



Australian Marine  
Conservation Society

**TRAFFIC**<sup>®</sup>

Consultation submission to the Department of  
Agriculture, Fisheries and Forests on  
*Measures to prevent the importation of illegal,  
unreported and unregulated seafood: discussion paper*

Australian Marine Conservation Society and TRAFFIC

30 June 2023

**Contacts:**

Dr Cat Dorey  
Fair Catch Campaign Manager, AMCS



Glenn Sant  
Senior Advisor, Fisheries Trade and Traceability, TRAFFIC



**Australian Marine Conservation Society**

Become a Sea Guardian today: [www.marineconservation.org.au](http://www.marineconservation.org.au)  
PO Box 5815, West End QLD 4101 **p** 07 3846 6777 **f** 07 3846 6788 **e** [amcs@amcs.org.au](mailto:amcs@amcs.org.au)

## Contents

|   |    |
|---|----|
| 1. Introduction.....  | 2  |
| 2. Australia's exposure and contribution to global IUU fishing.....           | 4  |
| 2.1 A lack of seafood import controls contributes to global IUU fishing.....  | 4  |
| 2.2 What seafood is Australia importing and where is it from?.....            | 7  |
| 2.3 What are the current IUU and human rights risks of imports?.....          | 12 |
| 2.4 The future risks of IUU imports.....                                      | 17 |
| 2.5 Have retailers and brands reduced the risks of IUU fishing products?..... | 19 |
| 3. Effectiveness of market-based measures to combat IUU.....                  | 21 |
| 3.1 Success of multilateral market-based measures to combat IUU.....          | 22 |
| 3.2 Success of the European Union's regional IUU markets framework.....       | 25 |
| 3.3 Success of the USA's IUU markets framework.....                           | 26 |
| 3.4 Success of Korea's IUU markets framework.....                             | 28 |
| 3.5 Benefits of multilateral versus unilateral market action.....             | 29 |
| 4. Policy reforms to prevent IUU seafood entering Australia.....              | 31 |
| 4.1 Our recommendations for Australia's IUU markets framework.....            | 31 |
| 4.2 Legal implications.....   | 33 |

## 1. Introduction

The **Australian Marine Conservation Society (AMCS)** is Australia's peak marine conservation organisation, representing around 300,000 people from all around the country. For over 50 years, we have used scientific research, policy advocacy, community engagement, and education to protect and restore Australia's oceans.

**TRAFFIC** is a leading non-governmental organisation working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development. TRAFFIC generates evidence, analysis, and solutions to strengthen global and national policy frameworks, and build responsible and fair supply chains. Its team of over 180 staff around the world works in and connects across some of the world's most critical wildlife trade hotspots. TRAFFIC has worked on fisheries issues within Australia for thirty years.

AMCS and TRAFFIC are key members of the [Fair Catch Alliance](#), a group of conservation and human rights organisations and local seafood industry members who are campaigning for stronger seafood import controls, traceability and labelling.

Thank you for the opportunity to provide input to the consultation on your discussion paper on *Measures to prevent the importation of illegal, unreported and unregulated seafood*.

We want to begin by noting the great depth of information and analysis requested. We have not had the capacity to address all the questions in the consultation timeframe, however, we have commissioned some further analysis which we will provide to DAFF later in the year and have provided input to other submissions directed to the Government.

You will find our response below in three parts, broadly reflecting the topics presented in the discussion paper.

## Note on data use

Given the dynamic nature of the global seafood supply chain, particularly the substantial disruption to global supply chains during the COVID-19 pandemic (see section 2.4), this submission focuses on the most recent full year of data (2022) from the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) accessed via the Fisheries Research and Development Organisation (FRDC) imports and exports website<sup>1</sup> and the most recent available year of data (2020) from the Food and Agriculture Organisation of the United Nations (FAO). We also focus on volume rather than value as this impacts border control efforts more directly, and value can be used to indicate many things, but is almost impossible to use as an indicator of motivation for IUU (referred to as violability).<sup>2</sup>

## Note on IUU definition

We use the definition of illegal, unreported, and unregulated (IUU) fishing as defined in the *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*,<sup>3</sup> but emphasise caution as this has been interpreted widely, especially the 'Unregulated' portion.

We expand the definition to include vessels with poor labour standards and human rights abuses. These are often associated with more serious IUU practices, but also occur on legitimate fishing vessels. These are increasingly addressed under new legally binding international agreements, including:

- The ILO C.188 Work in Fishing Convention (C.188) which aims to ensure good working conditions aboard fishing vessels, including payment of wages, provision of accommodation and food, medical care and social security. This was adopted in 2007, and came into force in 2017.
- The IMO Cape Town Agreement for the Safety of Fishing Vessels (Cape Town Agreement) which was adopted in 2012, but has yet to be ratified.

We also expand this definition to include all seafood. While we understand the focus on IUU in the broader policy will address wild fisheries, leaving farmed species out of any imports documentation scheme could drive seafood fraud,<sup>4</sup> especially for species like prawns and barramundi which are both farmed and wild-caught. Furthermore, the separation between farmed and wild caught for some species is blurred, such as for eels, many of which are endangered in the wild, but for which a black market exists for elvers (juveniles) to be grown-out in aquaculture facilities (ranching). For example, Canada recently banned all fisheries for elvers due to poaching and shipment to Japan.<sup>5</sup> A further example is the use of the term 'captive bred' in the context of the Convention on International Trade in Endangered

<sup>1</sup> FRDC (2023). Seafood Import and export by volume by species. Fisheries Research and Development Corporation (FRDC), Canberra, Australia.

<https://www.frdc.com.au/seafood-import-and-export-volume-species>

<sup>2</sup> Sant G, Goodman G, Crook V, Lack M, Oldfield TEE. (2012). Fish and Multilateral Environmental Agreements: Developing a method to identify high risk commercially-exploited aquatic organisms in trade and an analysis of the potential application of MEAs. JNCC Report No. 453. Joint Nature Conservation Committee, Peterborough, UK. <http://jncc.defra.gov.uk/page-6120>

<sup>3</sup> FAO (2001). International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). UN Food and Agriculture Organization (FAO). Rome, Italy. <https://www.fao.org/iuu-fishing/international-framework/ipoa-iuu/en/>

<sup>4</sup> Pardo MA, Jiménez E, Pérez-Villarreal B (2016). Misdescription incidents in seafood sector Food Control; 62: 277–283. <https://www.sciencedirect.com/science/article/abs/pii/S095671351530270X>

<sup>5</sup> See for example: Cuthbertson R (2019). Inside the secret, million-dollar world of baby eel trafficking. CBC News, 25 June 2019.

<https://www.cbc.ca/news/canada/nova-scotia/baby-eels-poaching-trafficking-nova-scotia-1.5183556>

Species of Wild Fauna and Flora (CITES) where there have been many claims through permitting procedures for products to be derived from 'Captive Bred Facilities', when in actual fact they are wild caught specimens laundered through supposed captive breeding facilities or wild caught juveniles that have been ranched, not captive bred.<sup>6</sup>

## 2. Australia's exposure and contribution to global IUU fishing

Questions from discussion paper (Information request 1):

- To what extent do Australia's seafood imports contribute to global IUU fishing and how are we affected by this activity?
- What practices are already implemented by governments, non-profit organisations and industry (including importers, wholesalers and retailers) to reduce the risks of IUU fishing products from entering Australia?
- Are you aware of any evidence that Australian imports of certain species or seafood product from specific countries, regions or fisheries pose a higher risk of being derived from IUU fishing practices?
- What data and methodological approaches should we consider when assessing the key sources, and the value and volume of any IUU fishing product entering Australia?

### 2.1 A lack of seafood import controls contributes to global IUU fishing

Seafood is one of the most important natural resources that is extracted and traded in terms of both volume and value. According to the FAO, world production of aquatic products (excluding algae) in 2020 was 178 million tonnes, about 34% of which was traded – exports of aquatic products (excluding algae) totalled 59.8 million tonnes (live weight), worth USD 151 billion.<sup>7</sup> In 2020, 225 countries and territories reported trade in fisheries and aquaculture products. Given its size, seafood trade has an important role to play in deterring IUU fishing and any other illegal or unethical practices that occur during its production, processing and trade.

Due to its insidious nature and the complexity and lack of transparency in seafood supply chains, effectively stopping IUU fishing and broader seafood fraud requires action by all players at all key points in the supply chain:

1. Flag states – to ensure effective management, monitoring, control and surveillance (MCS) of all their vessels and enforcement of their licensing arrangements and applicable national regional and international conservation and management measures, wherever they operate.
2. Coastal states – to ensure effective management and MCS of both their own and foreign vessels in national waters.
3. Port states – to ensure fishing vessels and their landings are legitimate. This has now been enshrined under the UN Agreement on Port State Measures (PSMA), which

---

<sup>6</sup> CITES (2023). Compliance: Captive bred and ranched specimens. Recommendations from the Thirty-second meeting of the Animals Committee Geneva, Switzerland, 19–23 June 2023. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) AC32 Com. 4 <https://cites.org/sites/default/files/documents/E-AC32-Com-04.pdf>

<sup>7</sup> FAO (2022). The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. UN Food and Agriculture Organisation (FAO), Rome, Italy. <https://www.fao.org/3/cc0461en/online/sofia/2022/fisheries-aquaculture-employment.html>

aims to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. The PSMA reduces the incentive of IUU vessels to continue to operate and blocks market access to fishery products derived from IUU fishing.

4. Market states – to ensure only legal, sustainable and ethical seafood has access to markets.

Australia imports 65% of its seafood (based on the 10-year average for 2010-11 to 2019-20).<sup>8</sup> According to the most recent data reported to the FAO, Australia was the 30th largest importer of fishery and aquaculture products (by volume) in 2020, with 301,621 metric tonnes (mT) of imports (Table 1).

Tackling IUU has been important to Australia for a long time. Australia has taken action on IUU as a flag and coastal state, and as a valuable and respected member of various Regional Fisheries Management Organisations (RFMOs). The UN FAO *International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing* (IPOA-IUU), was drafted in Sydney in 2000 and Australia helped to fund its development.<sup>9</sup> We have a National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU)<sup>10</sup> and support a Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing (RPOA-IUU) for SE Asia.<sup>11</sup> Australia has ratified the UN's Port State Measures Agreement,<sup>12</sup> is a member of the High Level Panel for a Sustainable Ocean Economy<sup>13</sup>, has signed up to the UN's SDG14 (Life Below the Water) goals, and along with other G20 members makes almost annual declarations on tackling IUU.<sup>14</sup> Australia is also signatory to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)<sup>15</sup> that has specific chapters on environmental protection that includes addressing overfishing, the implementation of CITES, protection of sharks and rays, bycatch, IUU, and on labour rights.

---

<sup>8</sup> Steven AH, Dylewski M, Curtotti R (2021). Australian fisheries and aquaculture statistics 2020, Fisheries Research and Development Corporation project 2020-124, ABARES, Canberra, August. CC BY 4.0. [https://daff.ent.sirsidynix.net.au/client/en\\_AU/search/asset/1032481/0](https://daff.ent.sirsidynix.net.au/client/en_AU/search/asset/1032481/0)

<sup>9</sup> FAO (2001). International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). UN Food and Agriculture Organization (FAO). Rome, Italy. <https://www.fao.org/iuu-fishing/international-framework/ipoa-iuu/en/>

<sup>10</sup> Department of Agriculture (2014). Australia's Second National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Australian Government, Canberra. <https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/fisheries/iuu/aus-second-npoa-iuu-fishing.pdf>

<sup>11</sup> DAFF (2023). Combating IUU fishing and promoting sustainable fisheries in Southeast Asia program. Department of Agriculture Fisheries and Forests (DAFF), Australian Government, Canberra. <https://www.agriculture.gov.au/agriculture-land/fisheries/iuu/combating-iuu-fishing-program>

<sup>12</sup> FAO (2023). Agreement on Port State Measures (PSMA). FAO website. UN Food and Agriculture Organization (FAO). Rome, Italy. <https://www.fao.org/port-state-measures/en/>

<sup>13</sup> See the commitment under Ocean Wealth Priority 1: High Level Panel for a Sustainable Ocean Economy (2023). The Agenda: Ocean Wealth. <https://oceanpanel.org/the-agenda/ocean-wealth/>

<sup>14</sup> See point 1: G20 (2022). G20 Bali Leaders' Declaration, Bali, Indonesia, 15-16 November 2022. <https://www.consilium.europa.eu/media/60201/2022-11-16-g20-declaration-data.pdf>

<sup>15</sup> DFAT (2015). Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Department of Foreign Affairs and Trade (DFAT), Australian Government, Canberra. <https://www.dfat.gov.au/trade/agreements/in-force/cptpp/comprehensive-and-progressive-agreement-f-or-trans-pacific-partnership>

