



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

MYANMAR - COUNTRY REPORT

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SUMMARY

This evaluation of Fisheries Monitoring Control and Surveillance report for Myanmar 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 to comments, and revisions will be made upon submission of documentary 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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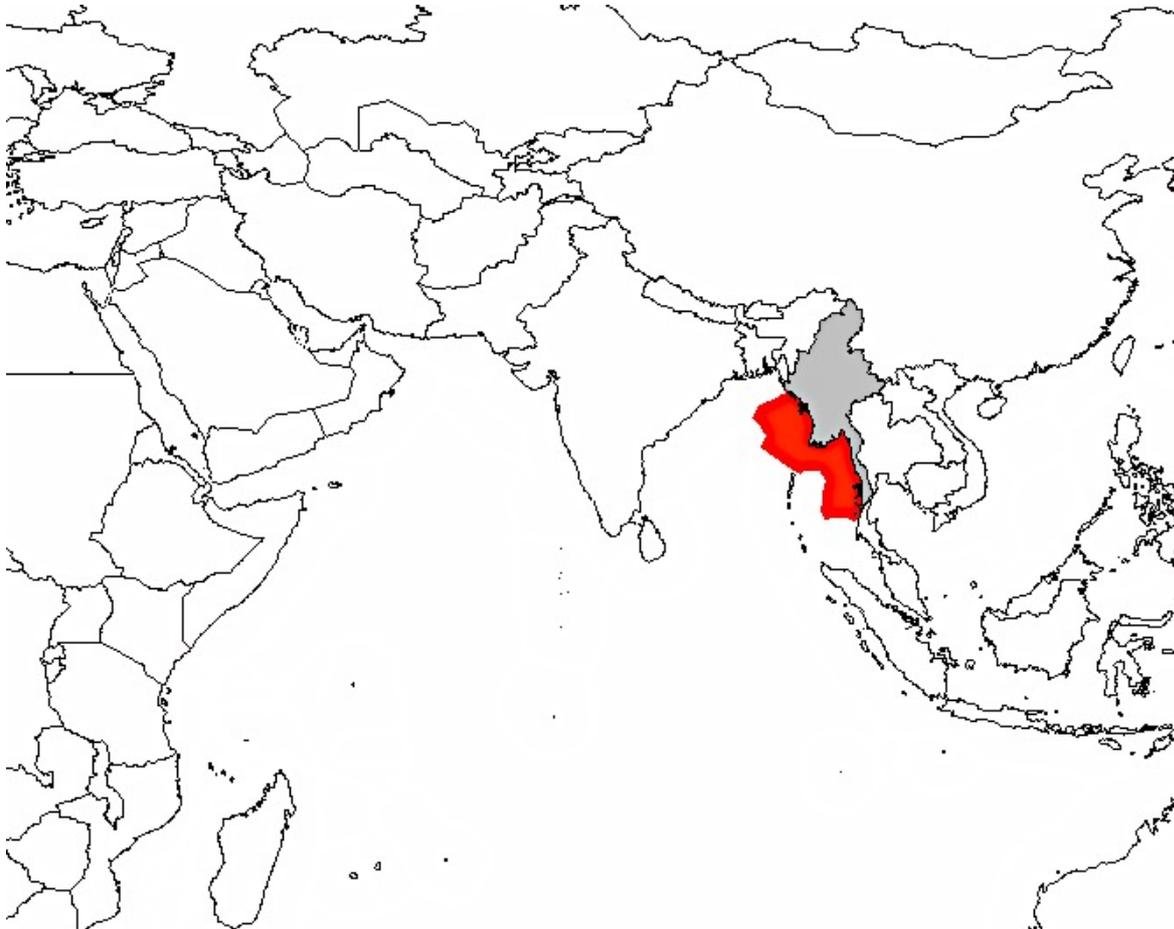
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MYANMAR – COUNTRY REPORT



FAO landings (2013): 2,479,935 tonnes
Fisheries contribution to GDP (2018): 2%
Law of the Sea (Ratification): 21ST MATY 1996
Coastline: 1930 km

RFMO Membership: None

Patrolling Agencies: Myanmar Navy; Fisheries Department; Myanmar Police Force



Rank	Priority for maritime security tasks
1.	Contraband & Arms Smuggling
2.	Human trafficking
3.	Narcotics trafficking

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: 6

Score Range: 5-7

Existing information from Myoe (2016); Military Balance (2020); Kyaw (2011); Jurgen (2006); Jane (2010); Yleana and Velasco (2012) suggests Myanmar is moderately equipped to patrol EEZ waters for fisheries surveillance. Myanmar Navy has 32 patrol boats (6 PGM 401; 6 PGM 412; 14 Myanmar; 3 Swift; 3 PB-90), 2 offshore patrol vessels (*Indaw class*) and 9 coastal patrol craft (*Hainan class*)-Military Balance (2020). Myanmar Navy coordinates fisheries surveillance operations with Myanmar Coast Guard, Department of Fisheries, Myanmar Customs Department, and Myanmar Police Force. See Goldrick and McCaffrie (2013) report for more recent information.

