

April 23, 2019

A Request for Legislative Schemes for Domestic Seafood Traceability and Measures to Screen Imported Seafood Upon Importation (Proposal)

- ***Regarding the Passage of the Bill Partially Amending the Fisheries Act***

The “Implementation Plan for the Regulatory Reforms”, which incorporated the fisheries policy reform proposal by the Fisheries Agency of Japan, was approved by the Cabinet in June 2018. At the Extra-Ordinary Diet Session in December 2018, the Bill Partially Amending the Fisheries Act (the Amended Fisheries Act) passed. The Amended Fisheries Act takes quantitative/output management approach to fisheries resource management based on scientific evidence, which sets Total Allowable Catches (TAC) and Individual Quotas (IQ). We strongly expect that this amendment will lead to the recovery of fisheries stock necessary for the sustainable development of Japanese fisheries, including coastal fisheries.

- ***Fisheries Resource Management and IUU Fishing***

In order to successfully introduce stringent fisheries resource management envisaged in the Amended Fisheries Act, it becomes even more important to establish a system where non-compliant fisheries products do not circulate in the market and secure a market environment where compliant fishermen can compete fairly. We have pushed the government to take measures to eliminate illegal, unreported, and unregulated (IUU) fishing but see the greater need to introduce such policy measures from now on.

In reality, the following IUU cases have been reported within Japan despite resource management in place:

- In 2016-2017, during which the Japanese government was practically introducing quota-based management of the species, a total of over 100 tons of the bluefin tuna were either illegally caught or their catches unreported¹ in Japanese waters.
- With the upper limit being placed for the quantity of glass eels in farming ponds, in the 2018 fishing season, the reported quantity of glass eels introduced to farming ponds exceeded the sum of domestically captured and imported glass eels by 3.7 tons, indicating rampant unreported catches/poaching of glass eels².

Additionally, there have been overseas IUU cases reported that could potentially impact on Japan, as follows:

- It is estimated that in 2016 Chinese vessels caught 150,000 – 250,000 tons more of the chub mackerel (*Scomber japonicus*) than the volume reported by the Chinese government to the North Pacific Fisheries Commission (NPFC)³.
- Numerous instances of illegal squid fishing operations by foreign vessels, including North Korean vessels, have recently been reported in and around Yamatotai, the Sea of Japan in the Japanese Exclusive Economic Zones⁴.

These cases compromise the resource management efforts, and hence, an appropriate system should be established under international cooperation to prevent such seafood products of IUU origin from circulating in the market.

- *IUU Fishing and Social Problems*

As FAO has reported previously⁵, those undertaking IUU fishing are often involved in related crimes. For instance, forced labor, slavery and human trafficking in South Eastern Asian countries have been reported to date. To address these issues, a number of countries have introduced measures to ensure transparency in seafood supply chains to trace the origin of products. The European Union (EU) and the United States have introduced a scheme to check the origin of seafood upon importation, and in addition, the United Kingdom and Australia have introduced a legislation called the Modern Slavery Act to increase supply chain transparency, to which seafood is also subjected. According to overseas estimates, Japan is reported to import seafood that is at-risk of modern slavery, amounting to 44% of the total volume of seafood imports, or US\$3 billion in value⁶. Japan should also turn its eyes to these problems.

- *Our request*

Provided the aforementioned risks in seafood supply chains, Japan should establish a proper system to prevent IUU seafood products from circulating in its market, showing its proactive commitment to eliminating IUU products as the world's third biggest seafood importing country. Specifically, import control measures (i.e. checking for genuine information regarding the origin of imported seafood products at the border/on arrival tracing back to the catch) should be taken. As with seafood products caught and landed domestically, traceability should also be ensured to obtain genuine information tracing the movements from catch to retail.

To date, the Japanese government has demonstrated its efforts such as follows:

- In late 2018, it was uncovered that the Atlantic Bluefin Tuna had been illegally caught and traded in the EU by international criminal organizations, weighing 2,500 tons and amounting to 12.5 million euros in value per annum. In response to this, it was possible for the Japanese Fisheries Agency to take appropriate import control measures because of the catch certificate/documentation system in place.
- The above Cabinet decision on the fisheries policy reform stipulates that “to ensure thorough resource management, eliminate IUU fishing and increase exports, a legislative provision will be made related to catch certificates as the starting point for traceability and gradually introduce such scheme to those [seafood products] that require it most, while efforts to introduce traceability will be promoted by taking full advantage of ICT.”

Based on the said Cabinet decision and the government's recent policy to introduce a traceability scheme domestically, and importantly, to ensure fair competition for domestic fishermen, we strongly propose that the Japanese government simultaneously introduce import control measures (i.e. a system where genuine information regarding the origin of imported seafood products tracing back to the catch is confirmed at the border/on arrival) in addition to legislating a domestic traceability scheme.

¹ Fisheries Agency of Japan. (2017). *On the Adherence to Resource Management Measures for Pacific Bluefin Tuna*. <http://www.jfa.maff.go.jp/j/press/kanri/attach/pdf/170310-1.pdf>: In accordance with the international agreements reached at the Western and Central Pacific Fisheries Commission (WCPFC), the Japanese government has committed to quota-based management of the Pacific Bluefin Tuna by setting the upper limits for the number of the tuna that can be caught each year, depending on the size/weight of the fish (with limits specified for those 30kg or larger and those below 30kg).

² Fisheries Agency of Japan. (2019). *On the Situation and Measures concerning Eels*. <http://www.jfa.maff.go.jp/j/saibai/attach/pdf/unagi-109.pdf>: In response to the sharply declining catches of glass eels, the market value of the species has skyrocketed in recent years, paving the way for domestic poaching.

³ Oozeki et al. (2018). Reliable estimation of IUU fishing catch amounts in the northwestern Pacific adjacent

to the Japanese EEZ: Potential for usage of satellite remote sensing images. *Marine Policy*, 88. The Chinese has markedly increased their fishing efforts in the high sea areas of the northwestern Pacific recently, but the number of fishing boats and the amount of catch were considered likely to be underreported by China as Japanese patrol vessels have recorded numerous instances of false identification of vessels (e.g. multiple Chinese boats displaying the same name and registration number and boats displaying a different vessel name on each side of their hull).

⁴ Fisheries Agency of Japan. (2018). *On the Response toward Foreign Vessels in Waters around Yamatotai in the Sea of Japan (2018 Fishing Season)*.

<http://www.jfa.maff.go.jp/j/kanri/torishimari/attach/pdf/torishimari2-19.pdf> In response to the increasing presence of illegal North Korean squid vessels, the Japanese government has intensified their patrolling activities around Yamatotai areas to deter those illegal foreign operations.

⁵ Food and Agriculture Organization of the United Nations. (2016). *When IUU fishing is only the tip of the iceberg*.... Blue Growth Blog (October 13, 2016). <http://www.fao.org/blogs/blue-growth-blog/when-iuu-fishing-is-only-the-tip-of-the-iceberg/en/>

⁶ Walk Free Foundation. (2018). *The Global Slavery Index: Japan*. <https://www.globallslaveryindex.org/2018/findings/country-studies/japan/>.

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