



ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU) IN MALAYSIAN WATERS

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Objectives

- To provide the FAO definition of IUU fishing.
- To present the status of IUU fishing in Malaysian waters by local and foreign fishermen.
- To discuss the national and international instruments used in deterring, preventing and eliminating IUU at the national, regional and international levels.



INTRODUCTION

What is IUU?

IUU - Definitions

Illegal

- ***Fishing activities conducted by national vessels in contravention of its law and regulation***
- ***Fishing activities by foreign vessels that are conducted in regional fisheries management organization***

IUU - definitions

Unreported

- ***Fishing activities that have not been reported, or have been misreported, to relevant national authority, in contravention of the national laws.***
- ***Fishing activities that have not been reported, or have been misreported to relevant regional fisheries management organization, in contravention of the reporting procedures of the fisheries organization***

IUU - definitions

Unregulated

- ***Fishing activities by vessels without nationality, or flying the flag of a State not party to that organization, contravenes to the conservation management measures of that organization, or***

(Continue),

- 2. Fishing activities in the areas of fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with the State responsibilities for the conservation of living marine resources under international law.***

IMPACTS OF IUU

IUU fishing has adverse impact on national, regional and international fisheries

Habitat loss
Overfishing
Destructive fishing

Socio-economy

Biodiversity



IUU Fishing in Malaysian waters

IUU Fishing by Local Fishermen

- o Cases of IUU fishing in the national fishery consist of otter trawling, pair trawling, push net, fish bombing and cyanide fishing.

Types of Destructive Fishing and Legislation in Malaysia

Type of Destructive Fishing		Ordinances, Order, Regulation and Act
1. Trawling	a. Otter trawl	<ul style="list-style-type: none"> • Fisheries (Maritime) Regulations 1967 • Fisheries (Maritime) (Sarawak) Regulations 1976 • Fisheries Ordinance of Sabah 1963 (Fisheries Regulations 1964)
	b. Pair trawl	<ul style="list-style-type: none"> • Fisheries (Prohibition Methods of Fishing) Regulations 1980 and (Amendment) Regulations 1990 • Fisheries (Maritime) (Sarawak) Regulations 1976
2. Fish Bombing		<ul style="list-style-type: none"> • Section 26 of Fisheries Act 1985
3. Cyanide Fishing		<ul style="list-style-type: none"> • Section 26 of Fisheries Act 1985
4. Push net		<ul style="list-style-type: none"> • Fisheries (Prohibition Methods of Fishing) Regulations 1980 and (Amendment) Regulations 1990

Table 1: Reported cases by DOF of otter trawling, pair trawling and push net offences in Malaysia from 1990-1999

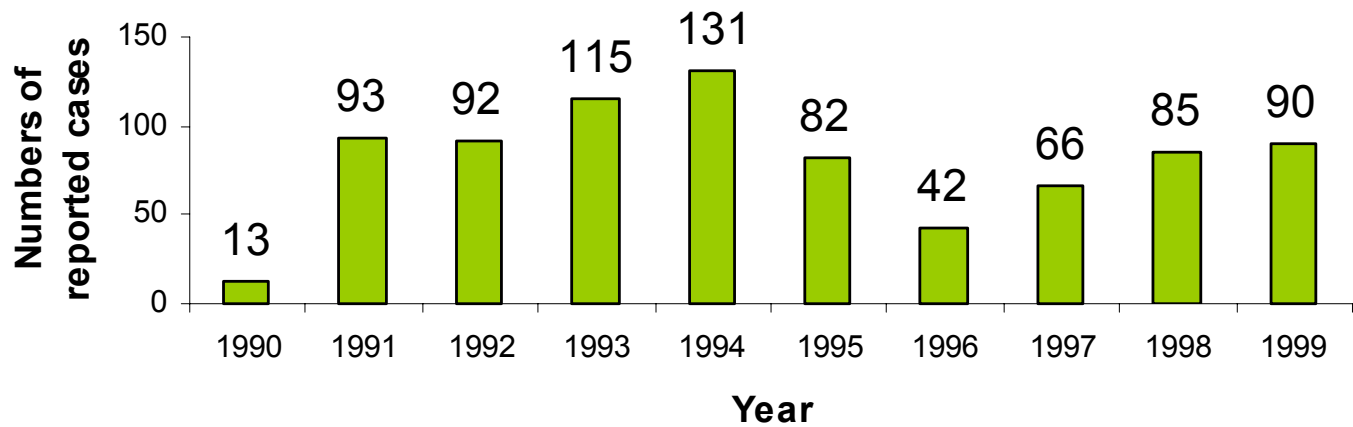
STATES	OTTER TRAWLING	PAIR TRAWLING	PUSH NET
Perlis	308	1	1
Kedah	957	2	19
Penang	242	22	2
Perak	1638	536	87
Selangor	631	NIL	2
Negeri Sembilan	0	NIL	NIL
Melaka	2	NIL	NIL
Johor	924	5	3
Pahang	318	NIL	NIL
Terengganu	206	NIL	NIL
Kelantan	65	NIL	NIL
Sarawak	217	NIL	NIL
Labuan	50	NIL	NIL
Sabah	NA	NIL	NIL
TOTAL	5558	566	114

