
Briefing to the Japanese government on concerns over seafood products associated with illegal, unreported and unregulated fishing and human trafficking entering the Japanese market



The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment. EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, indigenous peoples, communities and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

EJF is committed to combating illegal, unreported and unregulated (IUU) fishing. To this end, EJF gathers information on fishing vessels' activities through conducting interviews with former crew from fishing vessels and using softwares such as ExactEarth, Global Fishing Watch and Starboard, that allow for the observation of vessels equipped with an Automatic Identification System (AIS).

Introduction

Japan imports more tuna than any other country¹ and was ranked fourth of all overall seafood import markets in the world in 2022.² It imported approximately US\$1.74 billion (JP¥232 billion) worth of tuna,³ consisting of Yellowfin Tuna (US\$342 million, equal to about JP¥8.95 billion), Bigeye Tuna (US\$432 million, equal to about JP¥64.4 billion) and Bluefin Tuna (US\$522 million, equal to about JP¥77.9 billion).⁴ These imports were mostly from nearby East Asian countries, namely Taiwan (21.5% of the total value), China (12.8%) and Korea (9.5%). Other countries such as Malta and Turkey are also important providers, exporting 9.3% and 5.9% of the total value respectively to Japan in 2022.⁵ With the USA and EU having implemented some import control measures to keep seafood that is associated with Illegal, Unreported and Unregulated (IUU) fishing out of their supply chains, Japan has been under pressure to play its part in the global fight against IUU fishing.

Currently there are three acts that collectively form the seafood import control system in Japan. Two of the acts are related to tuna import, namely the Foreign Exchange and Foreign Trade Control Act and the Act on Special Measures for the Enhancement of Conservation and Management of Tuna Resources. The Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants was introduced in 2020 to safeguard the Japanese market from IUU fishing.

This briefing follows careful reviews of the current system, drawing on EJF's experience of both field investigations and working with governments around the world (including the EU, Thailand and Korea). It identifies five major legislative loopholes that should be addressed urgently. These loopholes are insufficient coverage of species, negligence in considering human rights, a lack of transparency, an absence of traceability and insufficient penalties when infractions are detected.

Investigations from civil society, including EJF and journalists⁶, have consistently found that the Taiwanese, Chinese and Korean fleets are associated with high risk activities including IUU and forced labour. Japan, a major buyer of tuna from these three countries, must urgently strengthen import controls to prevent seafood products associated with illegal, unethical and unsustainable practices from entering the Japanese market.

This briefing focuses on Japan's import controls and provides detailed analysis of the three acts. It then explains the identified loopholes, with case studies based on EJF's recent field investigations. Recommendations are provided at the end for the Japanese government to improve the current system.



The legal framework

The Foreign Exchange and Foreign Trade Control Act

Japan's first law related to tuna imports is the Foreign Exchange and Foreign Trade Control Act (the Foreign Exchange Act). Introduced in 1949, the Foreign Exchange Act concerns all commodities that are traded internationally. The purpose of the Foreign Exchange Act is to ensure international transactions are conducted appropriately, and international agreements are implemented properly in Japan.⁷ The competent authorities of the act are the Ministry of Finance (MoF) and the Ministry of Economy, Trade and Industry (METI).

The Foreign Exchange Act authorised the competent authorities to suspend trade with specific countries to the extent necessary when sufficient evidence of noncompliance with the relevant international agreements or requirements is provided to the Cabinet, which ultimately makes such decisions (Article 52).

For tuna, compliance is based on relevant international treaties and the conservation and management measures (CMMs) agreed by the Regional Fisheries Management Organizations (RFMOs) of which Japan is a member.⁸

There are also other 18 seafood products including cod (*Gadus macrocephalus*), Alaska Pollock (*Theragra chalcogramma*) and scallops (*Mizuhopecten yessoensis*) that are covered by the Foreign Exchange Act.⁹ However, the requirements for these 18 products regard import quota controls to protect the domestic industry.¹⁰

The Act on Special Measures for the Enhancement of Conservation and Management of Tuna Resources

Authorised by the Foreign Exchange Act, the Act on Special Measures for the Enhancement of Conservation and Management of Tuna Resources (the Tuna Act)¹¹ was introduced in 1996 to implement the CMMs of all tuna-focused RFMOs.¹² Article 10 of the Tuna Act gives the government the right to require individuals and companies that are involved in tuna fisheries, tuna distribution or tuna processing to submit reports regarding their business to the Ministry of Agriculture, Forestry, and Fisheries (MAFF), the competent authority of the Tuna Act.