**Table 1.** Leading seafood importing countries, by volume (metric tonnes), 2018–2020

| Country              | 2020           |           | 2019           |           | 2018           |           |
|----------------------|----------------|-----------|----------------|-----------|----------------|-----------|
|                      | mT             | Rank      | mT             | Rank      | mT             | Rank      |
| China                | 5,651,779      | 1         | 6,247,033      | 1         | 5,208,261      | 1         |
| USA                  | 2,919,478      | 2         | 2,839,754      | 2         | 2,912,600      | 2         |
| Japan                | 2,243,586      | 3         | 2,455,054      | 3         | 2,372,128      | 3         |
| Thailand             | 2,154,434      | 4         | 1,988,143      | 4         | 2,129,606      | 4         |
| Spain                | 1,709,864      | 5         | 1,824,275      | 5         | 1,766,380      | 5         |
| Korea, Republic of   | 1,528,254      | 6         | 1,525,196      | 6         | 1,555,022      | 6         |
| Denmark              | 1,304,674      | 7         | 1,366,438      | 7         | 1,430,974      | 7         |
| France               | 1,210,545      | 8         | 1,216,534      | 8         | 1,204,221      | 8         |
| Germany              | 1,191,991      | 9         | 1,147,460      | 9         | 1,173,045      | 9         |
| Netherlands          | 1,111,724      | 10        | 1,071,191      | 11        | 1,099,487      | 11        |
| Italy                | 1,031,641      | 11        | 1,108,880      | 10        | 1,137,854      | 10        |
| Sweden               | 859,287        | 12        | 822,756        | 13        | 820,477        | 12        |
| United Kingdom       | 812,004        | 13        | 845,624        | 12        | 798,933        | 13        |
| Nigeria              | 759,663        | 14        | 612,151        | 17        | 524,088        | 21        |
| Poland               | 661,805        | 15        | 626,380        | 15        | 618,866        | 15        |
| Norway               | 623,523        | 16        | 612,599        | 16        | 631,734        | 14        |
| Russian Federation   | 602,740        | 17        | 656,806        | 14        | 608,337        | 16        |
| Côte d'Ivoire        | 599,563        | 18        | 557,801        | 20        | 566,779        | 17        |
| Vietnam              | 588,008        | 19        | 592,209        | 19        | 546,114        | 18        |
| Egypt                | 533,975        | 20        | 600,257        | 18        | 457,008        | 24        |
| Canada               | 522,782        | 21        | 547,180        | 21        | 525,098        | 19        |
| Taiwan               | 512,323        | 22        | 489,981        | 23        | 495,226        | 22        |
| Malaysia             | 479,769        | 23        | 457,179        | 25        | 431,308        | 25        |
| Portugal             | 476,186        | 24        | 504,473        | 22        | 524,897        | 20        |
| Ukraine              | 403,725        | 25        | 399,790        | 26        | 380,579        | 26        |
| Philippines          | 356,792        | 26        | 464,688        | 24        | 473,963        | 23        |
| China, Hong Kong SAR | 333,236        | 27        | 355,742        | 28        | 379,941        | 27        |
| Turkey               | 319,984        | 28        | 338,970        | 30        | 289,086        | 32        |
| Brazil               | 305,305        | 29        | 342,898        | 29        | 367,392        | 28        |
| <b>Australia</b>     | <b>301,621</b> | <b>30</b> | <b>303,131</b> | <b>32</b> | <b>301,620</b> | <b>31</b> |
| Belgium              | 293,370        | 31        | 305,833        | 31        | 305,785        | 30        |
| Ghana                | 291,225        | 32        | 393,504        | 27        | 357,813        | 29        |

SAR: Special Administrative Region. Source: FAO<sup>16</sup>

<sup>16</sup> FAO (2023). Fishery and Aquaculture Statistics. Global fish trade – All partners aggregated (Quantity) (2019, 2020). Food and Agriculture Organisation of the United Nations (FAO), Rome, Italy. [https://www.fao.org/fishery/statistics-query/en/trade/trade\\_quantity](https://www.fao.org/fishery/statistics-query/en/trade/trade_quantity)

However, aside from a limited range of trade measures on seafood species applied through CITES and some RFMOs for high value species like the bluefin tunas and toothfishes (see section 3), Australia has not adequately addressed IUU in its role as a market state.

Currently, those seafood imports are allowed into the country and onto our plates without any laws or standards for traceability, sustainability, or ethics. While our own industry has to meet minimum sustainability and ethical standards, imported seafood can come from illegal, destructive and exploitative fisheries and farms. This puts our fisheries industry at a disadvantage and makes it difficult for the aquaculture industry to develop new markets while cheap imports flood the market. It also poses health<sup>17, 18</sup> and reputational risks.<sup>19</sup>

Compounding this problem is the lack of requirements to trace seafood, whether local or imported, from where it was caught or farmed, through the supply chain, to the point of sale. This lack of traceability along with Australia's deficient product labelling laws undermines consumer rights to know what they are buying.

There is increasing recognition by the international community of the need for traceability and transparency in seafood supply chains. Australia can draw from the experience of key trade partners and major seafood importers, the European Union (EU), USA, Japan and Korea which have all developed IUU imports law and policy frameworks, and from ASEAN countries which are looking at a system for the SE Asian region.<sup>20</sup> In the process of developing its own scheme, Australia can lead the way in ensuring the development of centralised, harmonised schemes that can link RFMO and national schemes globally, share information, minimise resources required to run them, and ensure they deliver on closing the market to IUU products.

## 2.2 What seafood is Australia importing and where is it from?

In 2022, Australia imported 299,303 mT of seafood from 96 countries, with a value of \$2.7 million (AUD).<sup>21</sup> The top 10 source countries accounted for 81% of the total volume of Australian seafood imports, and Asian countries accounted for 69% of this (see Table 2). The top three exporters to Australia – Thailand, Vietnam and China – are major processing countries. Processing and re-export in countries like China are thought to contribute to opaque supply chains and facilitate trade in IUU products.<sup>22</sup>

---

<sup>17</sup> Williams M, Hernandez-Jover M, Shamsi S (2020). Illegal, unreported, and unregulated fishing: A risk scoring method for prioritizing inspection of fish imported to Australia for zoonotic parasites. *Journal of Biosafety and Biosecurity*; 2: 81–90.

<https://www.sciencedirect.com/science/article/pii/S2588933820300248>

<sup>18</sup> Armani A, Guardone L, La Castellana R, Gianfaldoni D, Guidi A, Castigliero L (2015). DNA barcoding reveals commercial and health issues in ethnic seafood sold on the Italian market. *Food Control*; 55: 206–214. <https://www.sciencedirect.com/science/article/abs/pii/S095671351500122X>

<sup>19</sup> Conley M, Twyford K, Kuruc M (2023). Combating IUU fishing starts at home. *The Mandarin*, 15 May 2023. <https://www.themandarin.com.au/220251-combating-iuu-fishing-starts-at-home/>

<sup>20</sup> Siriraksophon S, Kawamura H, Imsamrarn N (2016). Securing the niche of ASEAN fish and fishery products in the global market: ASEAN catch documentation scheme for marine capture fisheries. *Fish for the People*; 14 (2): 24–33. <http://repository.seafdec.org/handle/20.500.12066/984>

<sup>21</sup> FRDC (2023). Seafood Import and export by volume by species. (Search on all imports, all countries, in 2022). Fisheries Research and Development Corporation (FRDC), Canberra, Australia. <https://www.frdc.com.au/seafood-import-and-export-volume-species>

<sup>22</sup> MA Young (2016). International trade law compatibility of market-related measures to combat illegal, unreported and unregulated (IUU) fishing. *Marine Policy*; 69, 209-219. <https://www.sciencedirect.com/science/article/abs/pii/S0308597X16000385>

**Table 2.** Top 30 countries exporting to Australia in 2022, by volume,<sup>23</sup> and their IUU risk<sup>24</sup>

| Rank | Country             | Volume (mT)   | Proportion of total imports (%) | IUU Fishing Index Risk Score (1–5, low–high) | IUU Fishing Index Risk Ranking (out of 152) |
|------|---------------------|---------------|---------------------------------|--|---|
| 1    | Thailand            | 67,314        | 22.49                           | 2.38   | 48  |
| 2    | Vietnam             | 47,504        | 15.87                           | 2.33   | 56  |
| 3    | <b>China</b>        | <b>41,151</b> | <b>13.75</b>                    | <b>3.86</b>                                  | <b>1</b>                                    |
| 4    | New Zealand         | 26,473        | 8.84                            | 1.68   | 149   |
| 5    | <b>Indonesia</b>    | <b>16,704</b> | <b>5.58</b>                     | <b>2.55</b>                                  | <b>20</b>                                   |
| 6    | Malaysia            | 9,715         | 3.25                            | 2.39   | 47  |
| 7    | Norway              | 9,487         | 3.17                            | 2.10   | 105   |
| 8    | Finland             | 7,785         | 2.60                            | 1.62   | 151   |
| 9    | Peru                | 7,551         | 2.52                            | 2.19   | 86  |
| 10   | <b>USA</b>          | <b>7,369</b>  | <b>2.46</b>                     | <b>2.51</b>                                  | <b>27</b>                                   |
| 11   | <b>Taiwan</b>       | <b>6,847</b>  | <b>2.29</b>                     | <b>2.88</b>                                  | <b>6</b>                                    |
| 12   | <b>Japan</b>        | <b>5,255</b>  | <b>1.76</b>                     | <b>2.67</b>                                  | <b>12</b>                                   |
| 13   | <b>South Africa</b> | <b>4,849</b>  | <b>1.62</b>                     | <b>2.64</b>                                  | <b>13</b>                                   |
| 14   | Singapore           | 3,622         | 1.21                            | 2.52   | 26  |
| 15   | American Samoa      | 3,481         | 1.16                            | -  | -   |
| 16   | Poland              | 3,099         | 1.04                            | 1.73   | 144   |
| 17   | Denmark             | 3,022         | 1.01                            | 1.72   | 147   |
| 18   | <b>Philippines</b>  | <b>2,859</b>  | <b>0.96</b>                     | <b>2.55</b>                                  | <b>20</b>                                   |
| 19   | <b>Mexico</b>       | <b>2,847</b>  | <b>0.95</b>                     | <b>2.61</b>                                  | <b>15</b>                                   |
| 20   | Papua New Guinea    | 2,672         | 0.89                            | 2.14   | 99  |
| 21   | Sri Lanka           | 2,236         | 0.75                            | 1.88   | 131   |
| 22   | Namibia             | 1,711         | 0.57                            | 1.97   | 120   |
| 23   | UK                  | 1,648         | 0.55                            | 2.17   | 92  |
| 24   | <b>Korea</b>        | <b>1,426</b>  | <b>0.48</b>                     | <b>2.91</b>                                  | <b>3</b>                                    |
| 25   | Argentina           | 1,336         | 0.48                            | 2.37   | 50  |
| 26   | Myanmar             | 1,244         | 0.45                            | 2.44   | 34  |
| 27   | Chile               | 1,195         | 0.42                            | 1.91   | 128   |
| 28   | Solomon Islands     | 1,072         | 0.40                            | 2.02   | 113   |
| 29   | India               | 879           | 0.36                            | 2.36   | 52  |
| 30   | Germany             | 766           | 0.29                            | 1.8  | 138   |
|      | <b>ALL IMPORTS</b>  | 299,303       |                                 |  |   |

<sup>23</sup> ABARES data via FRDC imports and exports webpage. Note that Australian interstate import volumes of 1,439,008 kg have been subtracted from the total imports data: FRDC (2023). Seafood import and export by volume by species. Fisheries Research and Development Corporation (FRDC), Canberra, Australia. <https://www.frdc.com.au/seafood-import-and-export-volume-species>

<sup>24</sup> Poseidon and GIATOC (2023). IUU Fishing Index. Poseidon Aquatic Resource Management, UK, and Global Initiative Against Transnational Organized Crime (GIATOC), Switzerland. <https://iuufishingindex.net>



**China** is the largest producer, importer, exporter and processor of fishery and aquaculture products.<sup>25, 26</sup> China is the top importer by volume (live weight), ahead of the USA, which is the largest importer by value. However, while some of this is for domestic consumption, about 75% is raw material to be processed in China and then re-exported.<sup>27</sup> China's exports are made up of large quantities of domestically produced squid and cuttlefish, shrimp, tilapia and bivalve molluscs, as well as processed whitefish such as Alaska pollock and cod. This is reflected in the top 5 species groups exported to Australia by China – squids and cuttlefishes, generic 'fish', prawns, molluscs and 'other' species.

**Vietnam** is now the world's leading producer and exporter of farmed pangasius (grouped with basa and others under 'catfish' in Australia's imports data).<sup>28, 29</sup> It also has a large farmed shrimp industry and a significant processing sector. Vietnam's top 5 exports to Australia in 2022 were prawns, generic 'fish', catfishes, tilapias and sardines.

