
**PREPARATORY CONFERENCE FOR THE
COMMISSION FOR THE CONSERVATION AND
MANAGEMENT OF HIGHLY MIGRATORY FISH
STOCKS IN THE WESTERN AND CENTRAL PACIFIC**

Seventh session
Pohnpei, Federated States of Micronesia
6 – 7 December 2004

WCPFC/PrepCon/DP.36
6 December 2004

CHINESE TAIPEI EXPLANATORY NOTE TO JAPAN'S INFORMATION PAPER

Submitted by the delegation of Chinese Taipei

Summary

To comply with the fisheries management measures adopted by various international fisheries management organizations, Chinese Taipei has in recent years taken necessary management measures, including requirement of installation of VMS, monthly reporting of catch statistics, deployment of observers on board fishing vessels, selection of sample vessels, and establishment of regime for the issuing of statistical documents.

As to the cases under investigation by Japan, it is noted that transport vessels have played a significant role of acting as an intermediate in the process of fish laundering. Therefore, intensification of the monitoring and control of transport vessels is a key element to prevent fish laundry.

In its Information Paper, Japan tries to use individual cases and indirect information to allegedly assume that there could be extensive involvements of fish laundry in bigeye tuna catches in the Pacific Ocean. We feel this assumption is rather inappropriate and requires further clarification.

I. The investigation results of the “Lung Yuin” and “Suruga No. 1” cases

Chinese Taipei was as much alarmed and regretful as others when we heard that Japan arrested two freezer transport vessels, “Lung Yuin” and “Suruga No. 1” for violation of the reporting requirements, in assisting some fishing boat owners, including Chinese Taipei boat owners, to issue false statistical documents for the export of bigeye tuna to Japan. Based on the information provided by Japan, we have conducted a thorough investigation on the cases. There were concrete evidences that eleven (11) vessels have been involved in falsification of shipping documents, and they have been penalized according to our law. Twelve (12) of them were considered by both Japan and Chinese Taipei to be innocent. And for the remaining thirteen (13) vessels, we are still waiting for Japan to deliver the evidence of its legal proceedings for our actions. It shows that the present cases are in fact individual cases, and they could be considered as cases not of generality in nature. Japan's description in the Information Paper is over exaggerating and unjustifiable.

II. Export of Pacific Tunas Caught By Chinese Taipei's LSTLVs

Japan took for granted that the increase of our tuna catch in the Eastern Pacific Ocean in 2003 was the result of laundering activities. This assumption is incorrect. Our statistics, as verified by the New Japan Surveyors and Sworn Measures Association reports are shown in Table 1. It shows that Japan's imports of frozen bigeye tuna from us were 11,615 t in 2001, 24,839 t in 2001, and 20,448 t in 2003, while Japan's figures indicate its tuna imports from us during the same period were 18,000 t, 33,000 t and 33,000 t, respectively. There seems to be a great discrepancy, and we don't know where Japan got the figures. From our deeper analysis of Japan's figures, we have noted that Japan has probably included the imports of purse seine caught tunas in its figures. Our staff reported that from their review of the reports from New Japan Surveyors and Sworn Measures Association, vessels with Chinese character names, which seemingly belong to China or under Vanuatu flag, were often included in the reports. Catches from such vessels have been excluded from our statistics, but the information has not been passed to NJSSMA for correction.

Table 1. THE DIFFERENCES BETWEEN THE DATA FROM JAPANESE INFORMATION PAPER AND THE DATA OF CHINESE TAIPEI

Unit: tons

		2001	2002	2003
Data in Japanese Information paper (extracted from Fig. 2)	EPO	4,000	15,750	10,000
	WCPO	14,000	17,250	23,000
	TOTAL	18,000	33,000	33,000
Chinese Taipei ^(1, 2)	EPO	6,504	13,165	10,225
	WCPO	5,111	11,674	10,224
	TOTAL	11,615	24,839	20,449

Note: 1. The total import data as provided by Chinese Taipei is obtained from New Japan Surveyors and Sworn Measures Association, NJSSMA