Article 10 of the Tuna Act mandates some key data elements (KDEs) to be submitted to MAFF when importing tuna to Japan. Failure to comply with these reporting requirements allows the Japanese government to reduce tuna imports from specific countries. The required KDEs vary according to the individual requirements of each of the five RFMOs Japan is a member of.

The Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants

In 2020, due to increasing international pressure for Japan to play its part in preventing the import of illegally caught seafood, the MAFF further introduced the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (in Japan, it is often referred to as Fisheries Products Distribution Act, and so this briefing uses this abbreviation hereafter), which came into force in 2022.¹³ The Fisheries Products Distribution Act has two separate components - imported regulations and domestic distribution. Each component contains a set of requirements that apply to the species that are caught and distributed domestically (referred to as the Class I species) and imported from overseas (referred to as the Class II species). This briefing focuses mostly on the Class II species and the regulations related to them.

The species listed were chosen based on the perceived necessity of regulation and feasibility of implementation. A given species is suggested for listing by the Task Force for the Scheme of Ensuring the Proper Distribution of Fishery Products (the Task Force), a special task force formed by MAFF to develop and implement the Fisheries Products Distribution Act.¹⁴ The Fisheries Products Distribution Act requires the Task Force to consult the Fisheries Policy Council, a government advisory body under the MAFF responsible for formulating and providing recommendations on any policies related to fisheries and marine resources in Japan.

Furthermore, the Fisheries Agency intends to conduct a review and reassessment of selected species in both Class I and Class II list approximately every two years¹⁵ and the first review is scheduled for the end of 2024.¹⁶ The Fisheries Agency is currently reviewing the need to form a committee with relevant stakeholders such as industry members, experts and civil society for species selection. This committee would be tasked with recommending new species for listing for listing by the Fisheries Policy Council.

For the effective enforcement of import controls under the Fisheries Products Distribution Act, the MAFF is authorised to request that relevant operators involved in the importation of Class II species provide a catch certificate and other essential reports for inspection. The MAFF is also authorised to conduct verification of such reports and on-site inspection when necessary.

The catch certificate required for importing Class II species needs to be issued by the foreign governments where these products are caught or processed. Therefore, each government should determine the format through consultation and negotiation with the Japanese government. By October 2023, around 60 countries, including China, Taiwan, Korea and most of Japan's main seafood trading partners have successfully negotiated with the MAFF and are permitted to export Class II fishery products to Japan. Seven countries, including Brazil, Somalia and the UAE¹⁷ that also export specific Class II species to Japan (but less frequently) have not yet achieved agreement with the Japanese government.

Seafood associated with high risk illegal fishing activities and human rights abuses entering into Japan

While there are some measures in place, seafood associated with high risk of illegal fishing activities and human rights abuses continues to enter Japan through direct trading or at sea trans-shipment. A lack of transparency and traceability makes it difficult to identify the exact buyer and whereabouts of the products. A recent [report](#) published in the New Yorker by Ian Urbina and [research](#) by EJF have revealed both severe human rights abuses, sometimes with fatal outcomes, on the Chinese fleet, as well as linking Chinese seafood to Uyghur forced labour. The following two case studies are based on EJF's field investigations and provide examples of how the seafood in question gains access to the Japanese market.

Case study 1 - China National Fisheries Corporation

Between 2019 and 2023, EJF conducted investigations into a fleet of Chinese vessels owned by the Chinese company and the Chinese government, the China National Fisheries Corporation (CNFC). The findings revealed high risk IUU fishing activities and human rights abuses onboard the fleet. Using satellite data (automatic identification systems, or AIS), EJF's investigators were able to identify seven refrigerated cargo vessels, commonly known as "reefers", encountered by the CNFC fleet at sea.¹⁸ These reefers later headed to Shimizu port in Japan. The full report can be accessed in appendix 1.

The information was collected by EJF's investigators through interviews with the fishers and visual analysis of images they received. The alleged IUU activities included shark finning, intentionally catching and killing charismatic animals such as dolphins and turtles and fishing in an EEZ without due authorisation. The crews on those vessels reported that they were physically and verbally abused and their salaries were deducted. All of them said they endured extremely long working hours, often more than 14 hours and sometimes even up to two days without any appropriate rest.