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

Score: 2

Score Range: 2-4

Fisheries Department has a few trained inspectors, but they are not adequate to cover the entire coastline. Inspectors also act as catch certification officers for foreign fishing vessels landing seafood at major ports. Fisheries officers don't undertake inspections at all fishing ports as they conduct a wide-range of duties ranging from licensing to data collection and administrative work. Inspections may take place 1-2 times a month for local vessels in some ports, while many offshore trawlers land catches directly in Thai ports instead of unloading catches in local ports. Some fishing ports in southern provinces are not covered by inspectors throughout the year due to logistical difficulties (Anon, *pers. comm.*, 2017).

Department of Fisheries has 365 fisheries officers and 2104 staff to perform administrative and research duties under four divisions (Capture fisheries; Research and development; aquaculture; and administration) at federal, state and district levels (World Bank 2019a; World Bank 2019b). However, statistics on number of officers deployed for actual MCS and inspection duties remain unknown.

Poor institutional capacity leading to weak enforcement (de Graaf 2014; FAO 2012; Hosch 2015; DoF 2018; World Bank 2019b). Manpower appears to be inadequate in relation to the long coastline and large number of landing sites that need to be monitored (ICLARM 2016; BBC 2017; Hosch 2015; Johnstone 2016; World Bank 2019a). Industrial fishing vessels receive few pre-licensing inspections due to presence of designated landing ports (Ha 2007; Kyaw 2011; Yleana and Velasco 2012; Lynn 2014). No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

“Very few DoF staff have been trained specifically in fisheries research and management, or law enforcement work, and no dedicated budget or institutional arm exists to implement Monitoring, Control and Surveillance (MCS). It is estimated that fishery officers dedicate less than 5% of their professional attention to law enforcement duties” (ICLARM 2016).

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

Score: 0

Score Range: 0-0

Such plans are not reported in Myanmar’s fisheries. However, DoF license conditions do not allow national vessels to fish on the high seas and RFMO waters (Latun et al., 2016). Kyaw (2011) reports that Burmese vessels do not operate on the high seas, so there are no plans in place for vessels operating outside its EEZ. However, there appears to be a problem with Burmese fishing vessels operating illegally in India’s offshore territory of Andaman & Nicobar Islands. India is also perhaps the only neighbouring country reporting problem with Burmese fishing vessels poaching for sharks, sea cucumber and trochus in Andaman & Nicobar Islands. Indian Coast Guard regularly apprehends Burmese vessels and repatriates their crew to Myanmar after completion of jail sentence (Pramod 2010).

DoF statistics reveal that during 2017-2018 FY reveal 3172 fishing vessels were licensed for offshore fishing of which 3168 flew Myanmar flag while 5 vessels were foreign flagged (DoF 2018; World Bank 2019b).

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

Score: 7

Score Range: 6-7

2579 of the 3238 offshore fishing vessels that are more than 30 ft in overall-length (~79%) have installed VMS mobile terminal units (Anon 2019a; CLS 2020). Department of Marine Administration (DMA) is planning to install AIS stations (range of 30-50 miles) at 19 jetties along the coast and install AIS transponders on ~10,000 coastal fishing vessels by the end of 2021 (Anon 2019b).

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

No observer programme is reported (Latun et al., 2016; Hosch 2015). However, no information exists on the type and percentage of fleet that is covered under this scheme.

There is no funding and observer scheme for Myanmar's offshore fleet or foreign tuna vessels is not implemented (Anon, *pers.comm.*, 2016).

SECTION 2: INSPECTIONS

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

Score: 4.5

Score Range: 3-5

Data deficient. Naval inspections are reported in industrial fisheries. No data is available on frequency of these inspections at-sea or annual statistics of domestic and foreign fishing vessels boarded at sea. According to some reports intensity of at-sea patrols by Navy has increased in recent years (Hosch 2015). See Military Balance (2020); BBC (2017); Zaw (2018a,b); Leadbitter (2017); Hosch (2015) reports for more information.

At-sea patrols do not focus on the fishing fleet; operations target trafficking of arms and drugs due to Rakhine insurgency in the south where certain groups control large swaths of the coastline. Government agencies face persistent poaching problems with joint-venture trawlers (who also use dual flags) in offshore waters and under-reporting of catches by foreign tuna longliners, but shortage of modern patrol vessels leads to very few boarding's of foreign vessels each year. Ageing patrol fleet is also a growing concern. Most of the seafood exports are bound for China and Thailand so catches landed using

illegal fishing vessels or unapproved gears have not been tackled effectively especially for border ports near border with Thailand. There are also allegations of corruption and massive theft of fish by Thai owned Myanmar flagged trawlers, but that issue was never tackled due to cozy relationships between Thai vessel owners and highest corridors of power within the Burmese Government (Anon, *pers.comm.*, 2018).