Push Net



Fish Bombing in Sabah

Figure 1
Reported Cases for Fish Bombing in Sabah from 1990 to 1999



Fish bombing

Homemade explosive is made of bottles containing mixture of fertilizer (ammonium chloride) and petroleum, equipped with fuse.



Fish bombing

- o Occurs exclusively in Sabah's waters
- o Bombing occurred every 0.2 to 5 hours
- o Rubbles minimize the chance for fish to hide and expose them to predators



Cyanide fishing

- o Occurs in Sabah but mostly were unreported

Ensuring deep-sea fishermen land catch in the country

SETIU, Wed. — The Agriculture Ministry will introduce a regulation requiring all Malaysian deep-sea fishing vessels to land their catch in the country.

Its Deputy Minister Tengku Datuk Mahmud Mansor said this was to prevent the vessels from landing their catch in neighbouring countries such as Thailand.

He said the regulation would also ensure that the import of fish which now amounted to RM772 million annually is reduced.

“Our fish import bill is high because Malaysian vessels land their catch in Thailand and we, in turn, import the same fish.

“Our import of fish from Thailand is about RM500 million annually and if the vessels land their fish here, we will be able to reduce our import bill,” he said.

He was speaking to reporters after attending a thanksgiving ceremony organised by tobacco growers at Telaga Papan today.

Asked why the vessels chose to land their catch in Thailand, he said one of the reasons was that Malaysian vessels hired Thai crew.

“Malaysians are not very interested nor do they have the skills for deep-sea fishing and this is why most local vessels have Thai crew.

“So after weeks at sea, they tend to return to Thailand. We hope with the regulation, they will land their fish here before returning to Thailand,” he said.

Tengku Mahmud said, however, the regulation would only be introduced once landing facilities for deep-sea vessels were better organised and equipped with adequate infrastructure.

Once the regulation is introduced, he said local deep-sea fishing vessels found landing their catch outside the country risk losing their licence.

In his speech, Tengku Mahmud said the ministry would launch an agricultural directory next year.

The directory, he said, would contain the names of all the Area Farmers' Organisations and their activities as well as the crops they produce.

“This is to enable buyers to reach them easily” he said.