**Thailand** has a large processing industry, particularly for canned fish, especially tuna which is produced from raw material landed directly in Thai ports by foreign long-distance fleets, as well as being imported via air freight.<sup>30</sup> Among Thailand's top imports and exports are tunas (particularly the key canned species skipjack, tongol/longfin, and albacore), squids and cuttlefishes, and sardines.<sup>31</sup> Thailand also has a large shrimp aquaculture industry. Its top 5 exports to Australia in 2022 reflect this: tunas, generic 'fish', prawns, salmon, and squids and cuttlefishes.

A significant proportion of products exported to Australia – including from China, Vietnam and Thailand – are sourced from a wide range of other unidentified producing countries, and about 38% of imported products are simply recorded as generic 'fish' or 'other' and cannot be identified even at the broader species group level (see Table 3). These are species that don't fall into one of the more specific categories and are in a large variety of forms from fresh or frozen fillets to preserved or processed. It includes some fish pellets and powders and even some live ornamental fish.

---

<sup>25</sup> FAO (2022). The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. Food and Agriculture Organisation of the United Nations (FAO), Rome, Italy.

<https://www.fao.org/3/cc0461en/online/sofia/2022/fisheries-aquaculture-employment.html>

<sup>26</sup> FAO (2023). China. GlobeFish Market Profile, March 2020. Food and Agriculture Organization of the United Nations (FAO), Rome. <https://www.fao.org/3/cc5541en/cc5541en.pdf>

<sup>27</sup> Asche F, Yang B, Gephart JA, Smith MD, Anderson JL, Camp EV, Garlock TM, Love DC, Oglend A, Straume H-M (2022). China's seafood imports – Not for domestic consumption? *Science*; 375: 386–388. <https://www.science.org/doi/10.1126/science.abl4756>

<sup>28</sup> FAO (2022). The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. Food and Agriculture Organisation of the United Nations (FAO), Rome, Italy.

<https://www.fao.org/3/cc0461en/online/sofia/2022/fisheries-aquaculture-employment.html>

<sup>29</sup> FAO (2023). Viet Nam. GlobeFish Market Profile, March 2020. Food and Agriculture Organization of the United Nations (FAO), Rome. <https://www.fao.org/3/cc5708en/cc5708en.pdf>

<sup>30</sup> FAO (2022). The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. Food and Agriculture Organisation of the United Nations (FAO), Rome, Italy.

<https://www.fao.org/3/cc0461en/online/sofia/2022/fisheries-aquaculture-employment.html>

<sup>31</sup> FAO (2023). Thailand. GlobeFish Market Profile, March 2020. Food and Agriculture Organization of the United Nations (FAO), Rome.

<https://www.fao.org/3/cc5688en/cc5688en.pdf>

**Table 3.** Australia's top 10 seafood imports in 2022 and the main exporting countries<sup>32</sup>

| Seafood import category | Total volume (mT) | Proportion of total imports (%) | Top 5 exporting countries | Total volume imported by country (mT) | Proportion of species by county (%) |
|-------------------------|-------------------|---------------------------------|---------------------------|---------------------------------------|-------------------------------------|
| 1. Fish (generic)       | 107,876.17        | 35.87                           | New Zealand               | 14,992                                | 13.90                               |
|                         |                   |                                 | China                     | 11,992                                | 11.12                               |
|                         |                   |                                 | Thailand                  | 11,834                                | 10.97                               |
|                         |                   |                                 | Vietnam                   | 9,907                                 | 9.18                                |
|                         |                   |                                 | Peru                      | 7,380                                 | 6.84                                |
| 2. Tuna                 | 50,217.14         | 16.70                           | Thailand                  | 42,051                                | 83.74                               |
|                         |                   |                                 | Indonesia                 | 6,241                                 | 12.43                               |
|                         |                   |                                 | Vietnam                   | 889                                   | 1.77                                |
|                         |                   |                                 | China                     | 310                                   | 0.62                                |
|                         |                   |                                 | Philippines               | 282                                   | 0.56                                |
| 3. Prawn                | 38,150.31         | 12.69                           | Vietnam                   | 25,635                                | 67.19                               |
|                         |                   |                                 | Thailand                  | 5,893                                 | 15.45                               |
|                         |                   |                                 | China                     | 3,375                                 | 8.85                                |
|                         |                   |                                 | Malaysia                  | 1,768                                 | 4.63                                |
|                         |                   |                                 | New Caledonia             | 363                                   | 0.95                                |
| 4. Squid/cuttlefish     | 24,231.21         | 8.06                            | China                     | 18,172                                | 74.99                               |
|                         |                   |                                 | Malaysia                  | 1,555                                 | 6.42                                |
|                         |                   |                                 | Thailand                  | 1,503                                 | 6.20                                |
|                         |                   |                                 | New Zealand               | 986                                   | 4.07                                |
|                         |                   |                                 | Indonesia                 | 764                                   | 3.15                                |
| 5. Salmon               | 13,902.65         | 4.62                            | Norway                    | 2,981                                 | 21.44                               |
|                         |                   |                                 | Thailand                  | 2,874                                 | 20.67                               |
|                         |                   |                                 | Denmark                   | 2,617                                 | 18.82                               |
|                         |                   |                                 | USA                       | 2,416                                 | 17.38                               |
|                         |                   |                                 | Poland                    | 1,492                                 | 10.73                               |
| 6. Sardine              | 9,712.95          | 3.23                            | Japan                     | 3,372                                 | 34.72                               |
|                         |                   |                                 | Poland                    | 1,341                                 | 13.81                               |
|                         |                   |                                 | Vietnam                   | 1,327                                 | 13.66                               |
|                         |                   |                                 | Thailand                  | 1,256                                 | 12.93                               |
|                         |                   |                                 | UK                        | 701                                   | 7.22                                |

<sup>32</sup> ABARES data via FRDC imports and exports webpage: FRDC (2023). Seafood import and export by volume by species. Fisheries Research and Development Corporation (FRDC), Canberra, Australia. <https://www.frdc.com.au/seafood-import-and-export-volume-species>

**Table 3 (cont).** Australia's top 10 seafood imports in 2022 and the main exporting countries

| Seafood import category | Total volume (mT) | Proportion of total imports (%) | Top 5 exporting countries | Total volume imported by country (mT) | Proportion of species by county (%) |
|-------------------------|-------------------|---------------------------------|---------------------------|---------------------------------------|-------------------------------------|
| 7. Herring              | 8,395.35          | 2.79                            | Finland                   | 7,428                                 | 88.48                               |
|                         |                   |                                 | Germany                   | 360                                   | 4.29                                |
|                         |                   |                                 | Poland                    | 207                                   | 2.47                                |
|                         |                   |                                 | Canada                    | 106                                   | 1.26                                |
|                         |                   |                                 | Estonia                   | 99                                    | 1.18                                |
| 8. Other                | 7,218.25          | 2.40                            | New Zealand               | 2,947                                 | 40.83                               |
|                         |                   |                                 | USA                       | 2,034                                 | 28.18                               |
|                         |                   |                                 | China                     | 614                                   | 8.51                                |
|                         |                   |                                 | Finland                   | 357                                   | 4.95                                |
|                         |                   |                                 | Taiwan                    | 236                                   | 3.27                                |
| 9. Catfish              | 6,710.69          | 2.23                            | Vietnam                   | 6,651                                 | 99.11                               |
|                         |                   |                                 | China                     | 32                                    | 0.48                                |
|                         |                   |                                 | Myanmar                   | 10                                    | 0.15                                |
|                         |                   |                                 | Thailand                  | 9                                     | 0.13                                |
|                         |                   |                                 | Bangladesh                | 7                                     | 0.10                                |
| 10. Hake                | 5,456.15          | 1.81                            | New Zealand               | 2436                                  | 44.65                               |
|                         |                   |                                 | South Africa              | 1611                                  | 29.53                               |
|                         |                   |                                 | Namibia                   | 1377                                  | 25.24                               |
|                         |                   |                                 | Spain                     | 17                                    | 0.31                                |
|                         |                   |                                 | China                     | 13                                    | 0.24                                |

It is difficult navigating the complex nature of how trade statistics are compiled for Australian imports and exports.<sup>33</sup> It is also difficult to fully understand if all codes are being used for particular products at the most specific code available. This has previously been highlighted through comparative analysis between trade data available at point of import to Australia and South African export data for shark products, which revealed large gaps in what should be recorded entering Australia.<sup>34</sup> While this is not an issue restricted to Australia and it is often difficult to match comparative data sets, there are increasing calls for such use of codes to

<sup>33</sup> Australian Bureau of Statistics (2018), Classifications: International Merchandise Trade, Australia: Concepts, Sources and Methods. Latest release. Reference period 2018. <https://www.abs.gov.au/statistics/detailed-methodology-information/concepts-sources-methods/international-merchandise-trade-australia-concepts-sources-and-methods/2018/classifications>

<sup>34</sup> Okes N, Sant G (2022). Missing Sharks: A country review of catch, trade and management recommendations for CITES-listed shark species. TRAFFIC. [https://www.traffic.org/site/assets/files/17372/missing\\_sharks\\_a\\_country\\_review\\_of\\_catch\\_trade\\_and\\_management\\_recommendations\\_for\\_cites-listed\\_shark\\_species\\_final\\_updated.pdf](https://www.traffic.org/site/assets/files/17372/missing_sharks_a_country_review_of_catch_trade_and_management_recommendations_for_cites-listed_shark_species_final_updated.pdf)

be comprehensive and harmonised.<sup>35</sup> As an example at its most recent meeting the CITES Animals Committee in relation to sharks and rays asked the Standing Committee to:

“b) consider implications of the limited number of species-specific HS codes available under the WCO’s Harmonized System (HS);

c) request that Parties adopt more comprehensive national classifications based on WCO’s HS Nomenclature”<sup>36</sup>

## 2.3 What are the current IUU and human rights risks of imports?

We have no reason to believe that the Australian market is at less risk for importing IUU products than other markets, and with other countries developing and strengthening their traceability and import requirements we expect the risk will grow as suppliers seek out markets with easier access.

While we may not be one of the leading seafood markets, in 2020 we were still in the top 30, and we import from a wide range of countries and a wide range of species. Our population has a wide range of cultural backgrounds which influences the range of seafood products available through retailers and restaurants. For example, our initial surveys of the smaller, but prolific Asian retailers in Sydney has identified a large range of seafood species and source countries not usually found in the major retailers.

As highlighted above, it is difficult to undertake quantitative risk analysis based solely on publicly available import data. What is clear, however, is that we currently import high risk species from high risk countries, both in terms of their history and current practices in addressing IUU on the water, and the opportunities to launder IUU seafood through complex import, processing and re-exporting remain high.

### **IUU and human rights risk by country**

Due to its cryptic nature and the differential gradient of minor infractions by licensed vessels through to major piracy and organised crime, IUU is very hard to quantify. The often cited figure of one fifth of the world’s catch comes from IUU fisheries is based on an outdated study by Agnew et al. in 2009.<sup>37</sup> This study was based on data from 1980–2003 and estimated that the overall loss from the studied fisheries was between 13–31% (lower and upper estimates) with a mean of 18%, and representing between 11 and 26 million tonnes, worth some \$5–11 billion in 2003. The study only estimated illegal and unreported catches – those taken within an EEZ which are both illegal and retained, and which are usually unreported, and all unreported catches taken in high seas waters under a RFMO jurisdiction. It did not include the unregulated component of IUU. So while one fifth is often quoted, the higher end of the estimate of one third IUU could be more realistic, especially for developing

---

<sup>35</sup> CITES (2023). Species specific matters. Aquatic species. Sharks and Rays (Elasmobranchii Spp.) Recommendations from the Thirty-second meeting of the Animals Committee, Geneva, Switzerland, 19–23 June 2023. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). AC32 Com. 5. <https://cites.org/sites/default/files/documents/E-AC32-Com-05.pdf>

<sup>36</sup> CITES (2023). Compliance: Captive bred and ranched specimens. Recommendations from the Thirty-second meeting of the Animals Committee Geneva, Switzerland, 19–23 June 2023. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). AC32 Com. 4 <https://cites.org/sites/default/files/documents/E-AC32-Com-04.pdf>

<sup>37</sup> Agnew DJ, Pearce J, Pramod G, Peatman T, Watson R, et al (2009). Estimating the Worldwide Extent of Illegal Fishing. PLOS ONE 4(2): e4570. <https://doi.org/10.1371/journal.pone.0004570>

countries where 'unregulated' is considerable. More recent attempts to update estimates of global or national IUU figures have met with controversy.<sup>38</sup>

A 2021 study from CSIRO for the FAO<sup>39</sup> (which updates and extends a 2015 study) estimated that illegal fishing landings (only the I in IUU) across the Asia-Pacific Fishery Commission (APFIC) area, excluding the South China Sea, totalled 6.6 million mT in 2019, with a value of USD 23.3 billion. This region is the biggest producer of fisheries and aquaculture globally, and the main source of Australia's imports. In particular the study found that:

- In both small-scale and industrial sectors, encroachment and breach of licence conditions were the most common infractions; followed by non-compliant gear, illegal transshipment and other premeditated activities.
- Illegal landings generally comprised less than half of the total landings across the 25 species or species groups evaluated in this study.
- Species, sectors and entities varied significantly in the level of illegal fishing associated with them, with some predictable patterns. For example, illegal shark catch reached 50% or more of the total landings in some cases. The proportion of illegal catch for each individual tuna species was small; however, the combined value exceeded USD 1.6 billion.
- Illegal fishing by domestic fleets represented less than 25% of the total reported illegal fishing (by value) suggesting that illegal fishing, on average, is undertaken by foreign fleets. However for 5 countries 50-75% was domestic IUU and for 4 others it was 100% domestic IUU.