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

Score: 1.5

Score Range: 1-4

Available information suggests limited use of maritime patrol aircraft for fisheries surveillance (Anon 2011). In 2006, Myanmar received two Pilatus Britten Norman BN-2B Defender aircraft as a gift from Indian Navy, with another 2-aircraft transferred in the following year. See Military Balance (2020) report for more information.

Although illegal fishing vessels have been spotted during maritime patrols, few foreign fishing vessels have been apprehended using surveillance data from sorties at sea. Moreover, there are no aerial patrols or combined operations with navy for fisheries surveillance as far as Fisheries Department is concerned (Anon, *pers.comm.*, 2018).

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

Score: 2.5

Score Range: 2-4

Port state control is weak (Wai 2017). There are nine designated ports for fishing vessels and foreign fishing vessels need to take permission 7-10 days before entering the port. Foreign fishing vessels do not land catches in Myanmar ports and all their catches are landed in neighbouring countries. National vessels are subjected to inspection and required to discharge their catches in nine designated ports (Aye 2012) and local vessels can be checked enroute at 14 check points.

Documentation, licensing verification and inspections for seafood exports to European Union is very robust and Fisheries Department staff spend a great deal of effort to ensure that catch certificates are in good order (European Commission 2018). Fishing vessels in Myanmar operate from designated ports and captains of the vessels are not allowed by law to call at other ports during each trip. In addition, vessels have reporting requirements and have to pass

through a series of check points while leaving and on the way back to port for random inspections from Customs, Police and Immigration (*Sittwe, Kyaukphyu, Thandwe, Hygyi, Pathein, Pyapon, Yangon, Zephyuthaung, Dawei, Myeik, Wakyun, Plontontone, and Kauthaung*); foreign fishing vessels are required to notify 48 hours in advance before each port call. However, most of the above measures are related to internal security and few fishing vessels are ever boarded at check points or amply monitored for illegal fishing and fraudulent logbook entries or catch declarations during inspections at check points. There are very few fisheries officers available to accompany Customs and Police officers at checkpoints, so inspections often do not address fisheries compliance matters. Transshipment of catches at sea to reefer boats further complicates the reporting analysis for offshore trawlers. There are complaints of corruption at some checkpoints where foreign trawlers are allowed to come and fish illegally in certain sections of the coast through payment of bribes. Thai fishmeal industry has only survived due to trash-fish sourced illegally from Myanmar, and Indian waters. Authorities are trying to crackdown on such practices but have achieved very little success so far as; bribery, nepotism and administrative red tape are widespread in Government bureaucracy (*Anon, pers. comm., 2018*).

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: 1.5

Score Range: 1-4

DoF statistics reveal that during 2017-2018 FY reveal presence of 21,886 small-scale fishing boats of which 15,084 were powered and 6802 boats were non-powered (DoF 2018).

Limited monitoring is reported for small-scale fisheries (*Khaw 2011; Kyaw et al., 2012; Beffasti and Galanti 2011; Win and Lwin 2012; Phyu 2014; Platt et al., 2014; Holmes et al., 2014; BBC 2017; Dearden 2018*). Industrial fishing vessels might have better regulatory control through dockside checks and at-sea inspections (*Flewwelling and Hosch 2006*). Offshore fishing vessels are also reported to fish illegally in inshore waters and illegal fishing practices are widespread (*Tsamenyi 2011; Leadbitter 2017; Zaw 2018; World Bank 2019b; WCS 2018; Khine and Mo 2019*). Illegal fishing practices have increased with decline of catches in inshore fishing grounds (*Aung 2019; Myoe 2016*). Use of poisons, explosives and chemicals (pesticides), electrofishing, dynamite fishing, indiscriminate usage of illegal nets and illegal fishing using banned vessels (baby trawlers) is reported within inshore creeks and estuarine deltas

(Aung 2019; Zaw 2018a; Zaw 2018b; SOBA 2018; Schneider and Thiha 2014; FFI 2015).

Use of banned “baby trawlers”, pair trawls and unlawful trawling by large Thai-owned joint-venture locally flagged trawlers is rampant in the 10 mile limit within coastal waters. Absence of credible enforcement by Myanmar Navy, Fisheries Dept. officials and incompetent local bureaucrats have opened gateways to illegal fishing and growing degree of conflicts between inshore and offshore vessels. Coastal fishers have also destroyed sensitive coastal habitats to exploit shellfish and reef-fish using destructive fishing gears. Use of banned fishing practices is leading to a steep decline in catches per trip although lack of alternate livelihood options leaves them with very few secondary options than working as labour on foreign owned offshore fishing boats exposing them to slavery at sea (Anon, *pers.comm.*, 2019).

