurisdictions (Anon (2012a)).

**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: 4-5

Fisheries Act of 1985 is the main national legislation for fisheries management in Malaysian waters. In 2013 Malaysia adopted NPOA on IUU Fishing to fight and eliminate illegal fishing. Malaysia is not a party to UN Port State Measures Agreement, FAO Compliance Agreement and the UN Fish Stocks Agreement. Refer to Q.6 for more information on shortage of patrol vessels.

Recently CCAMLR has written to CITES reporting that Malaysia (CITES member) has failed to participate in CCAMLR catch documentation scheme regulating illegal trade of toothfish (Traffic 2016).

See Hamid *et al.*, (2016); Kumar and Zack (2017); Anon (2015); Tajudin (2015); Basiron (2013); Ahmad (2011); Tang (2011); APEC (2008) documents for more information.

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

RFMO	Year of the assessment	Compliant	Partially compliant	Not Compliant	Source
IOTC	2014		Yes		IOTC (2015a)

*Last update: 13 May 2017*



## **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://iuriskintelligence.com/>). (The author can be contacted at [pramod.raju@gmail.com](mailto:pramod.raju@gmail.com) to provide any feedback).

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