Crew members attest to shark finning, particularly of Blue Sharks, being undertaken on the vessel, with both stating that it was in accordance with the captain's orders "*we did it anyway, although we knew that it was prohibited, we just followed what the captain's order*". In the high season, it was reported that the vessel would catch up to ten sharks a day.

One crew member reported of his friend, who was "new and inexperienced" getting hit on the head when the foreman was not in a good mood. Another crew member had a suspected tumour on his hand, yet the captain would not allow him to go home given the "limited human resources" on board the vessel. He was then said to have "underwent a surgery" with what was available on the vessel.

The below table shows the reefers which had potentially conducted at-sea trans-shipment with the CNFC fleet. All the reefers have several indicators, such as investments by Japanese companies, that they are beneficially owned by Japanese interests.

Table 1: List of trans-shipments between CNFC vessels and reefers that linked to Japan

Date of suspected trans-shipment	Fishing vessel	Reefer vessel	Flag state	IMO number	Current beneficial owner	The date of Japanese ports visits by reefer following trans-shipment
24/04/2019	CHANG RONG 5	TUNA QUEEN	Panama	9940693	United Japan Corp	10/07/19 - Shimizu
25/04/2019	JIN SHENG 7	TUNA QUEEN	Panama	9940693	United Japan Corp	10/07/19 - Shimizu
24/03/2021	JIN FENG 1	IBUKI	Panama	9666481	Shinko Kaiun Co. Ltd. (Tokyo)	17/06/21 - Shimizu 27/06/21 - Kawasaki
07/02/2022	JIN FENG 3	CHIKUMA	Panama	9666493	Eikyo Marine Inc.	08/06/22 - Shimizu 18/07/22 - Kawasaki
07/03/2022	JIN FENG 1	CHIKUMA	Panama	9666493	Eikyo Marine Inc.	08/06/22 - Shimizu 18/07/22 - Kawasaki
01/04/2022	CHANG RONG 7	IBUKI	Panama	9666481	Shinko Kaiun Co. Ltd. (Tokyo)	19/05/22 - Shimizu 26/06/22 - Kawasaki
03/05/2022	CHANG RONG 7	CHIKUMA	Panama	9666493	Eikyo Marine Inc.	08/06/22 - Shimizu 18/07/22 - Kawasaki
16/01/2023	CHANG RONG 7	CHITOSE	Singapore	9666508	United Japan Corp	01/03/23 - Shimizu 21/04/23 - Shigei 22/04/23 - Onomichi-itozaki 30/04/23 - Shimizu
17/01/2023	JIN FENG 3	CHITOSE	Singapore	9666508	United Japan Corp	01/03/23 - Shimizu 21/04/23 - Shigei 22/04/23 - Onomichi-itozaki 30/04/23 - Shimizu
18/01/2023	CHANG RONG 5	CHITOSE	Singapore	9666508	United Japan Corp	01/03/23 - Shimizu 21/04/23 - Shigei 22/04/23 - Onomichi-itozaki 30/04/23 - Shimizu
14/02/2023	CHANG RONG 7	HARIMA	Panama	9819923	United Japan Corp	03/04/23 - Shimizu 19/05/23 - Kawasaki 20/05/23 - Shimizu
15/02/2023	JIN FENG 1	HARIMA	Panama	9819923	United Japan Corp	03/04/23 - Shimizu 19/05/23 - Kawasaki 20/05/23 - Shimizu
16/02/2023	JIN FENG 3	HARIMA	Panama	9819923	United Japan Corp	03/04/23 - Shimizu 19/05/23 - Kawasaki 20/05/23 - Shimizu
17/02/2023	CHANG RONG 5	HARIMA	Panama	9819923	United Japan Corp	03/04/23 - Shimizu 19/05/23 - Kawasaki 20/05/23 - Shimizu
06/04/2023	CHANG RONG 5	TUNA QUEEN	Panama	9940693	United Japan Corp	22/05/23 - Kawasaki 23/05/23 - Shimizu
18/04/2023	JIN FENG 3	TUNA QUEEN	Panama	9940693	United Japan Corp	22/05/23 - Kawasaki 23/05/23 - Shimizu



Image of a dolphin on board JIN SHENG 7 provided by an interviewee.

Case study 2 - Zhejiang Ocean Family Co., Ltd.