The IUU Fishing Index uses a diverse range of indicators to provide a measure of the risk of IUU fishing in and by different countries. The Index provides an IUU fishing score for all coastal states of between 1 (best) and 5 (worst) and allows countries to be benchmarked and ranked, and assessed for their vulnerability, prevalence and response to IUU fishing.<sup>40</sup>

Of the top 30 countries we imported from in 2022, eight are in the top 30 highest risk for IUU. China is ranked number one, and Korea is number three (see Table 2 above). We note, however, that even those countries that score well on the IUU index are not without risk. New Zealand, the 4th largest exporter to Australia is considered low risk overall for IUU (ranked at 149 of 152 countries on the Index), but its fisheries are not without controversy.<sup>41</sup>

---

<sup>38</sup> Wilcox C, Mann V, Cannard T, Ford J, Hoshino E, Pasco (2021). A review of illegal, unreported and unregulated fishing issues and progress in the Asia-Pacific Fishery Commission region. Food and Agriculture Organization of the United Nations (FAO) Bangkok, and the Commonwealth Scientific and Industrial Research Organisation (CSIRO), Hobart. <https://doi.org/10.4060/cb2640en>

<sup>39</sup> Wilcox C, Mann V, Cannard T, Ford J, Hoshino E, Pasco (2021). A review of illegal, unreported and unregulated fishing issues and progress in the Asia-Pacific Fishery Commission region. Food and Agriculture Organization of the United Nations (FAO) Bangkok, and the Commonwealth Scientific and Industrial Research Organisation (CSIRO), Hobart. <https://doi.org/10.4060/cb2640en>

<sup>40</sup> Poseidon and GIATOC (2023). IUU Fishing Index. Poseidon Aquatic Resource Management, UK, and Global Initiative Against Transnational Organized Crime (GIATOC), Switzerland. <https://iuufishingindex.net>

<sup>41</sup> Simmons G, Robertson B, Whittaker H, Slooten E, McCormack F, Bremner G, Haworth N, Thrush SF, Dawson S (2017). New Zealand's fisheries quota management system: on an undeserved pedestal. The Conversation, 5 September 2017. <https://theconversation.com/new-zealands-fisheries-quota-management-system-on-an-undeserved-pedestal-82210>

The famous Marine Stewardship Council (MSC) certified hoki fishery, for example, has recently been accused of illegal dumping or 'high grading' of catches, and misreporting catches of target and bycatch species.<sup>42</sup> Similarly, New Zealand flagged longliners targeting species like tunas and billfishes have been underreporting bycatch species.<sup>43</sup>

A number of Australia's main exporting countries are also listed on the USA's annual Trafficking in Persons (TIP) Report.<sup>44</sup> The TIP report classifies countries into one of four tiers – Tier 1, Tier 2, Tier 2 Watch List, and Tier 3 – based on the prevalence of forced labour and human trafficking in the countries. A Tier 1 country is considered to meet the minimum standards for USA's Trafficking Victims Protection Act (TVPA). A Tier 2 country has not fully met human rights standards, but is considered to be making significant efforts. A Tier 2 Watch List country does not meet US standards and are working to meet them, but has a high number of estimated victims of severe forms of trafficking, and have failed to provide enough evidence they are adequately combating human trafficking. Tier 3 countries do not meet the standards, are not making significant efforts to do so, and can be subject to restrictions on certain foreign assistance from the USA. It should be noted that NGOs are critical of this list, especially of Taiwan being moved up to Tier 1 in the 2023 report given ongoing issues on its fishing fleets.<sup>45</sup>

Of particular concern to Australia is that some of our top exporting countries China, Korea and Papua New Guinea are all listed on Tier 3, while Malaysia, South Africa and Vietnam are on the Tier 2 Watch List. Seafood from both fisheries or farms in these countries should be treated as high risk for serious human rights violations.

Risk analysis could include a closer look at the at-risk countries identified by the USA and the EU, although we note these are fundamentally different – only three countries out of 51 identified appear on both lists.<sup>46</sup> There's a lack of clarity about how the EU especially identifies countries as an IUU risk, and these lists may be significantly politically influenced.

Two other analyses of modern slavery risk in fisheries are also useful risk models to explore:

- The Walk Free Foundation (2018). 2018 global slavery index. [www.globalslaveryindex.org](http://www.globalslaveryindex.org)

---

<sup>42</sup> Slooten E, Robertson B, Simmons G, Bremner G, Haworth N New Zealand's hoki fishery under scrutiny after claims of fish dumping, misreporting. The Conversation, 26 May 2018. <https://theconversation.com/new-zealands-hoki-fishery-under-scrutiny-after-claims-of-fish-dumping-misreporting-97167>

<sup>43</sup> Neilson M (2020). New Zealand commercial long-line fishers nine times more likely to report bycatch with observers on board – Fisheries NZ report. New Zealand Herald, 23 January 2020. <https://www.nzherald.co.nz/nz/new-zealand-commercial-long-line-fishers-nine-times-more-likely-to-report-bycatch-with-observers-on-board-fisheries-nz-report/NUCLC4KB62X6P4EMAJUMNJ4XK4/>

<sup>44</sup> Office to Monitor and Combat Trafficking in Persons (2023). Trafficking in Persons Report. US Department of State, USA. <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

<sup>45</sup> Chase C (2023). US Trafficking in Persons Report maintains previous ranking of Taiwan, Thailand, upgrades Vietnam. Seafood Source, 16 June 2023. <https://www.seafoodsource.com/news/supply-trade/us-trafficking-in-persons-report-maintains-previous-ranking-of-taiwan--thailand--upgrades-vietnam>

<sup>46</sup> EU identifications are currently confined to Africa, Asia, the Caribbean, and the South West Pacific; 48 percent are small island developing states (SIDS). US identifications are more evenly distributed between world regions and target more developed fishing nations. The largest number of identifications is of South American countries, closely followed by EU member states, which represent 25 percent of all US identifications.

- Tickler D, Meeuwig JJ, Bryant K, David F, Forrest JAH, Gordon E, Joudo Larsen J, Oh B, Pauly D, Sumaila UR, Zeller, D (2018). Modern slavery and the race to fish. *Nature Communications*; 9: 4643. <https://doi.org/10.1038/s41467-018-07118-9>

### **Risk by species**

High risk species include, but are not limited to, those caught by distant water fisheries (DWF) and those operating on the high seas where MCS is more difficult, and those for which there is little to no regulation. Species such as the tunas, sharks, billfishes, squids and cuttlefishes are obvious examples. In particular, a recent analysis<sup>47</sup> of the risk of the presence of labour abuse and IUU in fisheries showed that risk is most associated with:

- fishing vessel flags primarily associated with poor control of corruption by the flag state, and Chinese-flagged vessels
- flags largely connected with high ownership by countries other than the flag state
- those using transshipment at sea, where higher labour abuse and IUU fishing risks were linked to specific gear types – drifting longliners, trawlers, set longliners, and squid jiggers – as well as carrier vessel flags characterised mainly by high ownership by countries other than the flag state.

The study also noted that higher risk vessels may visit countries that have ratified the Port State Measures Agreement less frequently and stop in port for shorter durations, while time-at-sea was less important in predicting at-sea risk for labour abuse.

The USA, Japan and Korea have identified at-risk species for their IUU imports measures (see section 3). The USA has identified 1,100 unique species, in 13 species groups,<sup>48</sup> as particularly vulnerable to IUU fishing, seafood fraud, or both:

- Abalone
- Atlantic cod
- Blue crab (Atlantic) - can't ID to species
- Dolphinfin (Mahi Mahi)
- Grouper
- King crab (red)
- Pacific cod
- Red snapper
- Sea cucumber
- Sharks
- Shrimp
- Swordfish
- Tuna (albacore, bigeye, skipjack, yellowfin, bluefin).

Japan has identified a limited range of high risk species in its domestic market – glass eels (juvenile eels that are captured for aquaculture, mainly in China), and sea cucumbers. High risk import species are Pacific saury (*Cololabis saira*) and Japanese sardines, (*Sardinops*

<sup>47</sup> Selig ER, Nakayama S, Wabnitz CCC, Österblom H, Spijkers J, Miller NA, Bebbington J, Sparks JLD (2022). Revealing global risks of labor abuse and illegal, unreported, and unregulated fishing. *Nature Communications*; 13: 1612 | <https://doi.org/10.1038/s41467-022-28916-2>

<sup>48</sup> NOAA Fisheries (2023). Seafood Import Monitoring Program. National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce. <https://www.fisheries.noaa.gov/international/seafood-import-monitoring-program>

*melanostictus*), as well as species groups of mackerels (Scombridae) and the squids and cuttlefishes.<sup>49</sup> Japan addresses other high risk species like bluefin tuna and toothfish through RFMO market measures (see section 3).

Korea has identified three high risk imported species for its limited IUU measures – bobo croaker (*Pseudolithus elongatus*), longneck croaker (*P. typus*) and Pacific saury.<sup>50</sup> Yellow croakers (*Larimichthys polyactis*) are highly popular and culturally significant, and one of the most lucrative species on the Korean market – imported West African croakers are a cheaper alternative.

Of the high risk species identified by Japan, Korea and the USA, Australian import data shows that in 2022 Australia imported abalone, sea cucumber, sharks, shrimps/prawns, swordfish, tunas, mackerels, eels, and cods (both Pacific and Atlantic cod have been found in retailers). Limited species information in our imports data means we cannot easily identify other potential high risk species. However, initial AMCS investigations have found fishes labelled as Pacific saury, yellow croaker, and Japanese sardines in some Asian retailers.

In addition to the major species sourced, there are some concerns with a number of other species that might be sourced at lower volumes, but are likely high risk for IUU fishing as well as trade in endangered species.

We have identified four species groups for further analysis and are in the processing of commissioning reports and planning work for later in the year:

- Tunas – despite some action by major retailers and brands to source canned tuna more sustainably, we consider tunas a big risk, particularly given that a 2016 study<sup>51</sup> of tuna fisheries in the Pacific Island Nations found that IUU fishing accounted for 70% of the volume in the purse seine sector, and 11–19% of the volume for the longline sector. Over 95% of IUU fishing was carried out by licensed, legal vessels.<sup>52</sup>
- Squid and cuttlefish – a number of recent reports have identified unregulated DWF fisheries targeting squid as being particularly problematic.<sup>53, 54, 55</sup>

---

<sup>49</sup> Wakao Hanaoka, Seafood Legacy, Japan, personal communication, November 2022.

<sup>50</sup> EJF (2023). The Broken Barrier. How illegal fishing and human rights abuses in Korea's fisheries imports go undetected. Environmental Justice Foundation (EJF), London, UK.  
<https://eifoundation.org/reports/the-broken-barrier-how-illegal-fishing-and-human-rights-abuses-in-kor-eas-fisheries-imports-go-undetected>

<sup>51</sup> Souter D, Harris C, Banks R, Pearce J, Davies T (2016). Towards the quantification of illegal, unreported and unregulated (IUU) fishing in the Pacific Islands region. MRAG Asia Pacific.  
<https://www.ffa.int/files/FFA%20Quantifying%20IUU%20Report%20-%20Final.pdf>

<sup>52</sup> Most purse seine IUU fishing was related to misreporting and use of fish aggregating devices (FADs) during FAD bans or in unauthorized locations, while longline IUU fishing was largely associated with misreporting and transshipping.