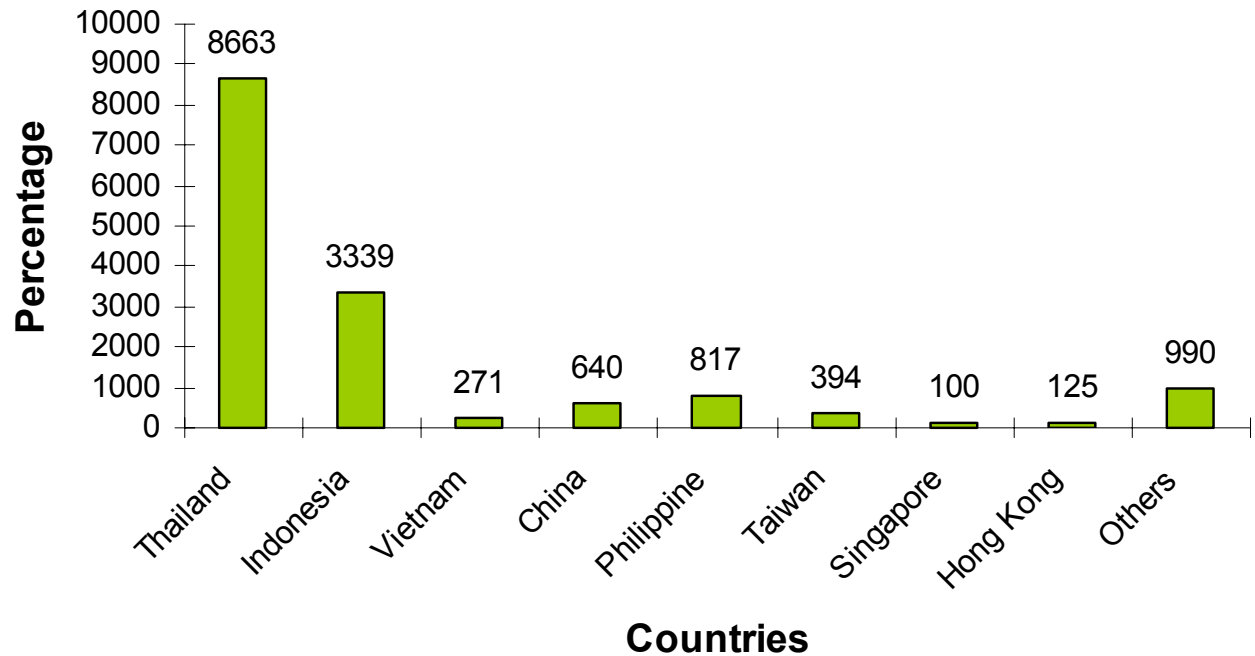
An example of “unreported/misreported” fishing



IUU fishing by foreign vessels in Malaysian waters

Foreign Vessels Encroachment in Malaysian water

Figure 2: The Numbers of the Foreign Fishing Vessels Encroachment in Malaysian Waters from 1991 to 2001



International Instruments

1. United Nations Convention on the Law of the Sea 1982 (UNCLOS)

- Under UNCLOS, States have the obligation to take appropriate action to protect marine environment.
 - States responsibility in fishing management in EEZ is stated in the Article 61 Conservation of the living resources and Article 62 Utilization of the living resources.
 - Article 123(c) Cooperation of States Bordering Enclosed and Semi-enclosed Seas
 - Large Marine Ecosystem (LME) Approach;
 - a. Bay of Bengal Program (Bangladesh, India, Indonesia, Malaysia, Sri Lanka and Thailand)
 - b. Sulu-Sulawesi Marine Ecoregion (Malaysia, Indonesia and Philippine)



continue

- **Fishing management at high seas**
 - **Article 116 Right to fish on the high seas**
 - **Article 117 Duty of States to adopt with respect to their national measures for the conservation of the living resources of the high seas**
 - **Article 118 Cooperation of States in the Conservation and management of living resources**
 - **Article 119 Conservation of the living resources of the high seas**

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- **Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. Signed in 1995 and enforced in 2001.**



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2. Food and Agriculture Organization (FAO)

- **1993 FAO Compliance Agreement on the International Conservation and Management Measures by Fishing Vessels on the High Seas.**

The agreement is intended to improve the regulation of fishing vessels on the high seas by strengthening “flag-state-responsibility”.

To implement this Agreement Malaysia has drafted the High Seas Fishing Act 2000.



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- **The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organization established under Article XIV of the FAO constitution. It is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas.**

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- o **International Plan of Action**

*In 2001, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) was adopted by Committee of Fisheries (COFI) and endorsed by FAO. It is a **voluntary instrument** elaborated within the framework of the Code of Conducts for Responsible Fisheries (CCRF). COFI urged all FAO members to take necessary steps to effectively implement the IPOA.*

Recommendation

Implementation measures to deter and prevent IUU;

➤ At international level

- All States should give full effect to relevant norms in the international law as reflected in UNCLOS 1982.
- States are encouraged to ratify, accept or accede, as appropriate, the 1995 UN Fish Stock Agreement and 1993 FAO Compliance Agreement.
- - States should fully implement CCRF and its associated IPOA-IUU

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➤ At national level

- National legislation should fully address all aspects of IUU.
- States should undertake comprehensively the monitoring, control and surveillance (MCS) measures.
- States should include the requirement to carry vessel monitoring system (VMS) on board to all the commercial fishing vessels.

Conclusion

Measures to deter, prevent and eliminate IUU at the national, regional and international levels could only be achieved through national and international commitments and effective actions at these levels.