EJF investigations have revealed that Japanese companies have direct involvement with vessels allegedly involved in IUU fishing and human rights abuses. Two Japanese companies, Mitsubishi Corporation Maruha Nichiro Corporation, the latter the world's largest seafood company by value of sales¹⁹ are associated with a Chinese company called Zhejiang Ocean Family Co., Ltd. (大洋世家(浙江)股份公司 / ZOF). ZOF is one of the major seafood companies both in China and internationally.

EJF's investigation revealed that 12 vessels, either owned or chartered by ZOF or its subsidiaries, were consistently involved in various forms of IUU fishing activities, as reported by crew working on the fleet. These activities included shark finning at an industrial scale and deliberate killing of cetaceans. Human rights abuses including physical abuse, wage deductions, physical and verbal violence and extremely long working hours were also reported. Two vessels were reported to have one crew member who died while on the vessel.

Table 2: Statistics of reported IUU fishing and human and worker rights violations by investigated XIN SHI JI vessels

Reported abuses		% (Number of interviewees, n=20)	% (Number of vessels, n=12)
IUU fishing	Shark finning	60% (12)	67% (8)
	Catching and killing cetaceans	50% (10)	67% (8)
Human and worker rights violations	Requirements to pay guarantee money	40% (8)	50% (6)
	Confiscation of ID documents	80% (16)	75% (9)
	Excessive overtime	80% (16)	83% (10)
	Physical abuse	35% (7)	50% (6)
	Verbal abuse	40% (8)	42% (5)
	Abusive working and living conditions (for example, a lack of medicine, food or water)	50% (10)	67% (8)

"In terms of sharks, only the fins were taken. The bodies were discarded. Then the fins were dried up. There was a specific person who did it, usually the engineer. The fins were put in the engine room, since it was hot so they dried quickly. There were a lot of fins. In terms of the number of sharks, it could be thousands of sharks... Because in each fishing operation, we could get 10 sharks, sometimes more... In one shift, we could catch 20 sharks. If there were a lot of them, it could be 50 sharks caught in a day."

Crew interview

On the same vessel, one crew member testified that they were not allowed to contact their family for more than 2 years.

"In 24 months, I wasn't in contact with my family... they must have been worried. No news about me while I was at sea. Maybe they thought that I was already dead."

Crew interview

Out of these 12 vessels, 11 are registered at the Organization for the Promotion of Responsible Tuna Fisheries (OPRT). These vessels primarily operated in the Pacific Ocean within the Kiribati Exclusive Economic Zone (EEZ) and the Indian Ocean within the Somali EEZ, as indicated by AIS data.

Using information provided by crew members and satellite-based tracking systems like Global Fishing Watch and Starboard, EJF identified suspected instances of trans-shipment at sea and monitored vessel movements, including visits to ports. The investigation uncovered encounters between the 12 investigated XIN SHI JI vessels and at least two reefers that visited Japanese ports after the encounters. Whether the fish was unloaded, distributed within Japan or re-exported is unclear due to a lack of transparency and traceability.

Through publicly available trade data and the company's Initial Public Offering (IPO) prospectus, it is apparent that the Japanese market made up approximately 8-12% of ZOF's total revenue 2018-2021. According to ZOF's IPO prospectus, frozen tuna was sold to Fong Chun Formosa Fishery Company (FCF) Co, Ltd and Tri Marine International (PTE), LTD for the canning process, and tuna destined for the Japanese market was mostly purchased by the Mitsubishi Corporation. The Mitsubishi Corporation purchased approximately US\$179 million worth of tuna from ZOF between 2018 and 2021. ZOF's other major international clients disclosed in the prospectus include Maruha Nichiro Corporation, UOICHI Co., Ltd. and Hiroichi Co..

Maruha Nichiro Corporation, the world's largest seafood company by revenue, with a global network of processing and trading in 70 countries, purchased approximately US\$2.1 million worth of squid and frozen processed tuna from ZOF between 2018 and 2021. Another Japanese seafood trader, UOICHI Co., Ltd., bought US\$1.35 million worth of frozen processed tuna from 2020 to 2021. Hiroichi Co., Ltd., a Japanese tuna importer and trader located in Shimizu, purchased approximately US\$3.4 million worth of frozen tuna from ZOF from 2019 to 2021.



Crew finning a Hammerhead Shark on a XIN SHI JI vessel. There is also a fin at the bottom of the picture. Photo provided by an interviewee.