<sup>53</sup> Park J, Lee J, Seto K, Hochberg T, Wong BA, Miller NA, Takasaki K, Kubota H, Oozeki Y, Doshi S, Midzik M, Hanich Q, Sullivan B, Woods P, Kroodsmas DA (2020). Illuminating dark fishing fleets in North Korea. Science Advances; 6: eabb1197.  
<https://www.science.org/doi/epdf/10.1126/sciadv.abb1197>

<sup>54</sup> TMT (2021). New Analysis. Squid Fishing North West Indian Ocean: Clear as Ink. 8 December 2021. Trygg Mat Tracking (TMT).  
<https://www.tm-tracking.org/post/new-analysis-squid-fishing-north-west-indian-ocean-clear-as-ink>

<sup>55</sup> Seto KL, Miller NA, Kroodsmas D, Hanich Q, Miyahara M, Saito R, Boerder K, Tsuda M, Oozeki Y, Urrutia O (2023). Fishing through the cracks: The unregulated nature of global squid fisheries. Science Advance; 9; eadd8125 <https://www.science.org/doi/10.1126/sciadv.add8125>



- Sharks – illegal fishing has been a primary driver in tripling the number of shark and ray species classified as endangered or critically endangered since 2014.<sup>56</sup> Imported sharks have been sold as flake or mislabelled as another species in Australia, including critically endangered and CITES listed species like narrownose smooth-hound – a critically endangered shark caught in South America.<sup>57</sup>
- Prawns – we expect that a large volume of our imported prawns/shrimps are farmed, but want to take a closer look at possible wild caught sources. We also want to assess whether human rights and labour issues associated with farmed prawns remain a significant problem (both for fisheries producing fishmeal used in prawn farms and for the farms and processing facilities themselves<sup>58, 59</sup>).

TRAFFIC has developed a method for assessing the risk of overexploitation of species, *M-Risk*. Initially the method was developed considering a wide range of aquatic species,<sup>60</sup> and then further refined with sharks and rays.<sup>61</sup> We completed species-specific management assessments using 21 attributes concerning different aspects of fisheries so as to assess their efficacy in preventing overfishing. These assessments have, for example, been used in support of the listing of species within the appendices of CITES for sharks and rays in 2022.<sup>62, 63</sup> The *M-Risk* method could also be used to assess the risk associated with species being imported into Australia from particular catching areas and hence could provide a useful tool for Australia to identify what species from which countries are a priority of risk of IUU and unsustainable import.

## 2.4 The future risks of IUU imports

We think it is important to emphasise that while a risk analysis of current sourcing is important to create baselines for monitoring the success of any new measures to combat

---

<sup>56</sup> Dulvy NK, Pacoureau N, Rigby CL et al (2021). Overfishing drives over one-third of all sharks and rays toward a global extinction crisis. *Current Biology*; 31: 4773–87.

<sup>57</sup> Sharrad AE, Reis-Santos P, Austin J, Gillanders BM (2023). Umbrella terms conceal the sale of threatened shark species: A DNA barcoding approach. *Food Control*; 148: 109606.  
<https://doi.org/10.1016/j.foodcont.2023.109606>

<sup>58</sup> Elston R (2014). Investigation: Aussie supermarket prawns a product of slavery. SBS News, 27 August 2014.  
<https://www.sbs.com.au/news/article/investigation-aussie-supermarket-prawns-a-product-of-slavery/dzirjnhx0>

<sup>59</sup> EJF (2014). *Impossibly Cheap: Abuse and Injustice in Bangladesh's Shrimp Industry*. Environmental Justice Foundation, London, UK.  
[https://ejfoundation.org/resources/downloads/Impossibly\\_Cheap\\_Web.pdf](https://ejfoundation.org/resources/downloads/Impossibly_Cheap_Web.pdf)

<sup>60</sup> Sant G, Goodman G, Crook V, Lack M, Oldfield TEE (2012). Fish and Multilateral Environmental Agreements: Developing a method to identify high risk commercially-exploited aquatic organisms in trade and an analysis of the potential application of MEAs. JNCC Report No. 453. Joint Nature Conservation Committee, Peterborough, UK. <http://jncc.defra.gov.uk/page-6120>

<sup>61</sup> Sherman C, Sant G, Simpfendorfer C, Digel E, Zubick P, Johnson G, Usher M, Dulvy N (2022). *M-Risk: A framework for assessing global fisheries management efficacy of sharks, rays, and chimaeras*. *Fish and Fisheries*; 23: 1383–1399. <https://onlinelibrary.wiley.com/doi/10.1111/faf.12695>

<sup>62</sup> Sherman C, Digel ED, Zubick P, Eged J, Haque AB, Matsushiba JH, Simpfendorfer CA, Sant G, Dulvy NK (2023). High overexploitation risk and management shortfall in highly traded requiem sharks. *Conservation Letters*; 16: e12940.  
<https://conbio.onlinelibrary.wiley.com/doi/10.1111/conl.12940>

<sup>63</sup> Sherman C, Simpfendorfer CA, Haque AB, Digel ED, Zubick P, Eged J, Matsushiba JH, Sant G, Dulvy NK (2022). Guitarfishes are plucked: Undermanaged in global fisheries despite declining populations and high volume of unreported international trade. In press.  
<https://www.biorxiv.org/content/10.1101/2022.10.05.510982v1>

IUU, we caution against too much emphasis on using these assessments to decide on the level of action to be taken. Even if we had access to all the data required to analyse exactly what seafood has come into the country in the past 5–10 years, this picture is not static. Seafood supply chains can change at anytime for a host of reasons, such as:

- Changes in consumer tastes and ‘food fashions’ driven by celebrity chefs<sup>64</sup>
- Changes in availability due to normal seasonal or other environmentally driven stock fluctuations, or due to stock declines driven by overfishing
- New fishery management measures that limit catches
- Changes in fuel and labour costs and resulting price changes
- Contract renegotiations between importers and suppliers
- Changes in the sourcing policies of retailers, such as to support new fisheries or aquaculture improvement projects or source new MSC certified products (see section 2.5 below)
- Cancellation of fisheries agreements, such as between Morocco and EU <sup>65</sup>
- Changes to trade agreements and import tariffs<sup>66</sup>
- Politically driven trade restrictions<sup>67</sup>
- Wars and associated trade sanctions<sup>68</sup>
- Natural disasters, such as the Asian tsunami of 2004<sup>69</sup> and the Japan earthquake and tsunami of 2011<sup>70</sup> which destroyed fishing vessels, aquaculture facilities, ports and processing facilities, and damaged coastal marine ecosystems
- Global pandemics like COVID-19.<sup>71</sup>

---

<sup>64</sup> Hickman M (2008). Sea bass: the superstar of the seas. The Independent, 18 March 2008.

<https://www.independent.co.uk/climate-change/news/sea-bass-the-superstar-of-the-seas-797126.html>

<sup>65</sup> FAO (2021). Market Report: Cephalopods – Supply problems for octopus, good squid catches. GlobeFish Market Report, 16 December 2021. Food and Agriculture Organization of the United Nations (FAO), Rome.

<https://www.fao.org/in-action/globefish/market-reports/resource-detail/en/c/1460128/>

<sup>66</sup> Bittenbender S (2022). Southern Shrimp Alliance wants US to maintain tariffs on Chinese imports. SeafoodSource, 5 July 2022

<https://www.seafoodsource.com/news/supply-trade/southern-shrimp-alliance-wants-us-to-maintain-tariffs-on-chinese-imports>

<sup>67</sup> For example, increasing trade restrictions by China on Taiwanese imports has led a leading Taiwanese company to seek new markets in Australia, New Zealand, and the USA: White C (2023). Yen and Brothers, one of Taiwan’s largest seafood importers, nears USD 200 million in sales. SeafoodSource, 21 June 2023

<https://www.seafoodsource.com/news/premium/supply-trade/yen-and-brothers-one-of-taiwan-s-largest-seafood-importers-nears-usd-200-million-in-sales>

<sup>68</sup> Loew C (2023). Japan’s record-setting Russian seafood import totals draw ire of Canadian politician. SeafoodSource, 1 June 1 2023.

<https://www.seafoodsource.com/news/premium/supply-trade/japan-s-record-setting-russian-seafood-imports-draw-ire-from-canada>

<sup>69</sup> FAO (2001). An overview of the impact of the tsunami on selected coastal fisheries resources in Sri Lanka and Indonesia. Food and Agriculture Organization of the United Nations (FAO), Regional Office for Asia and the Pacific, Bangkok, Thailand. RAP Publication 2007/19.

<https://www.fao.org/3/ai000e/ai000e00.pdf>

<sup>70</sup> Oki Y, Kitazato H (2019). Towards sustainable fishery: building back better fishing communities after the Great East Japan Earthquake 2011. In: Proceedings of the 8th International Conference on Building Resilience, 14–16 November 2018, Lisbon, Portugal. Pages 272–277.

[https://d1wqtxts1xzle7.cloudfront.net/65242579/8th\\_ICBR\\_Lisbon\\_2018\\_Book\\_of\\_Papers\\_-libre.pdf](https://d1wqtxts1xzle7.cloudfront.net/65242579/8th_ICBR_Lisbon_2018_Book_of_Papers_-libre.pdf)

<sup>71</sup> Ogier E, Sen S, Jennings S, Magnusson A, Smith DC, Colquhoun E, Rust S, Morison J (2021). Impacts of COVID-19 on the Australian Seafood Industry: January–June 2020. FRDC 2016-128. Canberra, Australia, Fisheries Research and Development Corporation (FRDC).

[https://www.frdc.com.au/sites/default/files/inline-files/2016-128-Product-Impacts-COVID19-Report-01-Mar2021\\_0.pdf](https://www.frdc.com.au/sites/default/files/inline-files/2016-128-Product-Impacts-COVID19-Report-01-Mar2021_0.pdf)

While major disruptions have been less common, with increasing major weather events due to climate change, the market will likely become less stable. In addition, as the EU, USA, Korea and Japan improve and expand their seafood import controls, and as other countries develop their own, it is likely that some supply chains will shift to find markets with easier access, like Australia. Any IUU framework that Australia develops must be flexible and able to address and respond to these ever-changing risks.

## 2.5 Have retailers and brands reduced the risks of IUU fishing products?

Seafood consumers get most of their seafood (57% by volume) from foodservice – takeaway outlets, cafes and restaurants, catering at special events, and institutions such as hospitals, prisons, schools and child care facilities. About 27% of seafood is sold through retailers, with specialty retailers such as fishmongers selling the remaining 16%.<sup>72</sup>

Outside of the main three retailers and canned tuna brands, the rest of the seafood market has had little, if any, public pressure to ensure they are sourcing seafood responsibly. We are unaware of any significant responsible seafood sourcing policies other than those of Coles, Woolworths, Aldi and canned tuna brands. AMCS is expanding our work with small retailers who have committed to responsible sourcing, and full supply chain traceability is key to this.

Largely due to international pressure from a wide range of NGOs, retailers and seafood brands around the world have been taking action to improve the traceability, labelling and to adopt responsible sourcing practices. In Australia, this was largely triggered by Greenpeace and its public focus on canned tuna brands (from 2010) and WWF's early partnerships with Woolworths and Coles. All three of the big retailers have developed seafood sourcing policies for their own brand products (excluding petfood and pharmaceuticals, and food with seafood as a minor ingredient). They have similar public commitments on 'responsibly sourced seafood' and work with NGOs or consultants to help make assessments of suitable sources – Coles with MRAG,<sup>73</sup> Woolworths with WWF,<sup>74</sup> and Aldi with the Sustainable Fisheries Partnership.<sup>75</sup>

Coles requires farmed fish to be sourced from independent third-party standards and certifications: Aquaculture Stewardship Council (ASC); Best Aquaculture Practices (BAP); or GLOBALG.A.P. Woolworths and Aldi have a similar commitment, although they will also source from farms involved in aquaculture improvement projects (AIPs). All three retailers also preferentially source their wild fish from MSC-certified fisheries, and fisheries

---

<sup>72</sup> See page 54: Spencer S, Kneebone M (2012). FOODmap: An analysis of the Australian food supply chain. Updated July 2012. CC BY 3.0. Department of Agriculture, Forestry and Fisheries, Australian Government.

<https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/ag-food/food/national-food-plan/submissions-received/foodmap-an-analysis-of-the-australian-food-supply-chain-30-july.pdf>

<sup>73</sup> Coles Group (2023). Sustainability: Responsibly sourced products and ingredients.

<https://www.colesgroup.com.au/sustainability/?page=responsible-sourcing>

<sup>74</sup> Woolworths Group (2022). Seafood Sourcing Policy 2022.

[https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/117096\\_02\\_Seafood%20Sourcing%20Policy%20Document\\_A4%20RGB.pdf](https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/117096_02_Seafood%20Sourcing%20Policy%20Document_A4%20RGB.pdf)

<sup>75</sup> ALDI Corporate (2023). Corporate Responsibility: Supply Chain: Responsible Sourcing: Fish & Seafood.

<https://corporate.aldi.com.au/en/corporate-responsibility/supply-chain/responsible-sourcing/fish-seafood/>

improvement projects (FIPs), but then have additional standards for other sourcing, as assessed by their NGO/consultant partners.

