

United Nations Environment Programme

“Measures to combat illegal, unreported and unregulated (IUU) fishing around Chinese waters”

Forum: Environmental

Issue: Measures to combat illegal, unreported and unregulated (IUU) fishing around Chinese waters

Student Officer : Lina Bennani Karim

Position: Deputy Chair

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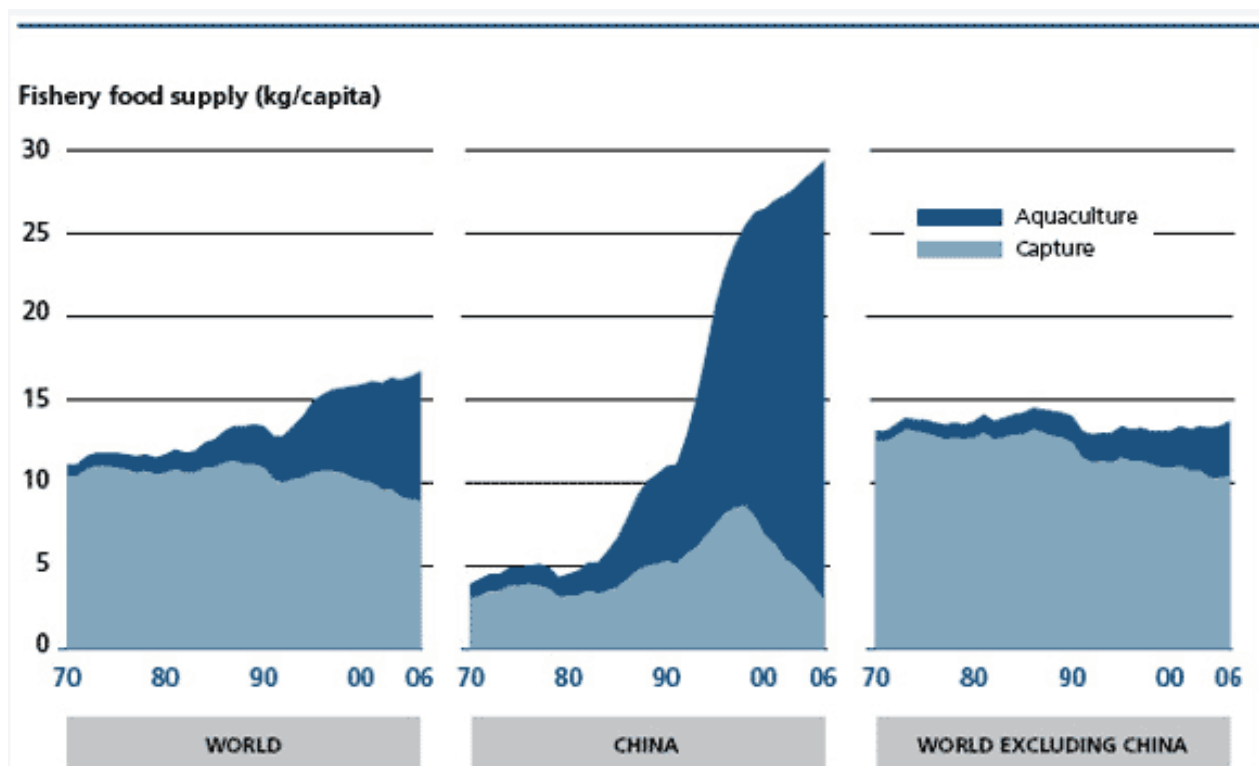
Context & Historical Background

Illegal, unreported, and unregulated (IUU) fishing can cause tremendous economic and environmental disadvantages, especially for developing countries who lose the value of the catches that could have been made by local fishermen. It is estimated that the global economy loses between \$10 billion and \$23 annually from IUU fishing (Toor, The Verge). This number will only rise due to the world's increasing demand of seafood, which has led to severe overfishing. According to the United Nations Food and Agriculture Organization, 90% of the world's fisheries are fully exploited or facing collapse. China, as the world's largest exporter of fish, has taken the center stage in this issue, since reports of illegal fishing have been more frequent over the years.

