



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

JAPAN - COUNTRY REPORT

GANAPATHIRAJU PRAMOD

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **Japan** 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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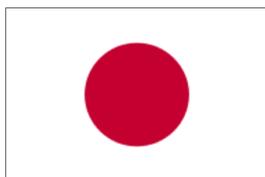
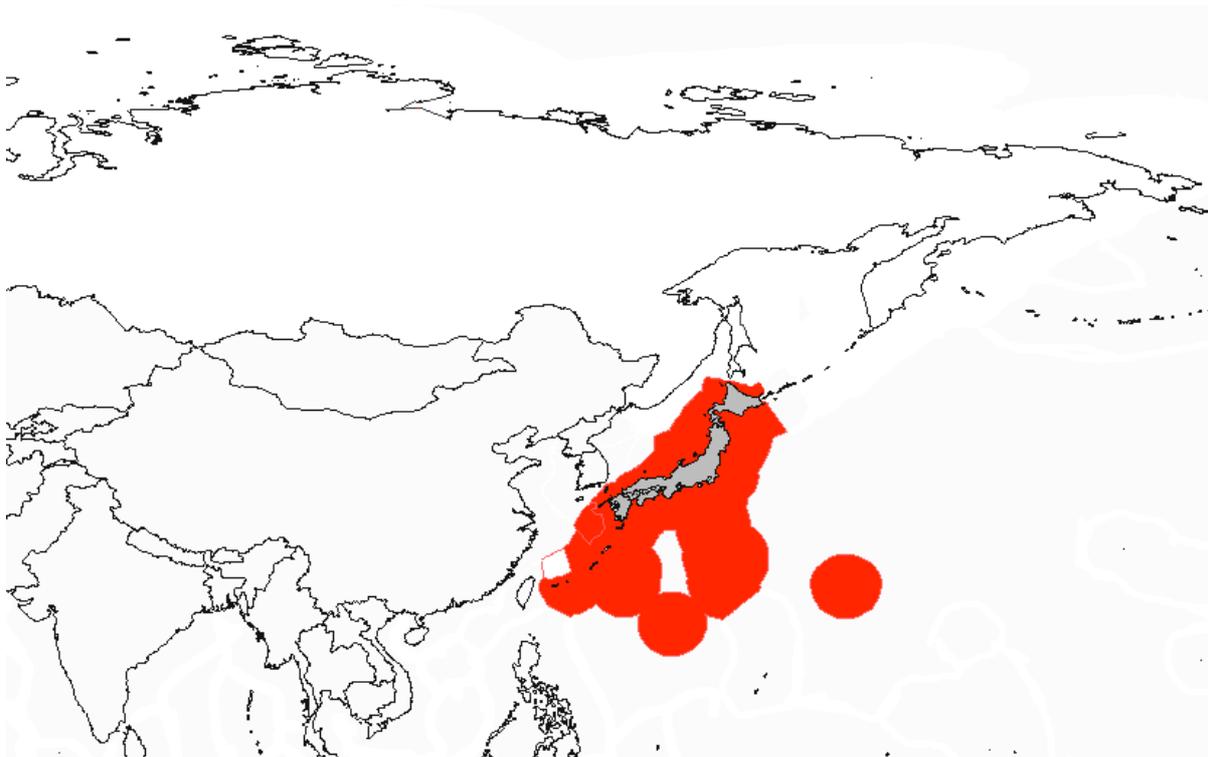
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JAPAN – COUNTRY REPORT



FAO landings (2013): 3,595,779 tonnes

Fisheries contribution to GDP (2009): 0.2%

Law of the Sea (Ratification/accession): 20th June 1996

Coastline: 29,571 km

RFMO Membership: CCAMLR, CCSBT, ICCAT, IOTC, IATTC, NAFO, NPAFC, WCPFC

Patrolling agencies: Japan Coast Guard, Japan Fisheries Agency

Rank	Priority for maritime security tasks
1.	Protection of sovereign territories
2.	Smuggling & Unauthorised vessel traffic
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: 7

Score Range: 5-7

Japan has a large patrol fleet to detect vessels operating within its EEZ (Samuels 2008; Le Miere 2011; OECD 2012a,b; Jane 2012; IISS 2013; MOD 2015) but ageing Coast Guard fleet has posed operational constraints in several prefectures (Ito 2016). Japanese Coast Guard has 131 patrol vessels (*Mid-size and large*), 238 smaller patrol craft and 26 aircraft for maritime security operations (JCG 2017). Fisheries enforcement in offshore waters is beset with significant problems that need to be addressed, particularly with Korean and Chinese fishing vessels operating illegally in Japanese offshore Islands (Maekawa *et al.*, 2018; Matsuda *et al.*, 2010; Shoji 2011; Bateman 2003; Samuels 2008).

Ito (2016) report states that 35% of its patrol fleet (*approximately 129 of the 366 patrol craft*) have already reached end of their service life. The report further states that “*It is estimated that 142 small patrol vessels, or 60 percent of those ships, as well as 32 midsize and large vessels, or 25 percent, will be in need of replacement in five years. That means 50 percent of all types of patrol vessels will become outdated by that time*”.