2. The quantity of EPO and WCPO is calculated according to the ratio of total catches provided to IATTC and SCTB respectively by Chinese Taipei

As to Japan's own separation of statistics between western and eastern Pacific, we don't know how it managed to do this, and from which sources did Japan produce such a separation. In accordance to our internal statistics, the ratio of tuna catches by our large-scale tuna longliners between western and eastern Pacific, has been maintained quite constant in the recent years (2001-2003) between 44 and 49 in the western Pacific, and 51 and 56 in the eastern Pacific. (See Table 1) We have provided our statistics to both IATTC and SCTB, Japan or other interested parties may look up our statistics from IATTC and SPC. We are willing to check the statistics with Japan, and see where really is the discrepancy, but we cannot accept Japan allegation from unchecked figures that there was falsification of reporting from our fishing vessels.

III. Export of Pacific Bigeye From Old LSTLVs

As for the arguments whether old LSTLVs is capable or has the freezing capacity to produce sashimi-grade tuna, similar debate was encountered in ICCAT meeting held one week ago in New Orleans. In our report provided to ICCAT, we pointed out that the development of Chinese Taipei ultra low temperature tuna longline fishery could be traced back to 1970, and in 1980 Taiwan already had 72 ultra low temperature tuna longline vessels. This can be confirmed by the records in Tuna Yearbook of Japan. Furthermore, conventional longline fishing vessels are all equipped with blast freezing rooms with storage capacity of 40 t, capable of bringing the temperature of the fish to -45°C . Therefore, it should not be considered as unreasonable for conventional albacore longline vessels to have annual bycatch of 40 mt of bigeye. Detailed explanation has already been made during ICCAT meeting. That document is attached for the reference by WCPFC PrepCon 7 participants. (Attachment 1) From the information provided by Japan [DP.34], we have making some checking against our statistical files, and were able to pick up a vessel appears to resemble one of the four (No. 36) blocked unnamed vessels. Japan seemed to be querying the activities of this 22-year old vessel, suspecting it could not have caught 179 t in 2003. We have retrieved its VMS tracking record. (See Figure 2) During 2003, the vessel was operating between 5°N and 10°S in the Pacific. It can be interpreted that the vessel was targeting for tropical tunas, including bigeye tuna. The square box on the distribution chart of catches of bigeye tuna in the Pacific Ocean, provided by IATTC, as shown in Figure 2, can prove that the area of operation of this vessel could be abundant in bigeye. In conclusion, we would like to emphasize that one cannot determine whether a vessel has the capacity of ultra low temperature freezing from the vessel's age, and it is the freezer on board that makes the difference.

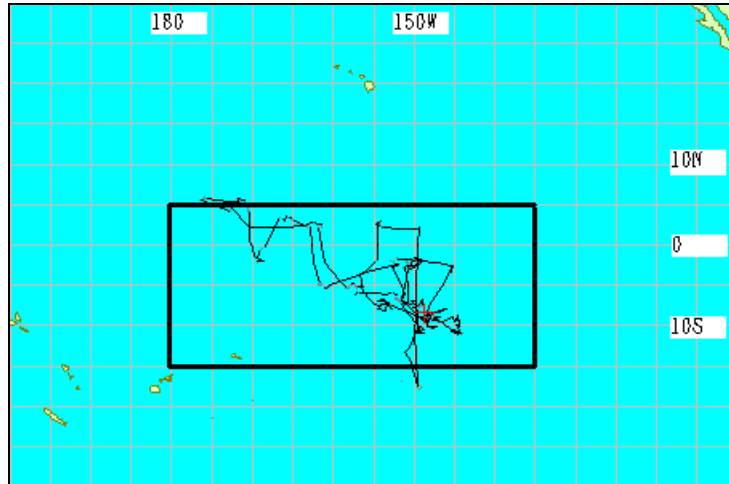


Figure 1 VMS tracking from 1 January to 31 December 2003 of the vessel that appears to resemble No.36 vessel as listed in the Attachment of Information Paper.