Retailer sourcing policies have certainly improved traceability and labelling of retailer own-brand seafood products. Aldi in particular provides sufficient detail on labels (species, catch method, and ocean region) and by listing its source fisheries through the Ocean Disclosure Project<sup>76</sup> for its customers to know exactly which fisheries its wild products are sourced from. However the retailers' standards, assessments, and decision-making processes for determining what fisheries to source from are not transparent, and without knowing what their auditing processes are for their supply chains, it is hard to assess how well they are able to exclude products associated with IUU and human rights abuses.

In addition, these retailers sell a wide range of other seafood brands for which they take no responsibility. Outside of canned tuna, it is not clear how much action other seafood brands have taken to ensure they have full traceability for their supply chains, nor what action they take to exclude high risk products, beyond sourcing local or MSC-certified products.

### **MSC-certified products**

MSC-certified products bearing the MSC logo have chain of custody from point of landing to retailers or restaurants, but not (in most cases) from the vessel and point of catch. This partial traceability provides a lower risk of MSC-certified fishery products being from IUU fishing practices, but does not exclude it. In addition, the MSC standard requires an assessment of IUU risk in the fishery and how well it is dealt with by fisheries managers, but it does not certify vessels (although in rare cases individual vessels have been the unit of certification).

Tunas are the main MSC-certified and labelled seafood products imported to Australia (10,536 mT of skipjack tuna alone in the 2022-2023 financial year<sup>77</sup>), but given the high level of IUU occurring on legitimate tuna vessels in the Pacific<sup>78</sup> and that 85% of MSC-certified tuna comes from the Western and Central Pacific region,<sup>79</sup> MSC tuna is not without risk. In fact, recent reports from whistleblowers have highlighted that observer reports of serious non-compliance on tuna vessels, such as shark-finning, have been ignored by fisheries managers. This includes vessels supplying MSC products.<sup>80, 81</sup> As noted above, New Zealand's hoki fishery, the second biggest imported MSC-certified species after skipjack tuna (3,366 mT in 2022-2023), reportedly also has problems.

---

<sup>76</sup> Sustainable Fisheries Partnership (2023). Ocean Disclosure Project.

<https://oceandisclosureproject.org/companies/aldi-australia>

<sup>77</sup> Matt Watson, Marine Stewardship Council (MSC), personal communication, June 2023

<sup>78</sup> Souter D, Harris C, Banks R, Pearce J, Davies T (2016). Towards the quantification of illegal, unreported and unregulated (IUU) fishing in the Pacific Islands region. MRAG Asia Pacific. 101 pp.

<https://www.ffa.int/files/FFA%20Quantifying%20IUU%20Report%20-%20Final.pdf>

<sup>79</sup> MSC (2022). World's most important tuna stocks face long-term sustainability risk. News and Opinion, Marine Stewardship Council (MSC), 21 November 2021.

<https://www.msc.org/media-centre/news-opinion/news/2022/11/21/worlds-most-important-tuna-stocks-long-term-sustainability-risk>

<sup>80</sup> Schwenzfeier J, Hardisty S, Hofford A (2022). Slipping through the net – Reported but ignored. Infringements in the MSC tuna fisheries of the Western and Central Pacific. Shark Guardian, Nottingham, UK. <https://www.sharkguardian.org/post/slipping-through-the-net>

<sup>81</sup> Schwenzfeier J, Hofford A (2023). Behind The MSC Blue Tick: Illegal Fisheries, Marine Pollution, High Grading and Blowouts. Further Infringements in MSC-Certified Tuna Fisheries of the Western and Central Pacific Ocean. Shark Guardian, Nottingham, UK.

<https://www.sharkguardian.org/post/behind-the-msc-blue-tick>

MSC certification does provide a low risk of mislabelling and seafood fraud. MSC conducts regular DNA testing to monitor its chain of custody certification and has shown that less than 1% of MSC-labelled seafood is mislabelled as another species.<sup>82</sup>

AMCS plans to review the sourcing practices and claims of retailers and seafood brands sourcing later in the year and hopes to provide useful insights to DAFF.

However, it is difficult – requiring significant time and expertise – for many retailers, brands and foodservice providers to reduce the IUU risk from a potential product, or even to be able to undertake a risk assessment, with our current poor levels of seafood supply chain traceability. Through our GoodFish program, AMCS works with partner chefs and retailers to help them identify the source of the seafood they sell to their customers, backed up by our GoodFish guide.<sup>83</sup> Stronger seafood import controls with traceability and transparency requirements are essential so that the retailers, restaurants and other foodservice outlets are able to provide greater information to consumers who want to know where their seafood is sourced from, and that it is being sourced in a responsible manner.

### 3. Effectiveness of market-based measures to combat IUU

Questions from discussion paper (information request 2):

- Have market-based measures to combat IUU fishing applied in the European Union, United States or Japan, or by multilateral fishery bodies, been effective in curbing IUU fishing
- To what extent do evaluations of existing import controls schemes translate to an Australian context? Do Australia's market characteristics pose additional challenges/risks?
- What is the relationship between non-market and market-based policy options to combat IUU fishing? In an Australian context, should market-based measures be prioritised over other approaches, such as providing support to developing states to implement international agreements or to enhance their monitoring, control and surveillance capabilities?
- Is there a compelling case for Australia to implement unilateral market measures or are multilateral approaches preferred? What are the trade-offs between these approaches?

Recent research and analysis by Hosch (2016)<sup>84</sup> and Hosch and Blaha (2017)<sup>85</sup> into market or trade-related measures for addressing IUU provides substantial background, explanation and review of the effectiveness of those mechanisms in place before 2017, with more recent commentary by Hosch *et.al.* (2023).<sup>86</sup> Here we highlight their key findings on the merits and

<sup>82</sup> MSC (2023). What we are doing: Certified seafood. Marine Stewardship Council (MSC), London, UK. <https://www.msc.org/en-au/what-we-are-doing/our-collective-impact/certified-seafood>

<sup>83</sup> AMCS (2023). GoodFish: Australia's Sustainable Seafood Guide. Australian Marine Conservation Society (AMCS), Brisbane, Australia. [www.goodfish.org.au](http://www.goodfish.org.au)

<sup>84</sup> Hosch G (2016). Trade Measures to Combat IUU Fishing: Comparative Analysis of Unilateral and Multilateral Approaches. Geneva: International Centre for Trade and Sustainable Development (ICTSD).

[https://www.researchgate.net/publication/309013233\\_Trade\\_Measures\\_to\\_Combat\\_IUU\\_Fishing\\_Comparative\\_Analysis\\_of\\_Unilateral\\_and\\_Multilateral\\_Approaches](https://www.researchgate.net/publication/309013233_Trade_Measures_to_Combat_IUU_Fishing_Comparative_Analysis_of_Unilateral_and_Multilateral_Approaches)

<sup>85</sup> Hosch G, Blaha F (2017). Seafood traceability for fisheries compliance – Country level support for catch documentation schemes. FAO Fisheries and Aquaculture Technical Paper No. 619. Rome, Italy. <https://www.fao.org/3/i8183en/i8183EN.pdf>

<sup>86</sup> Hosch G, Roberson L, Cottrell R, Harrison E, Klein C, Domiguez-Martinez RM, Sant G, Wilcox C (2023). Consultation submission to the Australian government Department of Agriculture, Fisheries and Forests on: Measures to prevent the importation of illegal, unreported and unregulated seafood: Discussion paper.

limitations of market measures, with some additions from more recent reports on the newer elements introduced by the USA.<sup>87 88</sup>

As the Japanese system is new (trials began in 2022), we have not reviewed it here, but note that its step-wise approach, beginning with a small set of high risk species, can help to ensure Japan develops and refines a system that works well before expanding it. We also summarise key findings from a recent paper on Korea's limited system.

IUU market measures, whether unilateral or multilateral, have two main elements. The first are documentation systems that seek to identify legally traded products while excluding illegal ones – the early trade documentation or information schemes (TDS/TIS) and the more recent and comprehensive Catch Documentation Schemes (CDS) that developed from these. The second elements are trade restrictive measures (TREMs) that allow one or more market-states to ban or limit trade from countries perceived to be failing in their duties to address IUU or other standards for sustainability, and human rights and labour issues. These can be informed by documentation systems or other information. Market measures appear most effective when the two elements are combined – the first providing the traceability and transparency required to apply the second.

We note that any analysis of the effectiveness of market measures to combat IUU should also consider other key goals such as transparency and traceability in supply chains, and the ability to address broader environmental and social justice issues, such as eliminating seafood fraud, protecting workers and threatened species, upholding consumer rights, and providing a more level playing field for progressive players in the seafood industry with higher standards, particularly domestic producers competing against imported products.

### 3.1 Success of multilateral market-based measures to combat IUU

A limited set of multilateral frameworks set up by RFMOs managing tuna, billfish and shark fisheries have successfully used TDS or TIS systems (some of which have since developed into more comprehensive CDS systems) to detect flag of convenience (FOC) vessels and used TREMs to restrict the trade of specific species from FOC states.

#### **Documentation schemes**

The International Commission for the Conservation of Atlantic Tunas (ICCAT) developed and implemented the first TDS for Atlantic bluefin tuna in 1992, later adding bigeye tuna and swordfish. Similar schemes were operated by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) for southern bluefin tuna from 2000, and by the Indian Ocean Tuna Commission (IOTC) and Inter-American Tropical Tuna Commission (IATTC) for bigeye tuna since 2002/3.

Consignments of these species were required to be accompanied by a TDS document before importation into RFMO member countries. These TDS systems did not fully meet the original goal of improving the understanding of harvest and trade dynamics for these

---

<sup>87</sup> The Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF (2020). A comparative study of key data elements in import control schemes aimed at tackling illegal, unreported and unregulated fishing in the top three seafood markets: the European Union, the United States and Japan.  
[https://wwfeu.awsassets.panda.org/downloads/iuuwatch\\_kdesforimportcontrolschemes\\_report\\_jan2020.pdf](https://wwfeu.awsassets.panda.org/downloads/iuuwatch_kdesforimportcontrolschemes_report_jan2020.pdf)

<sup>88</sup> Fishwise (2023). Finding common ground. Private sector feedback for improved SIMP implementation 2022–2023. Fishwise, USA.  
<https://fishwise.wpenginpowered.com/wp-content/uploads/2022/07/Finding-Common-Ground.pdf>

species, mainly due to flawed designs with loopholes; however, they did provide insights into who was harvesting these fishes and allowed the identification of exports of fishes sourced from fishing vessels flagged by countries that were not RFMO members, who were illegally harvesting these species. Targeted TREMs were then able to almost entirely reduce trade by FOC states (see below).

ICCAT and CCSBT have since developed stronger CDS systems that cover the full supply chain to help stop underreporting and ensure the success of recovery plans for the two overfished Atlantic bluefin tuna stocks and southern bluefin tuna. ICCAT now has a mandatory electronic CDS for bluefin tuna<sup>89</sup> while CCSBT is still a mainly paper-based system, although documents are compiled into an electronic database for analysis, identification of discrepancies, reconciliation and reporting.<sup>90</sup>

CDS almost entirely stopped underreporting of Atlantic bluefin tuna, estimated at one point to have been double the total allowable catch (TAC), once important market players implemented the scheme. Key to the success was that Japan was the major market state, as well as a key flag state for Atlantic tuna – imports fell 90% once Japan implemented the CDS. These CDS also resulted in substantial lower prices for illegally traded bluefin that still made it to market, compared to legally traded, which severely reduced the financial incentives for IUU. Non-certified bluefin caught in the Mediterranean lost as much as 85% of its market value.

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) similarly developed a CDS in 2000 for Antarctic and Patagonian toothfish, with a mandatory electronic CDS in place since 2010. This CDS was introduced to deal with IUU fishing by unlicensed ‘pirate’ vessels and landing of toothfish into ports of non-compliance. The USA is the main market for toothfish, but it is not as dominant as Japan is for bluefin, so there has been more room for illegal product to be landed in non-compliant ports and markets, particularly in Southeast Asian markets, such as Thailand which was known to accept landing, imports, processing and re-export of toothfish. Also frustrating the success of the CDS scheme is the number of Non-Contract Parties (NCPs) to CCAMLR that are receiving toothfish from CCAMLR Parties, as well as NCPs reported to flag CCAMLR IUU-listed vessels that are possibly engaged in the harvest of toothfish. CCAMLR reported to CITES CoP17 a priority list of NCPs for 2016/2017 to deal with this issue that included Colombia, Ecuador, Egypt, Malaysia, Mexico, Indonesia, Philippines, Thailand, United Arab Emirates and Vietnam.<sup>91</sup> Unfortunately, CCAMLR has not provided further information to CITES since this time.

