



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

TAIWAN - COUNTRY REPORT

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SUMMARY

This evaluation of Fisheries Monitoring Control and Surveillance report for Taiwan is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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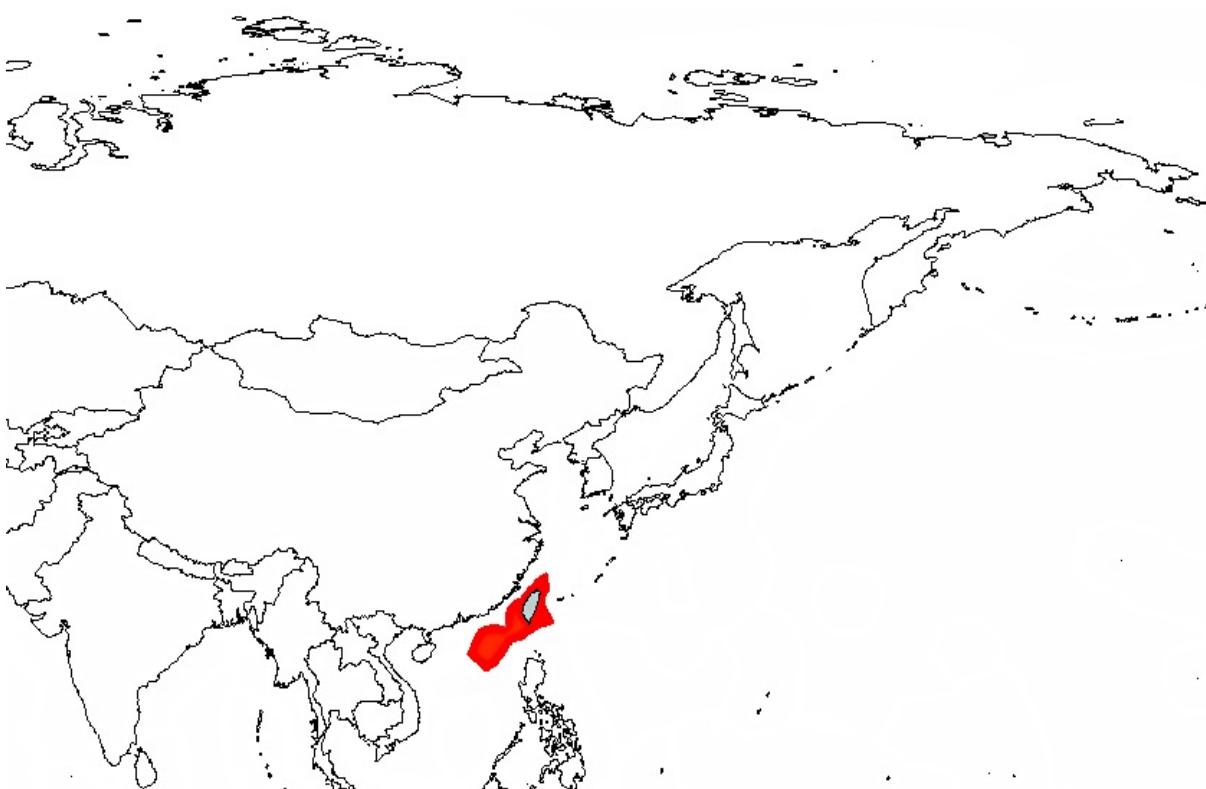
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TAIWAN – COUNTRY REPORT



FAO landings (2013): 925,047 tonnes

Fisheries contribution to GDP (2013): 1.8%

Law of the Sea (Ratification /accession): -

Coastline: 1566 km

RFMO Membership: CCSBT, IATTC, SPRFMO, WCPFC

Patrolling agencies: Coast Guard Administration

Rank	Priority for maritime security tasks
1.	Contraband Smuggling
2.	Narcotics & Synthetic Drugs Trafficking
3.	Illegal Fishing

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?

Score: 7.5

Score Range: 7-8

Taiwan's Coast Guard Administration has 184 patrol vessels for fisheries protection and maritime security duties (Anon 2013; Mazumdar 2015). Taiwan has recently commissioned two new 3000-ton patrol ships *Yilan* (CG 128) and *Kaohsiung* (CG 129) to boost CGA's maritime patrol capabilities (Gady 2015).

Moderately effective in national waters, but TGA wages a daily battle with persistent incursions by Chinese fishing vessels fishing illegally in Taiwanese waters. Low monetary penalties and poor judicial policy by consecutive Governments has meant that although CGA knows how many Chinese vessels operate illegally very few are ever brought to justice. Rundown enforcement policy has meant that there is very little deterrence even when the vessel(s) are detained. Coast Guard has done a very good job at detaining the poachers showing tremendous restraint even in the face of hostile behaviour by Chinese captains; but releasing vessels with a warning or small fine has meant that those vessels often come back into Taiwanese waters with impunity (Anon, *pers. comm.*, 2016).

