

The terms used and the provisions contained in the national laws or regulations and other official documents that are made available in this site do not imply the expression of any opinion or judgment whatsoever by the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or constitutional status of any country, territory or maritime area, or concerning the delimitation of their borders or boundaries.

—Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal,
Unreported and Unregulated Fishing (IPOA-IUU)

National Actions

March 2004

Fisheries Agency of Japan

The Government of Japan (GOJ), well in advance of the establishment of IPOA-IUU, implemented relevant fisheries management measures, through establishment of fisheries-related laws, regulations and government orders, so as to prevent its nationals from engaging in illegal, unreported and unregulated (IUU) fishing.

Particularly, as for fishing activities conducted in the waters outside its national jurisdiction, GOJ has been making strenuous efforts through establishment of bilateral fishery agreements and active participation in the competent regional fisheries management organizations (RFMOs) to ensure the compliance with relevant international rules and regulations by its nationals as well as the sustainable utilization and management of fishery resources.

It is widely known that Japan has been an active member in all RFMOs which it joined, and taken initiatives to establish and implement necessary management measures for responsible fisheries and sustainable utilization of fishery resources. Also, it is well recognized that Japan has promptly implemented regulatory measures adopted at such RFMOs in order to combat IUU fishing.

Furthermore, Japan was one of the most active participants in FAO activities including elaboration and establishment of important fisheries management instruments such as the Code of Conduct for Responsible Fisheries (CCRF) and its associated International Plans of Actions (IPOAs). Also, GOJ has provided its financial support to FAO for development and diffusion of such fisheries management tools as well as for its support to developing countries in effectively implementing CCRF and IPOAs.

Followings are respective actions and measures Japan has so far taken, corresponding to each provision of IPOA-IUU.

I. ALL STATE RESPONSIBILITIES

1. International Instrument

Japan already concluded both the United Nations Convention on the Law of the Sea (UNCLOS) (in 1996) and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement) (in 2000). Although it is not a Party to the Agreement for the Implementation of the Provisions of the United Nations Convention

on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), it fully respects fundamental principles and most of the provisions of UNFSA by joining RFMOs and establishing necessary national laws and regulations. GOJ is cooperating in the establishment and the implementation of international fisheries management frameworks.

Followings are the frameworks which Japan is a Party to and/or participated in:

Conventions, Agreement and Treaties relating to fisheries

- UNCLOS
- FAO Compliance Agreement
- The Antarctic Treaty
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Convention on Biological Diversity (CBD)
- MARPOL 73/78
- Convention for the Conservation of Antarctic Seals

RFMOs

- North Pacific Anadromous Fish Commission (NPAFC)
- International Whaling Commission (IWC)
- Northwest Atlantic Fisheries Organization (NAFO)
- International Commission for the Conservation of Atlantic Tunas (ICCAT)
- Inter-American Tropical Tuna Commission (IATTC)
- Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
- Indian Ocean Tuna Commission (IOTC)
- General Fisheries Commission for the Mediterranean (GFCM)
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Asia-Pacific Fishery Commission (APFIC)
- Southeast Asian Fisheries Development Center (SEAFDEC)
- North Pacific Marine Science Organization (PICES)
- Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

2. National Legislation

(i) Legislation

GOJ has established a variety of national laws relating to fisheries including the Fisheries Law, the Law on the Exercise of Sovereign Right on Fisheries Activities within the Exclusive Economic Zones, the Law on the Conservation of Fisheries Resources and the Law on the Management of Fishing Vessels. Also it applies such a relevant law as the Foreign Exchange and Foreign Trade Law for the management of trade to implement trade-related measures adopted by RFMOs against IUU fishing. With those national laws, GOJ has made utmost efforts to prevent its nationals from engaging in IUU fishing.

(ii) State Control over Nationals

Only Japanese vessels may fly the flag of Japan. The outlines of the definitions of a Japanese vessel are: (a) a vessel owned by a Japanese national or nationals, or (b) a vessel owned by a Japanese entity or entities established in accordance with Japanese laws and regulations and whose representing board members are all Japanese nationals. Among these Japanese vessels, only vessels registered under the fishing vessel registration scheme may be used as fishing vessels.