This is particularly relevant to Australia when considering the development of further action to prevent IUU. At CITES CoP 12 in 2002 in Chile, Australia proposed the listing of toothfish which it withdrew and agreed to the adoption of *Resolution Conf. 12.4 (Rev. CoP18) Cooperation between CITES and the Commission for the Conservation of Antarctic Marine*

---

<sup>89</sup> ICCAT (2023). Monitoring control and surveillance measures: Electronic Bluefin Tuna Catch Document Programme (eBCD). International Commission for the Conservation of Atlantic Tunas (ICCAT). <https://www.iccat.int/en/eBCDprog.asp>

<sup>90</sup> CCSBT (2023). Conservation and management: Monitoring control and surveillance. Commission for the Conservation of Southern Bluefin Tuna (CCSBT). <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>

<sup>91</sup> CITES (2016). Working document 14.3. Seventeenth meeting of the Conference of the Parties, Johannesburg, South Africa, 24 September–5 October 2016. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CoP17 Doc. 14.3 <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-14-03.pdf>

*Living Resources regarding trade in toothfish.*<sup>92</sup> It is realistic to presume Australia withdrew the listing proposal with the assumption progress would be made through the cooperation of CCAMLR and CITES, drawing on the much larger number of CITES Parties. However, this has not been the case, and it reinforces the need for Australia to act directly to achieve its initial overall objective to reduce IUU fishing for toothfish.

Therefore while CDS provided traceability and reduced financial incentives for IUU, with legal Patagonian toothfish earning significantly higher prices than illegal product, the successful reduction in IUU for toothfish has likely been the combination of market and other measures, particularly direct action targeting IUU vessels at sea by governments and the NGO Sea Shepherd.

USAID Oceans has developed an electronic CDS (eCDT) in partnership with the Southeast Asian Fisheries Development Center (SEAFDEC), national and local governments across the Asia-Pacific region, private sector, and non-governmental partners.<sup>93</sup> This system has been developed to combat IUU, improve fisheries management to sustainable levels and deal with human welfare and gender equity. There has been limited implementation so far in Indonesia and Philippines requiring greater take-up in the region, especially to deal with extensive IUU issues in the Sulu-Celebes Seas.<sup>94</sup>

### **Trade restrictive measures**

Some RFMOs also have resolutions that allow members to impose TREMs on countries that are failing to meet their international legal obligations for fishing. Some of these can be applied to both members and non-members, while others only apply to non-members. Many RFMOs also provide elements of TREMs in resolutions regarding non-compliance, such as in the case of action on individual IUU vessels.

In summary, with TDS systems able to identify FOC vessels and FOC states, TREMs have been able to restrict the most lucrative global markets for specific tuna products to RFMO members. This made the operation of IUU fleets exploiting those stocks economically unviable, and contributed to substantial changes in the tuna fishing industry in a relatively short time. The majority of IUU fishing for tunas occurs in legally registered and licensed vessels that continue to flout management measures, rather than FOC vessels or unregistered, flagless 'pirate' vessels. For example, the 2016 study on IUU fishing in the Pacific Islands estimated that the licensed fleets are responsible for over 95% the total volume and value of IUU activity estimated here.<sup>95</sup>

---

<sup>92</sup> CITES (2019). Resolution 12.4. (Rev. CoP18). Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish. Eighteenth meeting of the Conference of the Parties, 17–28 August 2019, Geneva, Switzerland.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-12-04-R18.pdf>

<sup>93</sup> Tetra Tech ARD (2019). Technology Solutions for Electronic Catch Documentation and Traceability (eCDT). The USAID Oceans and Fisheries Partnership.

[https://media.saltraceability.org/wp-content/uploads/2020/03/04115256/USAID-Oceans\\_eCDT-Technology-Booklet\\_2019\\_web.pdf](https://media.saltraceability.org/wp-content/uploads/2020/03/04115256/USAID-Oceans_eCDT-Technology-Booklet_2019_web.pdf)

<sup>94</sup> Armstrong OH, Wong R, Lorenzo A, Sidik A, Sant G, Chng, SCL (2023). Illegal Wildlife Trade: Baseline for Monitoring and Law Enforcement in the Sulu-Celebes Seas. TRAFFIC, Petaling Jaya, Malaysia.

[https://www.traffic.org/site/assets/files/21879/illegal\\_wildlife\\_trade\\_baseline\\_for\\_monitoring\\_and\\_law\\_enforcement\\_in\\_the\\_sulu-celebes\\_seas\\_2023.pdf](https://www.traffic.org/site/assets/files/21879/illegal_wildlife_trade_baseline_for_monitoring_and_law_enforcement_in_the_sulu-celebes_seas_2023.pdf)

<sup>95</sup> Souter D, Harris C, Banks R, Pearce J, Davies T (2016). Towards the quantification of illegal, unreported and unregulated (IUU) fishing in the Pacific Islands region. MRAG Asia Pacific.

<https://www.ffa.int/files/FFA%20Quantifying%20IUU%20Report%20-%20Final.pdf>



## 3.2 Success of the European Union's regional IUU markets framework

The EU has a CDS system, known as the Catch Certification Scheme (CCS), and a TREM process involving issuing 'yellow cards' as a warning to countries perceived as non-compliant in addressing vessel IUU, and 'red cards' that ban imports from countries that do not respond to warnings in the EU's required timeframe.

The EU has not yet been able to demonstrate success with regard to its CCS. This could be due in part due to the nature of IUU and lack of transparency in supply chains, which make it difficult to develop baseline data of IUU imports against which to make assessments. In theory, the EU should at least be able to show a shift in trade flows if IUU products are being substantially blocked, but this may only be apparent for high volume IUU risk species or countries with a high trade in IUU. When IUU is more evenly spread across a range of species and sources it could be harder to detect changes among the usual ebb and flow of seafood supply chains.

However, a recent review shows that the failure of the EU system is likely to be largely due to poor implementation by EU members.<sup>96</sup> It highlights "a marked and continued lack of consistency in the implementation of seafood import controls" and disparities between members in the "frequency and rigour of checks of import catch certificates validated by non-EU countries, the application of a risk-based approach for the assessment of catch certificates and the physical inspection of seafood import consignments." In addition, the number of rejected consignments and verification requests sent to non-EU countries remains lower than expected considering the high volume of seafood imported into the EU and the high IUU fishing risk of some trade flows.

There are also key design issues that have limited the CCS effectiveness and have likely hindered implementation:

1. It is currently paper-based, although a voluntary electronic system is now in place, and does not include a central data registry, which means it cannot ensure traceability throughout supply chains. It also creates a vast volume of work, such as manually checking paper documents and entering data into national systems, and is open to human error and fraud.
2. It only covers most wild caught seafood (with some exemptions, including for salmon and trout species caught in freshwater), but not farmed species<sup>97</sup> despite significant overlap between these production systems and their trade, and mislabelling between farmed and wild species.
3. It only includes 13 of the 17 the Key Data Elements (KDEs) required for full traceability from vessel and point of capture to final point of sale.<sup>98</sup>

---

<sup>96</sup> The EU IUU Fishing Coalition (2022). Water tight? Assessing the effectiveness of EU controls to prevent illegal seafood imports. The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF.

<https://www.iuuwatch.eu/wp-content/uploads/2022/11/Member-States-Write-up-EN-1.pdf>

<sup>97</sup> A set of KDEs for both wild and farmed fish have been recognised by the Global Dialogue on Seafood Traceability: GDST (2023). GDST Standards and Materials: Basic Universal List of KDEs (spreadsheet), V 1.1. Global Dialogue on Seafood Traceability (GDST).

<https://traceability-dialogue.org/gdst-standards-and-materials/>

<sup>98</sup> 17 KDEs for fisheries have been identified in a recent collaborative report from the EU IUU coalition: The Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF (2020). A comparative study of key data elements in import control

4. It does not include trade between EU member countries unless the seafood is caught and landed outside the EU waters before being imported, or if seafood is caught in EU waters but then exported and reimported. This is concerning given the IUU history of some EU members, especially those with distant water fleets targeting tunas, sharks and billfishes, or operating in waters off West Africa.

The EU carding system identifies ‘non-cooperating countries’ with regard to their responsibilities as flag-states to take action on their vessels. Unfortunately, the EU’s IUU legislation, by only allowing action on flag states, does not allow action on countries that might be failing to meet obligations as a port state (where fish is landed) or as a processing or market state that might be allowing ‘laundering’ of fish. The EU has successfully driven ‘carded’ countries to take action to develop frameworks to improve fisheries governance, although how this has translated into reducing IUU in each carded country is not always clear. Recent case studies do show improvements in four ‘carded’ countries with regard to governance, increased compliance at RFMOs, and improved MCS, especially Thailand which has rolled out a substantial MCS programme to address IUU and human rights abuses.<sup>99</sup>

The main criticisms of the EU’s carding system are mainly that the process for identifying non-cooperating countries is opaque and the standards are not clear. In addition, the country-level application of red-carding impacts all fisheries, not just those with an IUU problem. It is therefore more likely to have a disproportionate impact on small-scale fisheries which are tied to local waters, while industrial fisheries often have the option of reflagging and fishing elsewhere.

### 3.3 Success of the USA’s IUU markets framework

The US introduced its Seafood Import Monitoring Program (SIMP) in 2016. SIMP is a risk-based traceability program with reporting and record-keeping requirements for imports of seafood products for 13 types of seafood (over 1,100 unique species) identified as the most vulnerable to IUU fishing and/or seafood fraud. It currently covers about 45% by volume of the USA’s seafood imports. Importers are responsible for providing and reporting key data from the point of harvest to entry. Catch and landing documentation is collected through the International Trade Data System, the US government’s single data portal for all import and export reporting.

---

schemes aimed at tackling illegal, unreported and unregulated fishing in the top three seafood markets: the European Union, the United States and Japan.  
[https://wwfeu.awsassets.panda.org/downloads/iuuwatch\\_kdesforimportcontrolschemes\\_report\\_jan2020.pdf](https://wwfeu.awsassets.panda.org/downloads/iuuwatch_kdesforimportcontrolschemes_report_jan2020.pdf)

<sup>99</sup> The EU IUU Fishing Coalition (2022). Driving improvements in fisheries governance globally: Impact of the EU IUU carding scheme on Belize, Guinea, Solomon Islands and Thailand. The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF.  
<https://www.iuuwatch.eu/wp-content/uploads/2022/03/2022-EU-IUU-Coalition-Carding-Study.pdf>

Reviews have highlighted key concerns with SIMP:<sup>100, 101</sup>

- It only requires 12 out of the 17 KDEs required for full traceability.
- It does not require validation of the information by exporters by either, flag, coastal, port or processing States. This responsibility to check the validity of the information lies entirely with the importer.
- Importers feel there is a lack of communication around how SIMP is using and verifying the data.
- About 60% of companies had been audited (random and targeted audits) between March 2019 and March 2020, but there were concerns about the lack of audit document prescriptiveness, auditor subjectivity, and the general auditing process.
- Some importers have struggled to get the required data from international suppliers or overseas supply chains that consider some of the data proprietary.
- SIMP does not cover all seafood imports, and companies that import more shipments of SIMP species use considerably more resources (money, time, staff capacity) to address the volume of data needed and potential audit requests than those whose shipments of SIMP species are relatively low.

The industry seems generally supportive of the SIMP – for many companies, SIMP has accelerated the adoption of more robust traceability practices, while others had already addressed traceability before SIMP implementation and felt their current data collection systems were sufficient (likely driven, at least in part, by the increase in retailers’ responsible sourcing policies). The main demand for improvements focus on the need for integrated electronic traceability systems, standardisation of supply chain management systems, and expansion of SIMP to all seafood to level the playing field for imports across all species.

With regard to TREMs, since 2009 the USA has been identifying countries involved in IUU fishing through biennial reports to congress that detail infractions and why countries are named or removed to the list – a more transparent system than the EU. However, interestingly the USA has not yet taken action on any of the countries identified, even though some have been identified repeatedly for the same infractions. As previously mentioned (section 2), both the EU and USA have very different lists that cannot be explained simply by where they source from. EU, as noted, does not flag its own members, and has focussed on Africa, Asia, the Caribbean and SW Pacific, while the USA list includes more developed countries including EU members. China is notably absent as a target from both despite its global renown for involvement in IUU. This highlights the need for Australia to take an evidence-based and transparent approach when developing its IUU imports framework.