Implementation loopholes of the import control system

The above two case studies show widespread illegal activities and associated human rights abuses in Japan's tuna supply chain. However, Japan's current legal framework is not enough to detect and stop these illegal products, due to limited species coverage and no consideration of human rights abuses. To make matters worse, a lack of transparency and low traceability make it difficult to track the problematic seafood once it is in the Japanese market. Although there are some penalties in place, they are not proportional to the potential profit and not sufficient to deter these violations.

Limited coverage of species

Currently there are only four species on the Class II list, namely squid and cuttlefish (the entire group of cephalopods, including *Todarodes pacificus* and others), pacific saury (*Cololabis saira*), mackerel (Genus *Scomber*) and sardine (Genus *Sardinops*). Those priority species were decided based on the Task Force's view of both the necessity for regulation and feasibility.²⁰

Given the prevalence of international IUU cases in tuna fishing, effective management measures to eliminate IUU risk and import controls equivalent to that of the Fisheries Products Distribution Act are urgently needed. These requirements currently fall under the jurisdiction of the Foreign Exchange Act and Tuna Act. While RFMOs are crucial for managing tuna fisheries at the international level, national regulations like the Fisheries Products Distribution Act are necessary to address domestic distribution, trade and other aspects within a country's jurisdiction. This ensures compliance with international commitments and conservation goals.

The Japanese government's decision to exclude tuna and other seafood species from the Class II species²¹ could potentially pose a severe threat to the market and a heavy burden for individual buyers who attempt to ensure the products they provide are from legal and ethical sources. For tuna, one of the most consumed seafood species,²² a catch certificate is only required for those designated by relevant RFMOs, namely Bluefin Tuna, Southern Bluefin Tuna, Swordfish and Bigeye Tuna.²³ For other species that are also commonly sold in the market, such as Yellowfin, Albacore, other tuna-like species and Marlin, which in total make up 28% of the total import value²⁴ of tuna to Japan, the submission of a catch certificate is not required.

No consideration of human rights abuses at sea

Human rights abuses often go hand in hand with illegal fishing such as intentionally killing dolphins and other marine mammals and illegal shark finning. The remote and opaque nature of distant water fishing makes government monitoring and surveillance difficult. Distant water fishing vessels, especially tuna longliners, often stay at sea for months or even years without coming to port, making it extremely difficult for crew to contact their families or authorities even in an emergency.

A 2020 EJF investigation found that 92% of the crew onboard the Taiwanese distant water fishing fleet had their salary withheld and 82% regularly worked excessive overtime.²⁵ While official documents show limited records of sanctions, EJF's investigations also found widespread human rights abuses on the Chinese distant water fleet. EJF conducted several interviews with Indonesian crew working on the Chinese fleet between September 2020 and August 2021 and found that almost all (99%) of the crew reported that their wages were withheld and deducted and over half (59%) of the crew reported they were physically abused.²⁶ On the Korean fleets, EJF also found a worrying percentage of crew reported some forms of human rights abuses like wage deduction (93%), violence (63%) and confiscation of identification documents (94%).²⁷

All of the above mentioned abuses are on the International Labour Organization (ILO) list of identifiers of human trafficking. Internationally, the ILO's Work in Fishing Convention, 2007 (ILO C188) protects crews' rights. However, among Japan's top three tuna trading partners, Taiwan, Korea and China, only Taiwan has made the commitment to bring its domestic regulations to the ILO C188 standards. Japan itself has not yet committed to ratifying it.²⁸

In September 2022, the Government of Japan released Guidelines on Respecting Human Rights in Responsible Supply Chains, but these guidelines lack legal binding force and serve only as encouragement for companies to implement human rights due diligence.²⁹

Low traceability

While the KDEs required for Class II species are relatively complete, they only cover four species. According to the Fisheries Agency's TECHNICAL NOTE on Class II Aquatic Animals and Plants Ver 2.0, *"the catch documentation scheme under the Fisheries Products Distribution Act is developed based on the EU catch certification scheme, so the information required to be filled in the catch certificate is basically the same as those in the EU catch certificate."*³⁰

Information which needs to be reported on the catch certificate are:

1. Validating authority; name of the competent authority and a distinctive document number to identify the certificate
2. Fishing vessel information
3. Product information; FAO Code and the name of the applicable RFMO(s)
4. Information on resource management; restrictions on the number of fishing vessels, catch limits, etc.
5. Master of the fishing vessel
6. Declaration of trans-shipment at sea
7. trans-shipment authorisation within a port area
8. Exporter
9. Transport details; details of the transportation route from the catch of fish to the next destination of country
10. Flag State authority validation
11. Importer declaration
12. Import control authority