In respect of fishing activities conducted within national waters, GOJ, in collaboration with prefectural governments, strictly prohibits its nationals from engaging in IUU fishing. Any Japanese national intending to operate outside the Japanese exclusive economic zone (EEZ) targeting internationally managed fish species such as tunas and salmon shall obtain licenses issued by the Minister of Agriculture, Forestry and Fisheries, and the Minister is responsible for controlling those fishing activities. Also, in case of tuna fisheries managed by some RFMOs, any Japanese national wishing to go onboard a vessel flying a foreign flag and operating in areas under the competence of the mentioned RFMOs is obliged to obtain an approval by the Ministry of Agriculture, Forestry and Fisheries (MAFF) so that the activities of Japanese nationals onboard foreign fishing vessels can be monitored by GOJ and that such nationals will not be involved in IUU fishing conducted by foreign vessels.

Any Japanese national intending to make a foreign investment in the areas of fishery shall report that intent to the Ministry of Finance prior to the actual investment, and the Ministry of Finance shall recommend cancellation or alteration of the investment plan if it is deemed to jeopardize public order. IUU fishing falls in a case of recommendation for cancellation of investment. (NOTE: This provision can be applied to foreign investments in the areas of fishery, weapon manufacturing or drug dealing activities only.)

(iii) Vessels without Nationality

When an inspection vessel of the Fisheries Agency of Japan (FAJ) finds a fishing vessel conducting IUU fishing on the high seas without indicating its nationality, the inspection vessel shall make its best effort to identify its nationality, collect any information on that vessel and report back the incidence to FAJ. FAJ shall request the flag state of the vessel for proper control and inspection of the vessel, if the nationality of the vessel is identified.

(iv) Punitive Measures

Detailed rules and regulations on punitive measures for fishing and other related activities are set forth in the relevant provisions of the national laws and government orders, with which GOJ strictly prohibit its nationals to be engaged in IUU fishing. One of particular examples is that, in order to ensure compliance with both international and domestic fisheries management measures, such rules and regulations provide severe punishments on fishing vessels operating under the Japanese flag within EEZs of foreign countries. In the case that such a fishing vessel is engaged in IUU fishing within EEZ of a foreign country, due punishment in accordance with national laws and government orders is imposed to the vessel, in addition to punishment by the foreign country as coastal state.

Punitive measures under national laws and government orders include imprisonment (up to three years) and fines (up to YEN 2,000,000), and in some cases, the Government confiscates fish, fishing gears and fishing vessel used for the infraction. In addition, the Government may revoke or suspend the license for such fishing vessels.

(v) Non Cooperating States

GOJ has maintained bilateral talks with several states and an entity which, without participating in RFMOs, allow their nationals to conduct IUU fishing including operations with fishing vessels flying a flag of convenience (FOC fishing vessels) or accept those foreign vessels with histories of IUU fishing. GOJ has been requesting them to cooperate with related RFMOs in implementing fisheries management measures adopted by the RFMOs and to quit accepting IUU fishing vessels.

(vi) Economic Incentives

Every official financial support is provided after thorough examinations so that no financial support is provided to fishermen who may engage in IUU fishing.

(vii) Monitoring, Control and Surveillance

Monitoring, control and surveillance (MCS) of fishing operations by Japanese nationals in the national waters as well as on the high seas and those by foreign fishing vessels allowed to operate in the national waters are conducted by inspection vessels of GOJ and prefectural governments. Fishing vessels allowed to conduct fisheries on the high seas are obliged to submit report including information on vessel position and catches. In addition, monitoring of fishing operations with vessel monitoring system (VMS) was introduced to some fisheries conducted in specific fishing areas.

Furthermore, fisheries for the species under catch limits/quotas such as salmon and bluefin and bigeye tunas, are subject to landing inspection at Japanese ports by officials of GOJ and/or official surveyors.

The Minister of Agriculture, Forestry and Fisheries shall, if necessary, set the upper limit of the total number of and/or total gross tonnage of fishing vessels, and to this end, FAJ collects, through its fishing vessel registration scheme, information on fishing vessels owned by Japanese nationals and companies. Any vessel that is not registered to FAJ shall not be used for fishing activities.

3. Cooperation between States

Japan has participated in and significantly contributed to the conservation and management programs of RFMOs which are established in the region where Japanese fishing vessels are conducting fishing activities targeting fishery resources under the competence of such RFMOs. Also, GOJ has provided RFMOs with information on its fishing vessels. In accordance with the provision of the FAO Compliance Agreement, GOJ provided FAO with the information on its vessels operating on the high seas.

With regard to IUU fishing vessels originated from Japanese used fishing vessels although those vessels were posteriorly obtained and operated by residents of Taiwan, GOJ implemented a cooperative program to demolish (scrap) those vessels. Forty-three IUU tuna longline vessels virtually owned by residents of Taiwan were demolished in this program from 2001 to 2003 (See ANNEX).