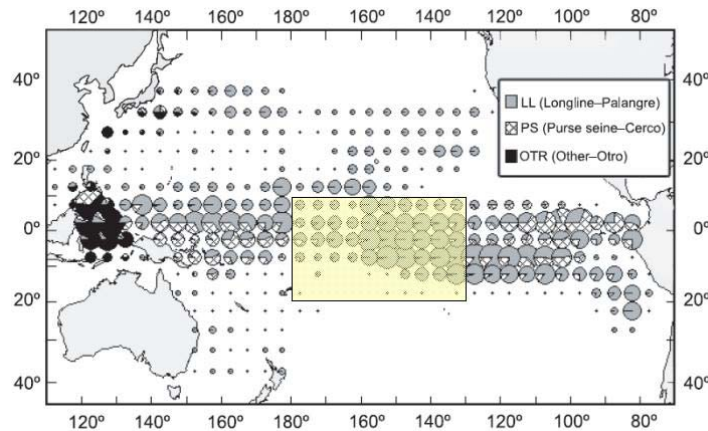


Figure 2. Distribution of catches of bigeye tuna in the Pacific Ocean, in metric tons, 1990-2000. The sizes of the circles are proportional to the amounts of bigeye caught in those 5° by 5° areas.

Source: IATTC, 2004, Fishery Status Report - Tunas and billfishes in the Eastern Pacific Ocean in 2003.

IV. Conclusion

We appreciate Japan taking its time in exploring the matter. However, it is not appropriate to make misrepresentation or over-exaggeration for the purpose of attacking a party. This case was discussed in ICCAT 14th Special Meeting in November 2004, though neither Japan's information paper nor Chinese Taipei explanatory has been convincing to the Commission. However, Chinese Taipei did not deny that there could be cases of individual violations, and provided its assurance to strengthen the fisheries management to avoid such activities. We welcome any party to provide us with evidence of violation fisheries regulations, and take appropriate measures to penalize those illegal activities. We will continue to cooperate with Japan and other concerned parties to investigate and crack down any possible case of violation. We hope Japan or any other party will not use over-exaggerated information, finger-pointing another party for non-compliance.

**CHINESE TAIPEI'S EXPLANATORY NOTE
TO JAPAN'S INFORMATION PAPER [PWG-051]**

(Submitted by Chinese Taipei)

I. Japan's Doubt on Chinese Taipei 2002 Atlantic Bigeye Catch Cleared

At the 2003 Commission meeting Japan reported an excessively amount of bigeye imported from Chinese Taipei, and requested the two parties underwent checking of catch figures.

Chinese Taipei sent its staff to Japan in May 2004 to conduct checking of fisheries data, and officials of the two sides confirmed the figures. The overage of some 2,000 mt in Japanese import of bigeye tuna in 2002 and 2003, was mainly the result of issuing of statistical documents to the 13 vessels on behalf of the flag States pending completion of the re-registration procedure as authorized by the Commission [01-23]. We reported this fact to the Commission at the 2003 Commission meeting, and required the Commission to grant additional 2,000 mt of bigeye catch limit to accommodate with the change of vessels in operation. (See Appendix 3 to Annex 8, Panel Appendices, ICCAT Report 2002-2003(II))

II. "Lung Yuin" and "Suruga No.1" cases

Japan arrested two freezer transport vessels, "Lung Yuin" and "Suruga No. 1" for violation of the reporting requirements.

To the cases of fish laundering by transport vessels, we are as much alarmed and regretful as others. Based on the information provided by Japan, our investigation shows that:

- Transshipment of catches on the high seas has been carried out commonly by all major distant fishing nations (including Japan, Korea and China), and presently ICCAT has not prohibited at sea transshipment. Though Japanese domestic regulations forbid at sea transshipment of catches, it seems that Japanese government has some understanding on the practical operation and accepts the existence of such practice.
- "Lung Yuin" operated by Chinese Taipei company:
Among the 25 vessels under Chinese Taipei flag in the "Lung Yuin" case, their transshipment was carried out in the Pacific Ocean. 4 of them were found to have involved in fish laundry in the Pacific, they have been penalized with suspension of fishing license for a period of 3 months. Their violations do not appear to have any involvement in the fish laundry of Atlantic origin tuna.
- "Suruga No. 1" operated by Japanese company.
There were 13 Chinese Taipei flag vessels involved in the "Suruga No.1" case, 6 of them were found to have involved in fish laundry, and they have been penalized with suspension of fishing license for a period of 3 months.