In the case of importing products made of/from Class II species into Japan through a third country other than the flag state, additional documents must be submitted.³¹ If Class II species products undergo processing in a third country, the processing facility must declare that the processed fishery products originated from catches accompanied by a certificate validated by the competent authority of the flag state. Additionally, the government of the third country where the products were processed must endorse the legality of the document. According to the Fisheries Agency, for Class II fishery products that are imported into Japan after being processed in a third country, these documents are needed:

- a. The catch certificate, validated by the competent authority of the flag state, certifying the legitimate catch.
- b. A document endorsed by the competent authority of the processing state with a precise description of the unprocessed and processed products, along with their respective quantities. This document should confirm that the processed products were indeed processed in the third country, using catches accompanied by catch certificates validated by the flag State.

Of all the non-Class II species, tuna is the only species that has some regulations in place. However, when compared to the KDEs required for Class II species, it is markedly less traceable.

Article 10 of the Tuna Act mandates some KDEs to be submitted to MAFF when importing certain species of tuna to Japan, depending on the requirements set by the relevant RFMOs. Failure to comply with these reporting requirements allows the Japanese government to reduce tuna imports from specific countries. As explained in the previous section, currently, a catch certificate is only required for import of Bluefin Tuna, Southern Bluefin Tuna, Swordfish and Bigeye Tuna. However, even for these tuna species, the KDEs required are limited and they are:³²

1. Confirmation application form, accompanied by the document to confirm the quantity, origin, loading area and loading port of the cargo.
2. Catch certificate based on electronic records (only required by ICCAT); or catch certificate authenticated by government officials of the flag State.
3. Re-export certificate, authenticated by government officials of the respective intermediate countries and the final transit country based on electronic records (only required by ICCAT).
4. Vessel's flag state certificate and (if applicable) the previous flag state certificate for the vessel's former flag.
5. Document that can confirm the owner and operators of the fishing vessel.
6. trans-shipment declaration as prescribed by RMFOs.
7. Fishing vessel information listed on the relevant RFMO's website, indicating the vessels with fishing permits.
8. Information related to the aquaculture facility listed on the RFMO's official aquaculture facility list available on their website. (if applicable)
9. Report by the importer required under Article 10 of the Tuna Act which contains information on:³³
 - a. Details about the fishing vessel that caught the tuna
 - b. Information related to the transportation
 - c. The intended sales destination after import
 - d. Specific information about the tuna species intended to be imported

Table 3: A comparative analysis of Key Data Elements in different import schemes

	Key data element (KDE)	European Union	United States*	Japan	RFMO & CCAMLR Catch Documentation Schemes				Additional Information
					ICCAT	CCSBT	CCAMLR	IOTC** (Statistical Document)	
WHO	Vessel name								
	Unique vessel identifier (IMO number)								EU: IMO number is required "if issued" by the flag State. US: requests a LVI when available. JP: IMO number or Lloyd's Register number required if issued. CCAMLR: the option to provide an IMO number is provided, but not mandatory.
	Vessel flag								
	International Radio Call Sign (IRCS)								JP: Call sign required if issued.
	Information on exporter / re-exporter								ICCAT: only requests company name.
	Identity of import company								
WHAT	Product type								
	Species name - ASFIS 3-Alpha Code								JP: Requires HS code of product, not ASFIS 3-Alpha code
	Estimated live weight (kg)								ICCAT: ICCAT requests "Total weight" and "Average weight". CCSBT: requests the net weight. IOTC: requests the net weight.
	Processed weight (kg)								ICCAT, CCSBT, CCAMLR and IOTC require the net weight of harvested or processed products to be re-exported from the territory of a contracting party where it has previously been imported.
	Transshipment: Declaration and authorisation of transshipment at sea, IMO number and vessel master information								EU: bans all transshipment at sea. US: does not request vessel master information. JP: IMO number or Lloyd's Register number only required if issued. CCSBT: does not require IMO number in the declaration.
WHEN	Event date								
WHERE	Catch area (better defined with a clear distinction between the EEZ and the high seas)								CCSBT, ICCAT and IOTC: require the name of their own catch areas, which does not always distinguish between the EEZ and the high seas.
	Authorisation to fish								US: required if available.
	Port of landing								
HOW	Processing location								
	Fishing gear type or catch method								JP: Required fishing license number and licensed fishing method. This isn't as specific as the US which requires the fishing gear type specifically.