GOJ assisted establishment of a non-profitable organization named the Organization for Promotion of Responsible Tuna Fisheries (OPRT). OPRT is working closely with responsible flag states and fishing entities as well as their tuna longlining industries to ensure proper management of tuna longline fishing activities. One of the major tasks of OPRT is to send back landing data of tuna longliners to their flag states governments as well as their owners. Since large-scale tuna longline vessels usually operate on the high-seas and send their tuna catch directly to Japan through transshippers, it is extremely difficult for flag states to monitor their fishing activities and validate reported catches. OPRT fills the gap between the fishing vessels and flag states and is greatly helping the latter to control the former's fishing activities on the high seas so as to prevent IUU fishing. The current members of OPRT are Japan, China, Ecuador, Indonesia, Korea, the Philippines and Taiwan. The tuna export from the latter six members consists of over 90 % of the total import of sashimi frozen tuna to Japan.

Lastly, GOJ provided trust funds to FAO in order to support developing countries in general for several activities such as implementation of CCRF and development of NPOAs.

4. Publicity

GOJ, in collaboration with non-governmental organizations, has been making effort to enhance both fishermen's and general public's knowledge on IUU fishing and asking them to cooperate in combating the problem. Also requests have been made to importers to refrain from importing fish and fishery products from IUU fishing. In this field, too, the above-mentioned OPRT is working actively. Activities of OPRT include (a) to produce and internally and internationally disseminate information materials related to the IUU problems in tuna fishery, (b) to monitor the landing statistics of tuna by vessel by vessel using the data obtained from Japanese import documentation materials and to report such information to the relevant RFMOs, and (c) to implement scrapping of fishing vessels engaged in IUU fishing.

5. Technical Capacity and Resources

GOJ has provided trust funds to FAO for several purposes including implementation of CCRF and its associated IPOAs as well as development of NPOAs by developing states, and the organization of technical consultations in order to better address the IUU issues.

II. FLAG STATE RESPONSIBILITIES

1. Fishing Vessel Registration & Record of Fishing Vessels

As described in the Section I, 2. (ii) above, only Japanese vessels may fly the Japanese flag, among

which only vessels registered to the fishing vessel registration may be authorized to be used for fishing. Vessel registration ID number shall be displayed clearly on the hull of the authorized vessel. Information required for registration include, among others, owner's name, operator's name, vessel name, gross tonnage, date of launch and shipyard, and after the first registration, such registered information should be verified every five years by governors of prefectures to which the vessels are registered. When a vessel is subject to demolition, change of owner, change of registered base, the vessel's registration will expire.

2. Authorization to Fish

Japan has a fishery licensing system as one of the fisheries management measures. For the most of major fisheries conducted within areas of its national jurisdiction, any fisherman intending to conduct fishery subject to such licensing system shall obtain, from MAFF or prefectural government, an authorization for the intending fishery. Also, for fisheries targeting on fish species under international management (e.g., tuna) outside of Japan's EEZ, any person intending to conduct such fishing activities shall obtain a national fishery license issued by MAFF. Any fishing license specifies names of one fishing vessel and its owner, and consequently one fishing license corresponds to only one fishing vessel.

Several conditions are put on fishing licenses, including restriction on fishing gears, operating areas and time, reporting obligation, mandatory equipments, and compliance with regulations of RFMOs. If a fishing vessel fails to observe those conditions or commits violation or any illegal activity, the vessel will be subject to sanctions including the suspension of fishing license, and repeated violations may lead to the revocation of the fishing license.

Any owner of Japanese fishing vessels, who intends to land or transship fish and its products at foreign ports, shall obtain in advance a permit issued by the Minister of Agriculture, Forestry and Fisheries. Especially for landing and transshipment of internationally managed fish species such as tunas, permit holders shall report to the Minister on the volume of the fish, time and venue of such landing or transshipment prior to each landing or transshipment, and the verification of such reports is conducted at the Japanese landing sites.

III. COASTAL STATE RESPONSIBILITIES

Non-Japanese fishing vessels may be allowed to operate within the Japanese EEZ, as long as there is a surplus of resources within a total allowable catch (TAC) set by GOJ. Any non-Japanese person, who intends to operate fishery within the Japanese EEZ, shall obtain a fishing license by vessels issued by the Japanese Minister of Agriculture, Forestry and Fisheries. The Government may levy license fees in this case. The license specifies names of one fishing vessel and its owner, and consequently one fishing license corresponds to only one fishing vessel. The maximum penalty for the violations of this regulation (i.e., operation without license) is a fine of YEN 10,000,000. In addition, GOJ may confiscate fish, fishing gears, and fishing vessels used for the infraction.