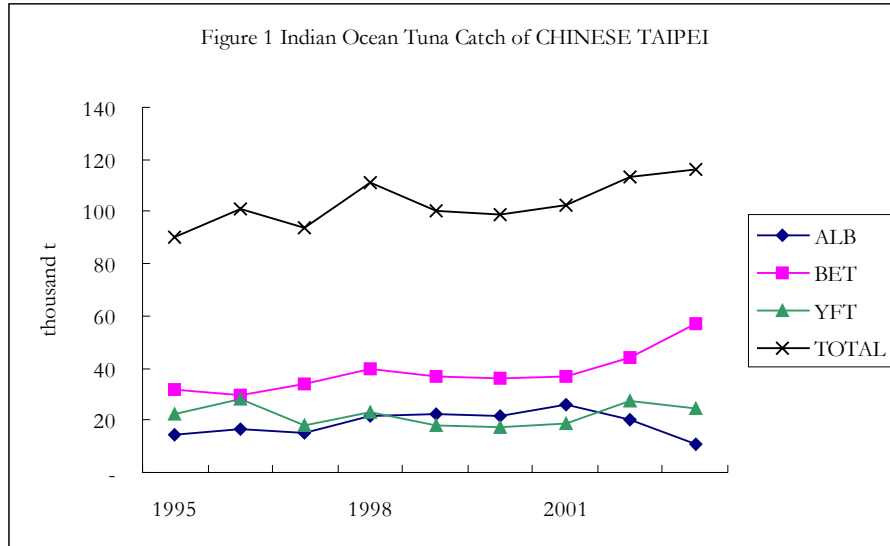
It shows that the present cases are in fact individual cases, and they could be considered as cases not of generality in nature. Japan's description in the Information Paper is over exaggerating and unjustifiable.

III. Growth in Bigeye Catch in the Indian Ocean due to Restructure of Fishing Pattern

In Table 1 of its Information Paper, Japan tries to show the abnormal phenomena of our fishing activities in the Indian Ocean, both on the number of vessels in operation and the amount of catch, stating that while there has been little change of our fleet size in the Indian Ocean, the catch of bigeye tuna has drastically increased.

Figure 1 shows the trends of the annual of our catches of the major tuna species in the Indian Ocean during the past years (1995-2003). It shows that the overall catch during the period maintains around 100-110 thousand tons. The catch of albacore tuna decreased from 26,000 mt in 2001 to 11,000 mt in 2003, with a reduction of 15,000 mt. In contrary, the catch of bigeye tuna increased from 37,000 mt in 2001 to 52,000 mt in 2003, with a growth of 15,000 mt. Table 1 of Japan's Information Paper indicates there has been limited increase of the number of vessels operating in the Indian Ocean.

Whereas, Figure 1 below reflects a restructuring on the fishing pattern of our fleet in the recent years, with a growth in the number of vessels fishing for bigeye tuna through the shifting of target species from albacore to bigeye. Considering the normal catch of albacore by those vessels targeting on albacore being about 300 mt, it means that about 50 longline vessels have shifted to fish for sashimi-quality ultra low temperature bigeye tuna. Furthermore, there were 20 re-registered fishing vessels in the Indian Ocean fishing for bigeye tuna. It is not unreasonable to have an increase of 15,000 mt in the Indian Ocean bigeye catch, with 70 ultra low temperature vessels added to the fleet.



IV. Change in Ratio of Bigeye and Yellowfin Catch in the Indian Ocean due to Restructure of Fishing Pattern

1. Japan took for granted that the increase in the ratio of bigeye and yellowfin in our catch in the Indian Ocean was due to fish laundering.