Taiwan's Coast Guard Administration (CGA) has three Fisheries patrol ships (*Shun Hu No.1*, *Shun Hu No. 2*, *Shun Hu No.3*) (Wertheim 2007). CGA has 150 patrol craft including two *Hsing* class patrol ships (Le Mierre 2011). Coast Guard Administration has 1 dedicated Fishery patrol ship (*Shun Hu No.1*) and 24 coastal patrol vessels. See Liang-Sheng and Chung (2016); Glaser and Mark (2015); Anon (2011); Jane (2012); IISS (2013); Wertheim (2007) documents for more information on this aspect.

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 7.5

Score Range: 7-8

Yes, partially effective for controls on landings of national fleet operating in Taiwanese waters, but not used effectively to track ships arriving after fishing in third country waters and on the high seas (Anon, *pers. comm.*, 2016).

Some fisheries have reported shortage of adequate personnel to monitor coastal stocks (Liu *et al.*, 2011). See Taiwan Coast Guard Administration website for more details. In 2009, alone the Coast Guard Administration headquarters employed 440 staff for MCS operations, with around 13,283 civilian and military personnel employed for control operations countrywide (Taiwan Coast Guard Administration).

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 2.5

Score Range: 2-4

No, such plans do not appear to be in place for Taiwanese distant water fleets. Moreover, existing information suggests wide range of violations by Taiwanese fleets in third country waters and on the high seas (Pramod *et al.*, 2006; Greenpeace 2016). See (Haward and Bergin 2000; Greenpeace 2010; Pramod 2010; Ting *et al.*, 2012) for more information on violations of Taiwanese distant water fishing fleets. Taiwan is not a signatory to the FAO Compliance Agreement. In August 2017, the Taiwanese Government imposed fines on vessels involving 109 cases (*85 illegal fishing cases were reported during the first-half of 2017 for violations of fisheries act; and 24 cases involving violations of the Distant Water Fisheries Act (active since 20 January 2017) were fined NT\$ 18.2 million*) (Anon 2017b).

Several Taiwanese vessels operate under foreign flags although they are controlled by Taiwanese owners & companies. Taiwan is partially compliant with some RFMO requirements such as minimum observer coverage and VMS for selected vessels operating on the high seas, but overall very low accountability for vessels operating in third country EEZs and high seas. Further, the Taiwanese Government has promoted distant water fishing for more than five decades and in many instances even paid fines for vessels detained in foreign countries. Taiwanese distant water fleet owners have immense bargaining power with successive Governments due to a pro-industry policy that has been in place despite criticism, wherein Government lacks any credible control of the distant water fleet (Anon, *pers. comm.*, 2016).

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 5

Score Range: 4-5

Latest data shows that up to 1800 Taiwanese fishing vessels are monitored by the Fisheries Agency in Taiwan (Anon 2017). FAO (2013) data shows that 855 fishing vessels are equipped with VMS antenna in Taiwanese fishing industry (616 Longliners including eight less than 100 tons fishing in the Atlantic; 34 Purse seiners; 110 Squid jigging vessels; 70 Saury torch light vessels; and 25 Fish carriers). See Chang *et al.*, (2010) for more information on VMS tracking of Taiwanese fleet operating in RFMO waters.

Fishing industry has very strong political lobbying clout. Low Score is recommended as there are numerous vessels below 24m in overall length including longliners, squid jiggers and purse seiners operating without adequate controls in both national and regional waters and these vessels are rarely supervised through VMS or other means. Even for the larger industrial fishing boats that have VMS transponders, information collected on their activities is considered confidential and violations detected for such vessels are not shared for scrutiny. Notably there is very little transparency and under-reporting of non-target species such as sharks, marlins and other large pelagic fish by longliners that often land such cargo in national ports, route them through foreign ports or transship them on the high seas. The logbooks and catch reports are unreliable, and actual catches reported caught to WCPFC (as well as other RFMOs) and Pacific island states are gross under-estimates. More than 50% of the catches caught in Pacific islands and high seas is not landed in Taiwanese ports but routed or landed in foreign ports or transshipped at sea with virtually no oversight of such activities. Vessel operators and companies have more leverage than Government agencies on activities of the distant water fleet (Anon, *pers. comm.*, 2016).