No foreign vessel may operate fishery within the Japanese territorial water (within 12 nautical miles from the baseline), and any non-Japanese fishing vessel which intends to make a port-call to Japan shall obtain a port-call permit by the Japanese Minister of Agriculture, Forestry and Fisheries.

GOJ applies the same standard of MCS activities to both Japanese and non-Japanese vessels within its EEZ. GOJ dispatches patrol vessels and aircrafts for MCS activities on the fishing operations. Inspectors of GOJ, if necessary, shall order an immediate halt of cruising and conduct on-board inspection to both Japanese and non-Japanese fishing vessels in its EEZ. Monitoring activities using VMS are also carried out for fishing vessels of certain countries (as a measure based on reciprocity principle).

IV. PORT STATE RESPONSIBILITIES

Any non-Japanese fishing vessel, which intends to transship or to land their catch (any fish species) at Japanese ports, shall obtain the landing permit, along with the port-call permit, by the Japanese Minister of Agriculture, Forestry and Fisheries. Through this permit system, IUU fishing vessels are denied their access to the Japanese ports. Their landing and transshipment of fish at Japanese ports are totally prohibited. The maximum penalty for the violations of those regulations is 3 year imprisonment and/or a fine of YEN 4,000,000.

Any non-Japanese vessel transporting fish may land its freight only when it carries an official document issued by the flag state government certifying that the fish have been landed at and exported from the flag state. Landing is not allowed if the fish were transshipped at sea, even if the landing vessel is not directly involved in fishing activities.

V. INTERNATIONALLY AGREED MARKET-RELATED MEASURES

In accordance with rules and regulations set by RFMOs, GOJ employs trade restrictions of specific fish species and fishery products. For example, in case of whale products and salmon caught in the North Pacific, any imports from non-members to the relevant RFMOs are prohibited in accordance with a government order.

Also, any person, who intends to import bluefin tuna, southern bluefin tuna, big-eye tuna, swordfish, or patagonian-toothfish, shall submit required statistical or catch documents in accordance with the rules set by the relevant RFMOs. GOJ prohibits the import of the above fish species from specific countries which are engaged in fishing in a manner that undermines effectiveness of conservation and management measures, in accordance with decisions by such RFMOs.

In addition, in accordance with the decisions by several RFMOs such as ICCAT, IATTC and IOTC, GOJ has prohibited the imports of tuna species caught by large scale tuna fishing vessels that are not included in the list of duly authorized fishing vessels (so-called "positive list") within the regulation areas of the mentioned RFMOs.

VI. RESEARCH

In order to clarify the origin of fishery products provided for food, in accordance with the national law on "Japan Agricultural-Products Standard (JAS)", every fishery product shall be labeled with information on its origin. Violations against this requirement are subject to sanctions including fine, detention and imprisonment. In this regard, GOJ has been conducting scientific researches on several fish species including tuna, eel, oyster, jack-mackerel, salmon and trout for developing the methods to identify species, stocks and possible area of origin of either fresh or processed products.

In the case of tunas, any person who intends to import tunas to Japan shall provide necessary information to GOJ for obtaining advance permission, and the information derived from submitted documents is used for identification of IUU fishing vessels and/or elaboration of positive lists by RFMOs.

VII. Regional Fisheries Management Organizations

Japan has participated in all RFMOs responsible for the conservation and management of the fisheries resources on which Japanese fishing vessels are targeting, and cooperated in management measures set forth by those RFMOs including measures for combating IUU fishing.

Furthermore, as one of the major fishing states and major fish market states, Japan has been taking initiatives at those RFMOs in introducing appropriate management measures as well as in other activities by such RFMOs including collection of necessary scientific data and information, whereby contributing to further enhancing the effectiveness of fisheries management.

Report on the Japanese actions to eliminate IUU fishing by
Large Scale Tuna Longline Fishing Vessels (LSTLVs)

1. Detection and Identification of IUU-LSTLVs

In the late 1990's, the Japanese custom data and other relevant import records revealed increasing import of frozen bluefin and bigeye tunas from central American and African countries not known so far as active tuna fishing nations. After investigation, the Government of Japan (GOJ) found that the increase in the catch of tunas in those countries was mostly due to LSTLVs owned by residents of Taiwan and registered to those countries.

In the 1990's, ICCAT took a series of severe management measures to protect declining Atlantic bluefin and bigeye tunas. Those foreign registered LSTLVs owned by residents of Taiwan turned out to be operating outside the ICCAT restrictions and undermining the effectiveness of ICCAT conservation programs. Fishing grounds of those LSTLVs were not limited to the Atlantic but covered all the oceans. Their catches were totally unreported and unregulated in any ocean.