Illegal, unreported and unregulated fishing has been a rising concern as the demand for seafood and fish has increased. It is highly attractive for fishermen and pirates since they pay no taxes or duties on their catches and practice with impunity. According to the Sub-Regional Fisheries Commission, IUU fishing is caused due to:

- Insufficient and inadequately trained personnel in the relevant authorities.
- Poor motivation by the authorities to invest in relevant personnel.
- Low salaries, which lead to irregular payment by vessel owners to fisheries administrators
- The high purchase, maintenance and operational costs of patrol boats and aircrafts. In the states where they are available, they are usually not operable due to other logistical issues

IUU fishing is most prevalent in areas such as West Africa, where it accounts 40 per cent of fish caught, and the Northwest Pacific Ocean, where it accounts for around 34 per cent of the total catch (World Ocean Review). The Northwest Pacific Ocean, more specifically areas under Chinese control, has been an IUU fishing hotspot due to the increasing demand of seafood. The growing Chinese middle class over the past 15 years has led to an overall increase in demand of luxury goods, such as high quality seafood. This has led to a rise in IUU fishing, as fishermen take advantage of this increase in demand and the large scale fishing taking place.



Source: FAO Fisheries – The State of World Fisheries and Aquaculture, 2008

Moreover, China has been the world's leading fish exporter since 2002. In 2004, the export value was \$6.6 billion. Its fishing fleet is composed of 220,000 motorised vessels. These vessels are active throughout coastal fisheries and distant fisheries. The coastal fisheries are within China's exclusive economic zone (EEZ), however, the ongoing disputes over the territory of the South China Sea has led to uncertainty over the exact size of China's EEZ. This is concerning since there is then conflict between the coastal states monitoring their EEZ if they are not definite. In 2013, during his visit of a coastal village, President Xi Jinping urged Chinese fishermen to "build bigger ships and venture even further into the oceans and catch bigger fish" (South China Sea Morning Post). This statement shows how China is encouraging its fishermen to venture out of the EEZ, in defiance of the United Nations Convention on the Law of the Seas and countries involved in the South China Sea dispute. By encouraging this, the President is also motivating fishermen to continue with their IUU fishing since China is going against UN imposed laws themselves. In fact, there have been numerous reports of Chinese vessels and fishermen being intercepted by Korean, Indonesian, and Philippine troops. By sinking ships and arresting

fishermen, these countries are monitoring what they claim are their own exclusive economic zones. Overall, fishermen have taken advantage of this dispute to continue their IUU fishing.



China has still made several attempts at regulating and monitoring the fishing activity of its vessels and of the different fishing companies. It imposes regular bans in certain areas to lower pollution and allow for the patrolling of ports. Authorities at their ports conduct regular inspections, however, they do not seem to be enforced everywhere. This year alone, after a four month ban of fishing in the South China Sea due to the fish spawning season, Chinese police, at the end of August, have already reported 92 cases of illegal fishing (South China Morning Post)

United Nations Involvement

The United Nations Food and Agriculture Organization (FOA) provides a forum of negotiation for codes of and agreements on international fisheries management. The FOA uses the United Nations

Convention on the Law of the Sea as a base for all its treaties and agreements. In 1995, the FOA published a Code of Conduct for Responsible fisheries with the objective of setting the standard for “responsible practices with a view to ensuring the effective conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity”(Food and Agriculture Organization-Fishery). Concerning IUU fishing, the Code of Conduct specifically states:

“8.2.7 Flag States should take enforcement measures in respect of fishing vessels entitled to fly their flag which have been found by them to have contravened applicable conservation and management measures, including, where appropriate, making the contravention of such measures an offence under national legislation. Sanctions applicable in respect of violations should be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and should deprive offenders of the benefits accruing from their illegal activities...”

However, many nations have been unwilling or unable to enforce such actions, since if these rules and regulations are enforced, countries would lose a significant amount of their fishing stock considering the amount of fish is caught through IUU fishing. Consequently, in 2009, the FOA designed the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing. This treaty requires fishing vessels to request permission to dock in ports, allowing the authorities at the port to monitor and document the arrival and business of all vessels. The treaty also enforces stricter inspections of paperwork, catches and records. It was put into force in 2016, when 25 countries ratified it. As of today, 34 states have ratified this treaty. China is not among them.

Different Perspectives

China

China is one of the major countries involved in this issue, as it accounts for one third of the world’s fish production and its increasing demand for fish has been alarming, since it has led to a surge in IUU fishing. To a certain extent, China understands the environmental damage of IUU

fishing and overfishing. Consequently, since the 1990s, China has implemented an annual ban on fishing in the South China Sea. It has also been planning on cutting back and decreasing its fishing fleet in size. However, China has not signed the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, while other countries who have encountered problems with China over this topic (for example South Korea and Indonesia) have signed it. The issue becomes more complex since China's EEZ that it claims has been disputed by many nations in the South China Sea. This has led to many confrontations between Chinese fishermen and other fishermen from Indonesia, South Korea, and the Philippines. Chinese fishermen have claimed however that "there is no need to worry [about conflicts with other nations] as we have government vessels protecting us." (South China Morning Post). After an incident in 2016 where Chinese fishermen sank a South Korean Boat, China said that South Korea should stay "reasonable and cool-headed" (Dan de Luce, Foreign Policy).