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

Score: 7

Score Range: 6-7

Yes, MAFF and JCG have enough officers but number of deployments for fisheries enforcement depends on the prefectures and annual budgets (Anon, *pers.comm.*, 2017).

See Japanese Coast Guard, MAFF and Japan Fisheries Agency websites for more information on number of people deployed in fisheries surveillance duties.

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

Score: 7

Score Range: 7-8

Yes, to a large extent. Japan is member of several high seas RFMOs like NPAFC, CCAMLR, CCSBT, IATTC, ICCAT, NAFO, IOTC, and WCPFC that regulate activities of its vessels operating in high seas management areas. Moreover, all high seas fishing vessels from Japan need to be registered with the government to operate outside the EEZ. Walsh (1998) states that Japan has also played a pivotal role in regulating salmon catches in the North Pacific through INPFC, and by supporting UN high seas drift net ban. Japan is also a signatory to the FAO Compliance Agreement and the UN Fish Stocks Agreement. However, in the past Japanese fleets had compliance problems through quota violations in CCSBT and illegal transshipments by longliners operating on the high seas (Gianni and Simpson 2005; Izawa *et al.*, 2006).

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

Score: 5

Score Range: 3-5

Japanese high seas fleet is required to be equipped with MTU tracking devices when operating in tuna-RFMOs (Anon, *pers. comm.*, 2017).

Poor domestic coverage and hence score is reduced here. Since 1 August 2007 all offshore distant water purse seiners and longliners are required to be equipped with VMS devices (Matsumoto *et al.*, 2012).

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

Score: 1.5

Score Range: 1-2

Not effective to a large extent. Limited coverage occurs in FarSeas fisheries through observer schemes of RFMO's regulations such as CCAMLR, ICCAT etc. According to Hotta (2007) there is no observer scheme in domestic fisheries. In the IOTC area, Japanese longliners have 5.7% observer coverage (IOTC 2014). See Izawa *et al.*, (2006) for more information.

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

The number of at sea boarding's has decreased over the last decade from 177 in 2002 to 81 in 2008 (MAFF 2009). However, Japanese Coast Guard has continued its crackdown on foreign fishing vessels illegally operating in its EEZ (See MAFF website for more information). Boarding's at-sea is not reported in artisanal and recreational fisheries in Japan (Hotta 2007). Ageing Coast Guard fleet (Ito 2016) also pose constraints on number of fisheries patrols each year.

Noted subdued inspections of Japanese fishing vessels at sea. Enforcement is concentrated on Chinese and Korean vessels operating illegally off the southern Japanese islands. Further, surveillance is not spread evenly across all coastal provinces. In recent years, majority of the surveillance effort is allocated to prevent incursions from Chinese and Taiwanese vessels in the East China Sea, where China is claiming Japanese islands as their own (Anon, *pers. comm.*, 2017).



Fig. 1. Number of foreign fishing vessels boarded at sea by Japan Coast Guard (Source: Fisheries Agency)

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

Score: 7.5

Score Range: 7-8

There are 26 patrol aircraft for maritime surveillance in the EEZ waters (JCG 2015; JCG 2017). See Samuels (2008) for more information.

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

Score: 5

Score Range: 3-5

Very few Japanese fishing vessels are actually inspected in local ports and hence compliance with size and quota limits is harder to forecast (quota compliance is achieved through catches reported to co-operatives by each local port which is not guaranteed). Moreover, even with the best use of research data, government officials have often allocated more quota than the figure suggested by scientists. Limited inspections at dockside are only reported for some high seas fleets that require catch documentation (*Bluefin Tuna, Toothfish, Russian crabs*). Until recently, illegal catches caught within Russian EEZ were openly landed in Japanese ports with impunity. The formal implementation of the IUU agreement with Russian Government in 2014 decreased direct landings by foreign fishing vessels in northern Japanese ports. Tuna and crab fleets receive inspections as catch certification is needed by Customs and Fisheries Agency for before domestic auction and distribution for such catches. Less than 2% of frozen shipments imported through container ships receive inspections for legality and traceability fraud (Anon, *pers.comm.*, 2017).

Landing inspections are required for tuna longliners operating in RFMO waters and catch documentation scheme (CDS) is implemented for vessels landing toothfish sourced from CCAMLR waters. Fisheries Agency inspectors conduct inspections in designated ports of Tokyo, Kawasaki, Yokohama, Yokosuka, Misaki, Shimizu, Oigawa and Yaizu (tuna fisheries). Distant water longline fleet has to provide advance notice 10 days prior to landing (details required include Vessel name, license number, ID carried by [Fishing vessel, carrier, or container], Quantity by species to be landed, Catch Area, period, Landing port, expected landing date, etc.). 136 port inspections were reported for tuna vessels in 2011 targeting quota compliance for southern Bluefin tuna (Nagao 2012). According to Pew (2009) there were four reported visits by three IUU vessels to Japanese ports during 2006 and 2007 (www.portstateperformance.org/).