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

Score: 0

Score Range: 0-0

Low No such plans are reported in Burmese fisheries. In fact, there appears to be a significant problem with illegal transshipments (Ha 2007) by foreign fishing vessels within Myanmar’s EEZ. Offshore fishing boats (national) are reported to stay in deep-sea fishing grounds for several months and transport fish catch to ports using carrier boats (Aung 2019). Carrier boats collect catches from several fishing vessels, staying up to 3 months at sea during each trip (Hosch 2015). In the Myeik area alone 400-500 fishing vessels transship catches to carrier boats for direct transport to Ranong port in Thailand (Leadbitter 2017).

Incursions by Thai & Bangladesh trawlers in border waters, and foreign longliners (mostly Taiwanese) in offshore waters are widespread, as Burmese naval presence is relatively low in offshore locations. Fishermen regularly report at-sea illegal transshipments by tuna longliners and foreign owned nationally flagged offshore vessels in Burmese waters, but the navy is unable to apprehend tuna boats as they switch off AIS transponders or flee into the high seas when they are spotted at sea. Burmese authorities warrant severe condemnation for lack of action in this regard as often, such illegal catches (tuna, fish and sharks) are transshipped or landed with impunity in Taiwan, and other fish were landed in Thai ports (Ranong, Phuket). Since the Thai yellow card notification by EU, the modus operandi of illegal vessels operating

in Myanmar has changed with flag change, dual flags and other modes of vessel identity fraud (Anon *pers.comm.*, 2019).

Even for the licensed foreign tuna longliners (109 vessels in 2010-2011) catches were landed in foreign ports (mostly Malaysia and Japan), and none of the catches were landed at Burmese ports (Kyaw 2011), suggesting illegal activities and under-reporting of tuna catches for such fleets.

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

Score: 1

Score Range: 0-2

No, Burmese vessels are not required to undergo such inspections. In fact, data from Kyaw (2011); Holmes *et al.*, (2014); Phyu (2014); Macintyre (2015); FFI (2015); Ko *et al.*, (2016); BBC (2017); Leadbitter (2017); Zaw (2018a); Khaing *et al.*, (2018); Thein *et al.*, (2019) reports suggest that fishing gear violations are widespread due to reduced monitoring, lack of institutional capacity (trained officers), corruption and shortage of land-based patrolling resources to cover a vast coastline.

Both small fishing boats and foreign fishing vessels operating under licenses from the Government use banned fishing gear. Thai trawlers and Myanmar flagged (mostly Thai owned although they are called joint-venture) vessels are the biggest offenders and very few are actually arrested for using illegal trawl gear and fishing in closed areas. License conditions on gear use and gear license rules are flouted. Further, when illegal fishing gears are detected they are not seized leading to decimation of juvenile fish and destruction of nursery fishing grounds due to ghost nets (Anon, *pers.comm.*, 2019).

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: 4.5

Score Range: 3-5

Law amending the Myanmar Marine Fisheries Law (No. 16/93) of 28 October 1993 is the main national legislation for fisheries management in Myanmar waters. NPOA on IUU Fishing to fight and eliminate illegal fishing was adopted in 2015. Myanmar ratified the FAO Compliance Agreement on 8 September 1994, and the UN Port State Measures Agreement on 22 November 2010. Myanmar is not a party to UN Fish Stocks Agreement.

Myanmar has exercised very little control on illegal fishing by vessels flying its flag and for foreign fishing vessels poaching in its waters. Although Burmese fishing boats have been regularly caught in the Indian EEZ targeting sea cucumbers and trochus, Government has exerted very limited concern for curtailing such activities either. These transgressions into the high seas and intrusions into Indian EEZ are happening with the knowledge of Myanmar navy. In the past too, Thai trawlers were the biggest offenders while Taiwanese and Chinese longliners fronted trouble in offshore waters. Foreign tuna vessels transiting Myanmar waters also receive very little surveillance (Anon, *pers.comm.*, 2019).

See World Bank (2019b); Aung (2019); Zaw (2018a,b); Howard (2018); Wai (2017); Leadbitter (2017); ICLARM (2016); BBC (2017); Hosch (2015); Holmes *et al.*, (2014); Myoe (2013); Myoe (2016); Lynn (2015); Platt *et al.*, (2014); Pramod (2010); Myint and Swe (2012); Pramod (2012); Aye (2012); Kyaw *et al.*, (2012); Beffasti and Galanti (2011); Soe (2008) documents for more information.

Flag of Convenience	No	Source: ITF (2015)
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 (<https://iuriskintelligence.com/>). (The author can be contacted at pramod.raju@gmail.com to provide any feedback).

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