South Korea

Tensions between China and South Korea have been rising as South Korea continuously intercepts and arrests Chinese fishermen fishing in what they claim is their EEZ. In October 2016, a Chinese vessel fishing in Korean waters attacked and sank a South Korean speedboat. After this incident, South Korea vowed to use stronger measures against Chinese illegal fishing (Korean Herald). These measures involve the use of naval gunfire and shock tactics to handle these unauthorized vessels. A month later, in November, an altercation at the Northern Limit Line (NLL) within South Korea's EEZ marked their first significant use of combative forces. Shots were fired between 30 illegal Chinese fishing ships and the South Korean military as the Chinese vessels were trying to rescue two other Chinese vessels. South Korea also introduced a joint operation with the United Nations Command in 2016, in which they would work together to drive out illegal fishers out of the military buffer zone between South and North Korea. A South Korean official has said, "Despite our government's multifaceted diplomatic efforts, illegal fishing by Chinese boats has continued to the extent (that South Korea) has come to realize its diplomatic measures have reached their limits" (Yonhap News). By the end of 2016, around 50,000 illegal have trespassed into South Korean waters.

European Union

The European Union is very involved in combatting IUU fishing. It has helped the FOA develop its international plan of action against IUU fishing since 2001. It developed its own plan in 2002, involving regulations and policies on the regional and international level. The aim of these regulations “establishes a European Union (EU) system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in EU and international waters” (Eur-Lex). To combat IUU fishing, the EU will:

- “identify fishing vessels for which sufficient information has been obtained to presume that they may be engaged in IUU fishing;
- notify the flag states (i.e. non-EU countries and EU countries) whose fishing vessels have been identified; and
- circulate the information to all EU countries.
- draw up a list of vessels engaged in IUU fishing” (Eur-Lex)

It also plans on drawing up a list of non-cooperating EU countries. “A non-EU country may be identified as a non-cooperating country when it does not fulfil its duties as flag, port, coastal or market state to take action to prevent, deter and eliminate IUU fishing” (Eur-Lex). China is not currently on this list, which raises questions on the implementation of these regulations.

Indonesia

Since President Joko Widodo came to power, Indonesia has taken a much more violent stance on IUU fishing. His “Sink the Vessels” policy allows Indonesia to attack and bomb any vessel involved in IUU fishing. Through this policy, President Joko Widodo is imposing Indonesia’s territorial integrity among heated disputes on the South China Sea in the region. Indonesia is also pushing for IUU fishing to be considered a transnational crime. Maritime and Fisheries Minister

Susi Pudjiastuti is asking for the UN's to support Indonesia's effort in doing so. Concerning China, Indonesia has faced numerous problems with illegal Chinese vessels fishing around the disputed Natuna Islands. There have been reports that Indonesia has already sunk many Chinese vessels, among other vessels from countries like the Philippines and Malaysia (The Diplomat).

Questions to Consider

- What is your country's policy on IUU fishing? Has your country been abiding by this policy? Is this policy effective?
- Have there been any altercations between vessels flying your country's flag and China?
- What is your country's position on the South China Sea dispute?
- How can the UN ensure that current laws and regulations are respected by China and other member states?
- What sanctions have other countries involved like South Korea placed on China? How effective were these sanctions?

Key Terms & Phrases

Illegal, Unreported and Unregulated Fishing - According to Greenpeace, illegal fishing take place when “national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations”. Unreported fishing is any fishing that has been undetected, or misreported to the national authorities involved. Finally, unregulated fishing is any fishing that is not consistent with the regulations of the nation or regional fisheries organization.

Coastal Fisheries- Coastal fisheries refer to “any fishery, any species of fish, or any stock of fish that moves among, or is broadly distributed across, waters under the jurisdiction of two or more States or waters under the jurisdiction of one or more States and the exclusive economic zone.” (US Legal)

Flag State Liability - The International Tribunal for the Law of the Sea found that that flag states are under the obligation of ensuring that vessels sailing while flying their flag are not involved in IUU fishing. However in coastal waters, coastal states have the responsibility of ensuring that there is no IUU fishing, not the flag states.

Vessel Monitoring System (VMS) - this is a general term used to describe the different systems used to track commercial fishing in certain areas. It may be used to monitor specific, local areas or the coasts of multiple countries at the same time. Different countries put in place their own system. Different equipments like satellites can be used. It is important to be aware of your specific country’s VMS if they have one in place.

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