In the early days of development of ultra low temperature tuna fishery, restricted by fishing technology and mentality of skippers of fishing by quantity than by value, ultra low temperature tuna longline vessels focused more on catching of yellowfin tuna, and the ratio between bigeye tuna and yellowfin catch was about 1: 1. Since 1995 the pattern of the fishery changed to target on bigeye tuna, and the ratio between bigeye and yellowfin catch in the Indian Ocean has changed accordingly with more weighting on bigeye catch, and maintained at about 2: 1. The ratio of bigeye and yellowfin catch of about 300 ultra low temperature tuna longline vessels in the Indian Ocean has been 2: 1 for quite some time, and therefore, one should note that this ratio did not change all of a sudden in the past 3 years.

2. Japan took for granted that the decrease of transport of tuna in the Atlantic Ocean by transport vessels of Chinese Taipei was due to fish laundering.

According to our information there are currently 53 ultra low temperature transport vessels, among which, 46 are operated by Japanese companies, 4 by Chinese Taipei companies, and 3 by Korean or Chinese companies.

As indicated in the Japanese Information Paper, there was some transshipment conducted by Chinese Taipei transport vessels in the Atlantic Ocean in 2001, and later such activity did not continue, thus implying the suspect of fish laundry. Actually, that vessel though owned by company of Chinese Taipei, but was chartered to and operated by Japanese company in 2001. The reason for the discontinuation of such activity in the Atlantic is that all Chinese Taipei companies, which own transport vessels also own fishing vessels. As the majority of their fleet is operating in the Indian and Pacific Oceans, their transport vessels only conduct transshipment in the Indian and Pacific Oceans. Therefore, it is not reasonable to make an assumption, saying that the drastic reduction of fish transport of the vessel was due to fish laundry.

3. Japan pointed out that the 28 longline vessels built before 1980 are not equipped with ultra low temperature freezers, and should not have bigeye catch.

The development of Chinese Taipei ultra low temperature tuna longline fishery could be traced back to 1970. According to the information of Taiwan Tuna Association, in 1980 Taiwan had 72 ultra low temperature tuna longline vessels. This is also recorded in Tuna Yearbook of Japan. It should be noted that among the 28 vessels listed on the Japanese Information Paper, 8 of them were in fact among the list of ultra low temperature tuna longline vessels previously agreed between the tuna associations of the two sides. Therefore, one cannot determine whether a vessel has the capacity of ultra low temperature freezing from the vessel's age, and it is the freezer on board that makes the difference. One can, therefore, come to a conclusion that this assumption made by Japan is irrelevant.

Anyone familiar with the operation of albacore longline fishery should be well aware that on conventional albacore longline vessels, there are four blast freezing rooms, with freezing capacity of -45° C, and storage capacity of 40 mt. Japanese market is willing to accept this kind of frozen sashimi at a discount price, but it is still much higher than the one used for canning. As such, the skipper will usually keep the bigeye he caught in the freezing rooms, with half of the storage space, i.e. 20 mt. If 2-3 transshipments are made in a year, the total catch of bigeye will accumulate to some 30-40 mt. Among the vessels as referred to in Table 1 of Japan's Information Paper, at least 6 of them belong to this category. Their annual bycatch of 40 mt of bigeye should not be considered as unreasonable. Without direct evidence, assuming that they have been involved in fish laundry is not justifiable.

Despite of the above description, Chinese Taipei will conduct an in-depth investigation on the other 14 vessels with smaller carrying capacity, but having a great increase in their bigeye catch.

V. Estimated amount of Atlantic bigeye catch involved in the laundering activities

Japan pointed out that our catch ratio of yellowfin and bigeye has been unusual, and from its estimation of 3: 1 ratio, it said "it is a safe and reasonable assumption that the bigeye amount over three times of the yellowfin amount is disguised Atlantic bigeye catch", and concluded that around 18,000 mt of Atlantic bigeye tuna was estimated to be imported in 2003 under the disguise of Indian Ocean origin.