Source: EU IUU Fishing Coalition, available upon request

Severe lack of transparency

Whether Class II species or tuna, all the above-mentioned KDEs are kept by the government and for consumers, the information available to them is required by the Food Labelling Act for seafood sold in supermarkets or retailers. For imported seafood products, information required includes³⁴:

- The country of origin.
- The body of water in which the fish were caught can optionally also be included along with the country of origin.
- The country of origin for seafood is determined based on either the country where the aquatic animals were caught or the country to which the fishing vessel (flag state) belongs. Therefore, seafood caught by foreign vessels and landed in Japanese ports is considered imported.
- For products raised in two or more locations, the one they were in for the longer period of time can be labelled as the origin (the longest duration rule).

In December 2022, the Fisheries Products Distribution Act came into effect. Given that these measures are relatively new, it is essential to continuously update and refine the system as it matures. This process would require participation from all stakeholders including the government, domestic industry members, trade entities and civil society. Despite the government requiring some information, the current legal framework only mandates disclosures about the origin of the product or the flag of the vessels that harvested it through the Food Labelling Act, and it only applies to products sold in supermarkets. A lack of provisions for disclosing information related to the entire supply chain makes it difficult for meaningful civil participation and can hinder policy discussion, thus delaying improvement.

Lenient Penalties

Article 11 of the Tuna Act outlines the penalties for making a false report when importing tuna. The prescribed penalty for such an offence is a civil fine, which should not exceed US\$2,250 (JP¥300,000).³⁵ However, it is important to consider this penalty in the context of Japan's substantial tuna import market, which boasts an annual import value of over US\$1.5 billion.³⁶

On the other hand, the Fisheries Products Distribution Act imposes a stricter penalty and treats it as a crime. Violators of trading the Class II aquatic animals and plants illegally could be sentenced for a maximum one year of imprisonment or a fine of not more than US\$6,600 (JP¥1 million).³⁷

However, when taking into account the significant economic scale of tuna and the entire seafood trade in Japan, neither punishment is proportional to the potential financial gains and will not serve as a deterrent to such illegality.

Conclusions and recommendations:

Japan relies heavily on imported seafood for domestic consumption. To ensure there is no supply chain of seafood associated with IUU or human rights abuses, import controls at the national level are the front line barrier.

The analysis presented above, together with the case studies, demonstrates the serious risk of seafood associated with IUU fishing and human rights abuses entering the Japanese market with the current system. The introduction of the Fisheries Products Distribution Act is a step forward to strengthen current import controls. The KDEs required by the Fisheries Products Distribution Act are substantial for reviewing fishing practices and provide a strong foundation for the Japanese government to build on. The next steps should be to quickly expand their coverage to all aquatic animals and plants, starting with tuna and tuna-like species. Human rights conditions onboard and throughout the entire supply chain should also be included in the import control system.

All such implementations should be built on transparent information disclosure and sharing. Only through transparency can civil society and all stakeholders participate in the policy discussion with sufficient and accurate information and thus ensure proper implementation.

Due diligence conducted by individual seafood buyers is also an important step to ensure that no unethical or illegal seafood enters into the country through their supply chain. EJF's experience working with seafood buyers shows that meaningful due diligence requires substantial information, and much of it will only be available through regulatory mandates or official information disclosure such as vessels' position data through vessel monitoring system (VMS) or AIS.



To achieve this, EJF calls for the following systematic changes to be adopted immediately:

- Investigate the whereabouts of the seafood products from the above mentioned Chinese fishing vessels. Work with the distributors to call back the products when illegality is found.
- Expand the list of Class II species to cover all species, starting from those identified as high risk association to IUU and human rights abuses, such as tuna and sharks.
- Digitalise information collected from catch certificates and other sources to ensure information can be organised and shared in a timely and accurate manner.
- Involve civil society in policy discussion to obtain evidence and information on the ground.
- Provide all necessary information to the FAO Global Record of Fishing of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.
- Publicly support the [Charter for Fisheries Transparency](#) published by the Global Coalition for Fisheries Transparency.
- Make human rights due diligence mandatory throughout the entire supply chain and only allow import from vessels/companies belonging to states that ratify and implement all relevant international agreements, such as ILO C188 and Cape Town Agreement.
- Increase penalties in all three acts to reflect the size of the seafood market and to ensure they can effectively deter and prevent illegal activities.

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