As a result of thorough study of all information collected from importers, transshippers and other relevant business entities, GOJ estimated that, as of 2000, at least 250 LSTLVs engaged in such IUU fishing all over the world.

2. Scrapping and Re-registration program

Since it also turned out that almost all of those 250 LSTLVs were owned and operated by residents of Taiwan, GOJ not only reported the investigation results to ICCAT and other tuna RFMOs but also started consultations with both fishing industry and authority of Taiwan in 1999.

During the consultations, two types of LSTLVs were identified, namely old used Japanese LSTLVs purchased by residents of Taiwan and relatively new LSTLVs built in Taiwan. The numbers of the two types of LSTLVs were estimated 120 and 130 respectively.

After long and difficult consultations, the both sides agreed in 2000 to set up two programs; a program to scrap old IUU LSTLVs mainly under the responsibility of the Japanese side and the other program to re-register new IUU-LSTLVs to the registry of Taiwan mainly under the responsibility of the side of Taiwan. The two programs resulted in scrapping of 43 IUU-LSTLVs and re-registration of 47 IUU LSTLVs. In addition, vessel owners of Taiwan sold about 65 LSTLVs to ICCAT Contracting Parties such as China and Cooperative non-Contracting Parties in order to secure fishing activities in the Atlantic under the auspices of ICCAT.

3. Additional Cooperative Management Schemes

However, in 2002, there still remained around 100 IUU-LSTLVs. 70 % of those were new, and no room for re-registration to Taiwan was left for them. Then, further consultations continued and led to a new program to expeditiously dispose their LSTLVs in accordance with the ICCAT resolution concerning "More Effective Measures to Prevent Deter and Eliminate IUU Fishing by Tuna Longline Vessels". GOJ also talked with the Governments of Vanuatu and Seychelles, major flag states of the remaining LSTLVs and reached an agreement with them to put those LSTLVs under strict control. A total of 69 IUU-LSTLVs committed themselves to comply with the following cooperative management schemes:

- (1) Arrangements for the legalization of IUU LSTLVs were established between the fishing authorities of the two flag states (Vanuatu and the Seychelles) and GOJ, and the vessels participating in the scheme must be subject to strict joint monitoring and control measures;
- (2) All of the participating LSTLV owners must obtain Japan's fishing licenses for LSTLVs and to freeze those licenses so as to reinforce and complement the cooperative management scheme mentioned above (1) as well as to prevent an increase of overall fishing capacity; and,
- (3) Those LSTLVs are authorized to fish only in an area where and for species for which their fishing operations will not pose a problem in light of regulatory measures and resolutions adopted by the relevant RFMOs. Specifically, 21 Seychelles flag LSTLVs may catch yellowfin and bigeye tunas in the Indian Ocean only, whereas 48 Vanuatu flag LSTLVs may fish for albacore in the Pacific Ocean (within which 4 Vanuatu flag LSTLVs are exceptionally allowed to target also yellowfin and bigeye tunas in the Pacific).

Even after the above efforts, approximately 30 old IUU-LSTLVs are believed to remain. But many of them already stopped fishing because of their ages or were transformed to other types of vessels such as squid jigging vessels and transshipping vessels. Thus, GOJ believes that the number of remaining IUU-LSTLVs is in actuality very small at present.

**250 IUU-LSTLVs
(2000 and before)**

Taiwan origin About 120 (70 (built before Jan. 2000)* + 50 (newly built after Jan. 2000))	Japan origin (used) about 130
---	-------------------------------------

**100 IUU-LSTLVs
(2002)**

IUU-LSTLVs About 100	Participants of the Re-registration Program 44	Participants of the Scrapping Program 43	ICCAT's CPCs' Licensed Vessels** about 65
---------------------------------	---	--	---

**30 IUU-LSTLVs
(2003)**

IUU-LSTLVs About 30	Participants of the Cooperative Management Scheme*** 69	Participants of the Re-registration Program 47	Participants of the Scrapping Program 43	ICCAT's CPCs' Licensed Vessels** about 65
--------------------------------	--	---	--	---

Note * Japan-Taiwan Joint Action Program to Eliminate IUU Vessels concluded in January 2000.

** CPCs means "Contracting Parties" and "Cooperative non-Contracting Parties, Entities or Fishing Entities".

*** Cooperative Management Scheme between Japan and Seychells/Vanuatu was agreed in July 2003.

Transition of the numbers of IUU large-scale tuna longline vessels (IUU-LSTLVs)