By the end of 2013, around 1327 small-scale longliners (were required to report every 4 hours and their operations were restricted to Indian and Pacific Oceans), 109 squid jiggers and saury torch light vessels, 34 purse seiners (report every 1 hour), 136 recreational vessels and 17 live fish carriers were equipped with VMS devices. Tracking devices were installed on most of these vessels as commitment to various RFMOs where such vessels operate and when required under a fisheries agreement with another country. Voyage Data Recorder (VDR), which is a GPS-based device, records the positions of vessel once every 3 minutes and data is stored in the memory chip. Since 2007, VDR is required for on many local fishing vessels operating in the South China Sea. When a fishing vessel takes fuel at supply station the VDR records its voyage information. However, this information is considered confidential

and not open to public inquiry. Likewise, boat operators are given a free hand and very few violations have been prosecuted using VMS tracks evidence through Taiwanese courts (Anon, *pers. comm.*, 2014).

5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 1

Score Range: 1-2

Onboard observer scheme exists for vessels operating in distant water fisheries (Tuna longline & Purse seiners) and vessels operating in waters administered by regional fishery management organizations (Teng 2007).

Taiwan has around 57 observers working on distant water fleets operating in various RFMOs, but most observers are engaged in collection of biological samples & catch data; fishing related activities are rarely supervised for legality. ~6% of Taiwanese tuna fleet had observer coverage at the end of 2011. Logbooks are unreliable and entries declared in them do not match catch composition and quantities declared in the fish wells. Very few tuna longliners operating in Pacific islands and Indian Ocean have observer coverage so captain's entries, and company catch reports are taken at face value (Anon, *pers.comm.*, 2015).

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 7

Score Range: 7-8

At-sea boarding and inspections are reported for industrial tuna and squid fishing fleets within Taiwan's fishing zone (Teng 2007). However, the intensity of these inspections and number of fishing vessels inspected annually remains unknown. See Mazumdar (2015) for more information on recent procurement of offshore patrol vessels to boost maritime surveillance.

Effective in some but poor in other locations. Taiwanese vessels identified committing fishing violations in connivance with Chinese vessels have rarely been punished for their illicit activities in the Taiwan Strait. The sheer number of boats operating from each landing port makes it difficult to track

events at sea. However, the Government has better oversight for fleets operating in Taiwanese waters than the ones operating in foreign countries and on the high seas. Lack of oversight of the distant water longline fleet is a problem that was never addressed at the Government level. In fact, many tuna vessels were deliberately built below 24 metres in length to avoid regulatory control of various RFMOs and international laws encouraging unregulated fishing on the high seas. The interests of seafood industry are firmly shielded by Government Ministries allowing Taiwanese vessels to contravene international laws on the high seas (Anon, *pers.comm.*, 2016).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 5

Score Range: 5-7

Taiwan has twelve refurbished P-3C Orion aircraft that it received from USA for maritime patrols in the Taiwan's air defence identification zone (ADIZ) and the South China Sea (Phipps and Hardy 2015). No information exists on the frequency of aerial patrols in Taiwan's waters for fisheries surveillance duties.

Aerial patrols are reported by the Fisheries Administration to ensure maritime security and detect incursions by Chinese vessels into Taiwanese waters (Anon, *pers.comm.*, 2016).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 2

Score Range: 2-4

Limited measures are in place for quayside inspections at some fishing ports (Teng 2007). Frequency and number of vessels inspected annually at ports is not available for Taiwan's fisheries. See Greenpeace (2010); Greenpeace (2016) reports for more information on compliance of Taiwanese distant water fleet. Information from Taiwan Coast Guard Administration suggests that monitoring of Chinese vessels using its ports is very effective, especially to prevent smuggling of seafood and fishery products with around 6000 tonnes of seafood seized during the year 2008 alone.

Dockside inspections are far better for local & Chinese fleets operating in Taiwanese waters than for distant water Taiwanese & foreign reefers calling/transshipping at national ports. Several thousand operate under flags of convenience on the high seas although they are still under Taiwanese

ownership. Dockside inspections have certainly not led to any credible penalties even though, the size of Pacific fleet suggests that a minimal number of violations could be detected at ports each year. The passive attitude of Fisheries Agency and port authorities are largely to blame for this situation. The recent EU yellow card has only led to increase in penalties for illegal fishing while other areas of concern have hardly improved to track compliance for the high seas fleet. It remains highly unlikely that heavy penalties will be imposed due to protectionist agenda (Anon, *pers.comm.*, 2016).



