

Japan's comments on Item 9 (especially on transshipment)
“Combatting Illegal, Unreported and Unregulated (IUU) fishing”

General Comments

1. There are two types of transshipment activities: at-sea transshipment and in-port transshipment. These transshipment activities can be further classified into the following 6 categories, whose IUU risks are totally different. MCS measures for transshipment activities should be discussed with due consideration of such differences, particularly in terms of IUU risk for each transshipment category:

At-sea transshipment

[Category 1] At-sea transshipment activities that are managed and adequately monitored by RFMOs, such as those managed by tuna-RFMOs through 100% independent observer programs.

[Category 2] At-sea transshipment activities whose management are inside the framework of RFMOs but are not sufficiently monitored.

[Category 3] At-sea transshipment activities within EEZs, which are managed and monitored by coastal states.

[Category 4] At-sea transshipment activities that occur outside the framework of management and monitoring by RFMOs or coastal states, which are considered illegal transshipments.

In-port transshipment

[Category 5] In-port transshipment activities which are subject to relevant port state control.

[Category 6] In-port transshipment activities which are not adequately controlled nor monitored by the port state authorities.

2. There is an argument that at-sea transshipment has higher IUU risks than in-port transshipment. We believe, however, that at-sea transshipment activities monitored 100% under RFMO's independent observer programs have much lower IUU risks than in-port transshipment activities without adequate control or monitoring. We assume that Category 2, 4 and 6 pose higher IUU risks than Category 1, 3 and 5. Sound assessment of IUU risks for each category should be a starting point for better management of transshipment activities. For example, Paragraph 45 of the paper (COFI/2020/Inf.13) states that transshipments are considered to facilitate crimes, such as trafficking of people, wildlife, drugs or arms. However, we have never received any reliable information that such criminal activities occurred in transshipment activities managed by tuna-RFMOs through the 100% independent observer programs ([Category 1] mentioned above 1.).

It is not appropriate to consider that transshipment is posing certain risks without recognizing the difference among transshipment categories.

3. It is strongly encouraged that RFMOs currently having no or inadequate monitoring and control measures over transshipment activities establish internationally-standardized measures as soon as possible, taking into account the results of FAO's analysis.

Specific comments

-Paragraph 4 (Definition of transshipment)

RFMOs have their own definitions for transshipment in the Convention texts, which were agreed after a series of negotiations taking due consideration of characteristics of each region and then were ratified through legislative process of each contracting Party. Thus, we are not supportive of the discussion at FAO on standardization of the definition.

-Paragraph 10 (Transshipment involving non-Member vessels)

It should be noted that RFMOs do not necessarily provide friendly attitude towards applications from non-Members for obtaining contracting Party/cooperating non-contracting Party status. Further, when we discuss MCS measures for transshipment activities, focus of the discussion should be placed on how transshipment activities are managed and monitored in view of IUU risks. We consider that there is no difference in IUU risks between transshipment activities by contracting Party vessels and those involving non-Member vessels, as long as they take place under sufficient monitoring, such as 100% independent observer programs.

-Paragraph 32 and 39 (observers on both donor and receiving vessels, new technology)

For the purpose of monitoring at-sea transshipment activities, an independent observer on receiving vessels is sufficient. We are not convinced of the argument requesting additional observers on donor vessels or additional monitoring using new technologies, though such new technologies may replace human observers in the future.