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: 4-7

Limited plans are in place in through fisheries co-operatives for some domestic fisheries indirectly through TURFs, TACs and Co-management. Over the past decade, fisheries violations accounted for more than 30% of the overall maritime crimes detected by JCG (Maekawa *et al.*, 2018; JCG 2017). See Q.8; FAO (2008); Izawa *et al.*, (2006); Matsuda *et al.*, (2010) and OECD (2012a); Yagi *et al.*, (2012) documents for more information.

In 2013 alone, up to 1713 fisheries violations were detected by Coast Guard, Police and Prefectural Governments in sea urchin, abalone and other coastal fisheries (JFA 2014).

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

Score: 6.5

Score Range: 5-7

In domestic waters, almost all the catch is landed in local ports and catches are accountable through co-operatives. Hence, there are limited reported problems with illegal transshipments. However, there are sporadic reports of unreported transshipments by foreign carriers along EEZ boundaries, and on the high seas which have never been fully addressed. Many such violations are known to Fisheries Agency, but such cases are not available for public scrutiny. When JFA detects violations by Japanese fishing vessels on the high seas through VMS, Inter-government communiqué or other confidential procedures; penalties incurred for such cases are also decided internally and not made public. Data on VMS violations is also confidential and not available for public research. Japan has a high rate of out of court settlements for illegal fishing vessels (both Japanese and foreign fishing vessels) caught within its EEZ, and such information is shrouded in secrecy leading to poor disclosure on fisheries compliance matters (Anon, *pers.comm.*, 2017).

In the past IUU problems have been reported through illegal transshipments by both Japanese and between Japanese and foreign vessels on the high seas (See Izawa *et al.*, 2006; Gianni and Simpson 2005 for more information).

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

Score: 5

Score Range: 3-5

Yes, to a moderate extent in some commercial fisheries. Illegal longlines, and crab pots are often seized during patrols at sea. In 2011, Fisheries Agency

boarded 115 foreign fishing vessels and seized 28 fishing gear (MAFF 2012). See Izawa *et al.*, (2006) and Hotta (2007); JFA (2014) for more information.

21 poaching gear (mostly crab pots and driftnets) set by foreign fishing vessels were seized in the Japanese EEZ in 2015 year. Japanese fishermen often engage in very high-rate of fishing gear violations within the EEZ too. Some fishing gear confiscations are reported for traps and longline gear, but frequency of seizures remains low at ports and sea for the Japanese fleet operating in inshore waters, while a high rate of gear seizures is reported for foreign fishing vessels operating illegally in the offshore waters of the Sea of Japan (Anon, *pers.comm.*, 2016).

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: 6.5

Score Range: 5-7

Fisheries Act, 1949 (Act No. 267 of 1949) of 15 December 1949 (revised by Act No. 77 of 2007) is the main national legislation for fisheries management in Japanese waters. In March 2004, Japan adopted a NPOA on IUU Fishing. Japan revised its laws on IUU fishing in 2014 year tripling the maximum fine for poaching to 30 million yen. Japan ratified the FAO Compliance Agreement on 20 June 2000 and the UN Port State Measures Agreement on 19 May 2017. See Q.1 for more information.

Lately Japan has demonstrated good leadership for high seas and RFMO fisheries but domestic fisheries monitoring for Japanese boats is clearly deficient leading to widespread IUU violations that are often not reported in the media or other portals leading to lesser awareness of compliance within domestic fisheries. Although there are more than enough Coast Guard vessels, they have not been effectively used to inspect and prosecute illegal fishing fleets. The decline of stock status for many commercial fish stocks within the EEZ is a good indicator in this regard. Often even when local fish stocks have collapsed, fishers were taken care through Government subsidies and vessel buy-back schemes without addressing overcapacity and compliance situation at sea (Anon, *pers.comm.*, 2017).

See Maekawa *et al.*, (2018); Gilhooly (2016); Ito (2016); Sarker *et al.*, (2015); Smith (2014); Black (2014); JFA (2014); JCG (2017) reports for more information.

Flag of Convenience	No	Source: ITF (2015)
Vessels on the RFMO - IUU vessel list	No	

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
CCAMLR	2013	Yes			CCAMLR (2014)
CCSBT	2013	Yes			CCSBT (2014)
GFCM	2014	Yes			FAO (2015)
ICCAT	2013	Yes			ICCAT (2014a) ICCAT (2014b)
IOTC	2014		Yes		IOTC (2015a)
IATTC	2013	Yes			IATTC (2014)
NAFO	2013	Yes			NAFO (2014)
NPAFC ¹	2013	N/A	N/A	N/A	Not Available
SEAFO	2013	Yes			SEAFO (2014)
WCPFC	2013		Yes		WCPFC (2015)

Last update: 15 August 2017

¹ NPAFC Committee on Enforcement (ENFO) meeting proceedings is only shared with contracting parties and members. Data from annual Enforcement Evaluation and Coordination Meeting (EECM) is also not available for scrutiny on member countries MCS performance each year.



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 (<https://iuriskintelligence.com/>). (The author can be contacted at pramod.raju@gmail.com to provide any feedback).

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