Japan's assumption is over exaggerating. As mentioned earlier, Japan's estimation has neglected some of the factors mentioned earlier above. We have made a review on the tuna imports by Japan, in vessel and species basis, and found out more realistic factors. Given that an annual catch of 200 mt of bigeye by vessels targeting on bigeye in the Indian Ocean is considered normal, and an annual bycatch of 40 mt of bigeye by vessels in the Indian Ocean targeting on albacore is considered normal, it was found that there remains some 10% of the Indian Ocean fleet which do not meet these criteria. If we are to examine more closely to this sector of vessels, the quantity in excess of the normal catch is estimated to be about 4,000 mt. We may either say they have performed extraordinary good fishing or they might have been involved in fish laundry, and further investigation on their activities is needed. Despite this hypothesis, it is difficult for anyone to draw to a conclusion that this estimated exceed-than-normal catch of 4,000 mt, could be Atlantic catch in disguise, or in other words, laundering of Atlantic catch. Without concrete evidence, we cannot take for granted that they have involved in fish laundry.

One should not forget the possibility that there still exist some old IUU vessels that refused to join Japan's buyback program. In a number of papers, Japan has pointed out that despite the efforts made by both Japan and Chinese Taipei, a significant number of IUU large-scale tuna longliners were still undetected. These vessels have been seeking every possible chance to have their catch legalized, including by means of fish laundry. There should be more enhanced international cooperation in order that the last IUU vessel can be eliminated.

Conclusion

Chinese Taipei implemented a vessel buyback program during 1991-1995, during which 136 large-scale tuna longliners (over 100 GRT) were purchased by the government for scrap, and

ever since the number of large scale tuna longliners has been maintained at 610. In order to implement ICCAT decisions and the joint action plan between Taiwan and Japan for application of re-registration program, 48 ex-FOC tuna longliners were re-registered and managed under Chinese Taipei, and at the same time Chinese Taipei reduced 48 large-scale tuna longline fishing vessels. In other words the number of large-scale tuna longliners will still maintain at 610.

Since 1999 ICCAT has limited the number of our fleet in catching of bigeye at 125 vessels, and a catch limit of 16,500 mt. In view of the imbalance between the fleet size and the catch limit available, some of the vessels that were operating in the Atlantic had since moved to other oceans, making the number of longliners targeting for bigeye to be 87 in 2004. With a per-vessel catch of 180 mt per year, this fleet size of 87 vessels is considered to be in correspondence with their catch.

Despite of our compliance with ICCAT's request in 2001 for re-registration of ex-FOC/IUU tuna longliners, and authorization of issuing of statistical documents for the tuna catch by the IUU/FOC vessels pending the process of re-registration [01-23], the Commission has not provided us with additional catch limits of 2,000 mt to accommodate with the increase of fleet size. We officially made such a request in the 2003 Commission meeting (see Appendix 3 to Annex 8, Panel Appendices, ICCAT Report 2002-2003 (II)), and again hope the Commission will consider favorably our request.

We appreciate Japan taking its time in exploring the matter. From the above analysis, the so-called 18,000 mt of bigeye catch of doubt should in fact be estimated to be not more than 4,000 mt. Japan's accusation of a fish laundering activity in generality obviously does not exist. The increase of bigeye catch in the Indian Ocean was a result of restructuring of fishing pattern by 50 longliners which previously targeted on albacore, and an addition of 20 ex-FOC/IUU re-registered vessels, while we do not deny there could be individual violation cases in existence. For those violations with concrete evidence, the offenders have been penalized accordingly. In order to prevent possibility of fish laundry by individual boat owners, we suggest:

- Strict monitoring and control transshipment of catch on the high seas and the management of transport vessel should be conducted in a transparent manner. In the 2003 Commission meeting, we did support the need of strengthening monitoring and control of at sea transshipment.
- We shall continue our consultations with concerned countries on the matter and exchange with them any information to improve the control of issuing of statistical documents.
- To those fishing vessels which are found to have unusual activities, or have evidence to be conducting fish laundering, close investigation will be continued, and violators will penalized in accordance with the degree of the offence.
- Continued international cooperation in the exchange of information on the remaining of IUU fishing vessels, and relevant regional fisheries management organization should make concerted efforts in adopting harmonized measures in eliminating the last IUU fishing vessels.