Figure 1: A typical minor fishing port in Taiwan

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 5

Score Range: 3-5

Yes, to a limited extent in some major commercial fisheries for the domestic fleet. See Pramod *et al.*, (2006); Pramod *et al.*, (2008); OECD (2012) documents for more information. Use of illegal fishing gears and destructive fishing practices have led to decline in size of fish in both coastal and offshore waters; According to the statistics of the Coast Guard Agency, there were reportedly 296 cases of illegal fishing using poisons, explosives and electricity in the year 2002 itself (Shao 2008; Liu *et al.*, 2011).

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 2.5

Score Range: 2-4

No, existing information suggests that Taiwanese vessels have a poor record with transshipments both within the EEZ and on the high seas (Greenpeace 2016; Pramod *et al.*, 2006; Greenpeace 2010; Hsu and Southerland 2015; Liao and Huang 2016). See Q.8 and OECD (2013) for information on regulatory measures at the Government level. Taiwanese longliners and purse seiners use foreign ports for transshipments with up to 73 foreign ports approved as base ports for Taiwanese vessels at the end of 2011 (OECD 2013).

The 73 foreign ports specified above lack credible port state control inspections allowing catches to be legitimized after entering Taiwanese ports. Within national waters, Taiwanese boats engage in illegal transshipments with Chinese fishing vessels and such catches caught by Chinese vessels are also brought back to Taiwanese ports for sale in the domestic markets. The most ironic part for this entire setting is that the Chinese vessels catch these fish within Taiwanese waters in connivance with Taiwanese boat owners and sell these catches for low prices to Taiwanese boat owners. Taiwanese boat owners allow this practice as it allows them to save fuel and operational costs. Taiwanese longliners also engage in illegal transshipments in the WCPFC and IOTC waters. Many Taiwanese owned longliners also operate under foreign flag, which do not fall under responsibility of Taiwan Fisheries Agency. Vessel ownership is a murky issue as far as Korean and Taiwanese fleet is concerned. Longliners generate huge profits through tuna, shark fins and other high value species. Further, owners of the Taiwanese distant water fleet also have strong political leverage so very little of what they do outside Taiwanese waters is ever scrutinized (Anon, *pers.comm.*, 2015).

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 2.5

Score Range: 2-4

Limited gear seizures are reported in some domestic fisheries. See Pramod *et al.*, (2008); and Teng (2007) documents for more information.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 4.5

Score Range: 2-5

The amended Fisheries Act of 2013 (original Fisheries Act was dated 11 November 1929) is the main national legislation for fisheries management in Taiwan waters. In 2013, Taiwan adopted NPOA on IUU Fishing to fight and eliminate illegal fishing. On 5 July 2016 Taiwan's legislature passed the Act Governing Distant Water Fisheries (遠洋漁業條例), Ordinance to Govern Investment in the Operation of Foreign Flag Fishing Vessels (投資經營非我國籍漁船管理條例), and passed amendments to the Fisheries Act for 19 distant water fleet activities.

Taiwan is ineligible for membership to all three international fisheries agreements due to its political status and is not a party to the UN Fish Stocks Agreement, FAO Compliance Agreement and the UN Port State Measures Agreement. See Chen (2012); Chang (2012); Ting *et al.*, (2012); Lin *et al.*, (2014) for more information.

As Taiwanese vessels stay away for months at a time it is typically difficult to know where they operate by law and where they break the rules. For a clear majority of Taiwanese boats hardly little is known about their operations, positions and whereabouts. Transparency and accountability are two words that mean very little to Chinese and Taiwanese owners as well as the Government agencies in Kaohsiung. The entire ball game is about profits and on very many occasions that means operating illegally or fishing in locations where few others venture or compete with them. On the high seas, the only vessels that compete with them are the FOC ships and Chinese owned ones. Logbook and catch records often do not match and only the captain and vessel owner(s) have information of the routes they ply and how tuna and other cargo is moved through Thailand or Taiwan to other foreign markets. Taiwanese Boats regularly switch off AIS transponders when they are engaged in illicit activities at sea. Even when gross violations are detected at Taiwanese ports, fines were often decided by the size of the ship rather than the severity of violation (Anon, *pers.comm.*, 2016).

See Chang (2012); Chen (2012); Chen (2014); Czulda (2014); Glaser and Mark (2015); Hsu and Southerland (2015); OECD (2015); Liao and Huang (2016); Anon (2017a); Liang-Sheng and Chung (2016); Greenpeace (2010, 2016); Lin *et*

al., (2014); Liu (2013); Ting *et al.*, (2012); Pramod *et al.*, (2006) documents for more information.

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	Yes

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
CCSBT	2013	Yes			CCSBT (2014)
IATTC	2013	Yes			IATTC (2014)
SPRFMO	2014		Yes		SPRFMO (2015)
WCPFC	2013		Yes		WCPFC (2015)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuariskintelligence.com/>). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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