---

<sup>100</sup> The Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF (2020). A comparative study of key data elements in import control schemes aimed at tackling illegal, unreported and unregulated fishing in the top three seafood markets: the European Union, the United States and Japan. pp. 1-29.  
[https://wwfeu.awsassets.panda.org/downloads/iuuwatch\\_kdesforimportcontrolschemes\\_report\\_jan2020.pdf](https://wwfeu.awsassets.panda.org/downloads/iuuwatch_kdesforimportcontrolschemes_report_jan2020.pdf)

<sup>101</sup> Fishwise (2023). Finding common ground. Private sector feedback for improved SIMP implementation 2022–2023. Fishwise, USA.  
<https://fishwise.wpenginpowered.com/wp-content/uploads/2022/07/Finding-Common-Ground.pdf>

The USA can also take action through TREMs when exporting countries do not meet other ethical and environmental standards set in the USA, for example, as noted above, on countries with persistent issues on forced labour and human trafficking named in its annual Trafficking in Persons (TIP) Report;<sup>102</sup> as well as countries that do not meet the standards required for the Marine Mammals Protection Act<sup>103</sup> or to adequately mitigate sea turtles bycatch in trawls.<sup>104</sup>

We have yet to review the literature to ascertain whether the USA has successfully used TREMs to drive substantial change on the water; however, the USA has taken action to protect its own domestic fleet from having to compete with fisheries that have lower standards, and this may well be driving policy and legislative change in other countries.<sup>105</sup>

### 3.4 Success of Korea's IUU markets framework

The Environmental Justice Foundation (EJF) has recently reviewed Korea's system, which we summarise here.<sup>106</sup> Korea introduced a CDS in 2017 requiring catch certificates on three fish species: bobo croaker, longneck croaker and Pacific saury, in response to being yellow-carded by the EU in 2013 due to its fleet's widely documented illegal operations targeting croakers in West Africa. Saury was included in CDS due to an event in 2016 when about 90 Taiwanese and Taiwanese-owned, Vanuatu-flagged saury vessels involved in IUU fishing were caught attempting to export their catch to Korea. In 2020, due to concerns over food safety, Korea established an imported seafood traceability system (STS) with mandatory traceability criteria for 17 imported fish species, adding 4 further species in 2023.

For the CDS component, the captain or shipping agent of an incoming vessel carrying any CDS species is required to submit catch certificates to the authorities through an electronic Port Management Information System. The National Fishery Product Quality Management Service then verifies the catch certificates issued by the exporting country, and prohibits entry or landing if no certificate is attached.

For the STS, importers and distributors of the designated 21 species are required to provide the name, origin, the date and number of the import report, and trading details (e.g. statement of transactions). This is completed by submitting the identity of domestic buyers into an electronic Imported Seafood Traceability System.

---

<sup>102</sup> Office to Monitor and Combat Trafficking in Persons (2023). Trafficking in Persons Report. US Department of State, USA. <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

<sup>103</sup> NOAA fisheries (2023). Protecting marine life: Marine mammal protection. National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce. <https://www.fisheries.noaa.gov/topic/marine-mammal-protection>

<sup>104</sup> US State Department (2023). Bureau of Oceans and International Environmental and Scientific Affairs; Annual Determination and Certification of Shrimp-Harvesting Nations. A Notice by the State Department, Federal Register, 25 May 2023. <https://www.federalregister.gov/documents/2023/05/25/2023-11115/bureau-of-oceans-and-international-environmental-and-scientific-affairs-annual-determination-and>

<sup>105</sup> See for example: Dao T (2020). India pushing reforms to address US concerns over turtle bycatch Seafood Source, 30 November 2020. <https://www.seafoodsource.com/news/supply-trade/mpeda-pushing-for-reforms-to-remove-us-ban-on-sea-shrimp-from-india>

<sup>106</sup> EJF (2023). The Broken Barrier. How illegal fishing and human rights abuses in Korea's fisheries imports go undetected. Environmental Justice Foundation (EJF), London, UK. <https://ejfoundation.org/reports/the-broken-barrier-how-illegal-fishing-and-human-rights-abuses-in-korea-fisheries-imports-go-undetected>

EJF's in-depth research on the effectiveness of Korea's system showed that it has major weaknesses that collectively resulted in the importation of 145 consignments from high risk vessels with histories of IUU activities over the last two years. The key issues identified by EJF are:

- The CDS only requires five out of the 17 KDEs required for full traceability. Six more need strengthening, and the remainder are absent.
- In the CDS, a simplified version of the catch certificates with minimum KDEs applies for imported croakers caught by West African vessels under 20GT. The information accompanying croakers can easily be forged, and it is simple to falsely certify fish caught by IUU trawlers as legally caught artisanal products.
- For imported products in the STS, the current requirements for KDEs are limited to product name, country of origin, import report number, import report date and transaction records. Data primarily focuses on transaction records which is not a robust safeguard to verify the safety, legality and sustainability of seafood.
- There are non-harmonised KDEs between domestic and imported species in the STS, which undermines effective management of seafood supply chains.
- Scattered information in different traceability systems allows high-risk seafood to pass undetected.
- The CDS and STS cover limited species – 2.1% and 12% respectively of the total value of Korea's imported seafood in 2021.
- A lack of transparency – little data is available to the public, in particular from the imported STS.

### 3.5 Benefits of multilateral versus unilateral market action

The ideal solution would be the development of a globally agreed catch documentation scheme that links into RFMO and national management systems, to cover all species and all supply chains. This would be combined with targeted trade measures that focus on particular problem species, supply chains, ports or markets, that are designed to minimally impact progressive players stuck in a bad national landscape and don't unfairly impact small scale fisheries.

However, multilateral agreements take many years, even decades to agree. They are especially difficult when it comes to fisheries issues, as many countries are resistant to taking action on fish species outside of RFMOs, as we have seen when toothfish and Atlantic bluefin tuna were proposed for listing at CITES, and during negotiations for the recently agreed UN High Seas treaty (Biodiversity Beyond National Jurisdiction treaty).

Current multilateral market systems through RFMOs should certainly be strengthened and new ones encouraged, as they cover entire fish stocks and (almost) all flag states. However, again, RFMO measures take many years to agree. It seems to take matters of great urgency, such as the very real threat of the loss of a highly valuable species, to get the current CDS measures agreed – other RFMOs have debated developing CDS for many years without success. Even if we had a range of strong multilateral market systems through RFMOs, not all species and fisheries (e.g. squids) are currently covered by RFMOs and not

all important ports and markets are members of RFMOs (e.g. toothfish as noted above), so other actions on IUU are still important.

Unilateral systems are better able to respond to the urgency of IUU, while also addressing broader issues of transparency and traceability, human rights, environmental sustainability, seafood fraud and consumer protection, and creating a more level playing field for domestic producers with higher standards. Unilateral CDS combined with targeted TREMs certainly work best for driving change on the water where they are well designed and used by major import markets; however for other markets they are still an important tool when combined with other actions on IUU. They send a strong message to the seafood supply chains and are ethically the right thing to do.

As noted by Hosch, “A major opportunity is to develop super-CDS as a single standardised and harmonised online platform to which any RFMO or state can subscribe and which can be implemented as ready-to-use technology operated by a central institutional provider. Such an approach would be supported by an increasing number of states, because awareness of IUU fishing and the need to prevent it is increasing, and the burden of development, adoption and compliance would be greatly reduced.”<sup>107</sup>

Australia also has many opportunities to progress a more harmonised system through its activities as a signatory to existing Agreements and those being negotiated, including through:

- CITES which has agreed guidance on traceability for CITES listed species.<sup>108</sup> Discussions have included considering the translation of this guidance into a Resolution to be adopted by the Parties, and Australia should consider progressing such an initiative.
- CITES Recommendations to its Standing Committee for the adoption of traceability for products in listed sharks and rays.<sup>109</sup>
- The CPTPP to progress work in relation to the relevant chapters of the agreement which specifically look at implementation of CITES, dealing with IUU and specifically dealing with shark and ray conservation.<sup>110</sup>
- The current negotiation of the Indo Pacific Economic Framework for Prosperity.
- The current bilateral negotiation of Australia with the EU towards a trade agreement.

---

<sup>107</sup> Hosch G (2016). Trade Measures to Combat IUU Fishing: Comparative Analysis of Unilateral and Multilateral Approaches. Geneva: International Centre for Trade and Sustainable Development (ICTSD).

[https://www.researchgate.net/publication/309013233\\_Trade\\_Measures\\_to\\_Combat\\_IUU\\_Fishing\\_Comparative\\_Analysis\\_of\\_Unilateral\\_and\\_Multilateral\\_Approaches](https://www.researchgate.net/publication/309013233_Trade_Measures_to_Combat_IUU_Fishing_Comparative_Analysis_of_Unilateral_and_Multilateral_Approaches)

<sup>108</sup> [https://cites.org/eng/prog/Cross-cutting\\_issues/traceability](https://cites.org/eng/prog/Cross-cutting_issues/traceability)

<sup>109</sup> CITES (2023). Species specific matters. Aquatic species. Sharks and Rays (Elasmobranchii Spp.) Recommendations from the Thirty-second meeting of the Animals Committee, Geneva, Switzerland, 19–23 June 2023. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). AC32 Com. 5. <https://cites.org/sites/default/files/documents/E-AC32-Com-05.pdf>

<sup>110</sup> DFAT (2015). Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Department of Foreign Affairs and Trade (DFAT), Australian Government, Canberra. <https://www.dfat.gov.au/trade/agreements/in-force/cptpp/comprehensive-and-progressive-agreement-f-or-trans-pacific-partnership>

## 4. Policy reforms to prevent IUU seafood entering Australia

Questions from discussion paper (information request 3):

- What policy reforms are necessary to prevent the importation of seafood derived from IUU fishing practices?
- How can policy minimise compliance costs, trade risks and address transitional and distributional impacts?
- Are there any legal implications to the proposed policy options of which you are aware?
- What additional costs and benefits should be considered when evaluating policy options?

Australia's current 'open door' policy on seafood imports puts us at maximum risk for importing seafood from IUU sources as well as from unsustainable fishing and farming practices, and supply chains with poor labour and human rights records.

We need a strong mandatory scheme to document all seafood imports (both wild capture and aquaculture fisheries) that will provide the transparency and traceability we need to accurately assess where problematic seafood products come from and to design strong market measures to prevent their import, while also working with key exporting countries to improve their practices. Australia has an opportunity to develop a strong seafood imports framework that can take advantage of the demand created by the EU and USA, and help strengthen and align their systems and those of other countries that are adapting to their requirements and developing their own systems, such as Japan, Korea and other ASEAN members.

### 4.1 Our recommendations for Australia's IUU markets framework

The policy must put seafood product and supply chain transparency at the centre of its aims and mechanisms, by expanding the definition of IUU to include labour and human rights abuses. It must include a goal to stop fraud and mislabelling throughout the supply chain and protect the rights of consumers to know what they are buying by strengthening labelling laws.

The Australian government should:

1. Set up an official Seafood Imports Stakeholder Steering Committee (SISSC) to help design the process and support its implementation. It should include a good cross section of specialists from academia and NGOs, as well as industry, retailers and importers who've already begun traceability work and can support and advise others in the industry.
2. Immediately increase seafood trade data collection at the border, beginning with voluntary information provision, and shifting to compulsory collection in an agreed rapid and transparent timeframe. Ensure all trade data is publicly available and free to access (while protecting commercial confidentiality where necessary) to allow independent assessment of source fisheries and farms and their producing countries, and to develop trade baselines.
3. Develop a mandatory, well-designed, centralised electronic seafood documentation scheme (SDS) that:

- a. achieves verifiable traceability that encompasses the full supply chain from farm or vessel to point of sale, and requires engagement by all operators at farm or flag and port, processing, and market state levels, so that no one group shoulders the work
  - b. allows online electronic submission and validation of data at every point that seafood changes hands along the supply chain
  - c. includes all 17 Key Data Elements (KDEs) recognised as fundamental for establishing baseline traceability of seafood products<sup>111</sup>
  - d. requires collection of estimated catch weights (live) and processed weights along the supply chain to allow 'mass balance' monitoring to detect laundering of IUU seafood into the legal supply chain and/or mislabeling
  - e. is flexible enough to meet the needs of complex and variable supply chains
  - f. allows information sharing with RFMOs and other countries with SDS/CDS, including an alarm system to flag problematic consignments and supply chain actors
  - g. is implemented through a staged roll-out, beginning with species and exporting countries that have a high risk of IUU and poor labour practices, and with products where fish makes up the majority of the products. This should ensure the SDS is working well and to allow markets to adapt. Once established, it should be expanded over time to cover ALL imported products containing seafood (fresh, frozen, value-added, and where seafood is a main ingredient in pharmaceuticals and pet food), both wild and farmed.
4. Establish a transparent and robust system of regular risk-based audit checks for all imported seafood to ensure that the import declarations accurately reflect the physical cargo. This should include DNA and chemical fingerprinting for high risk consignments.
  5. Establish consistent national end-product labelling requirements, at all points of sale for all wild and farmed fish products and seafood, that include species name (standardised common name and scientific) and:
    - a. fishing method, point of capture (to allow identification of stock and management body), vessel owner nationality (who caught it), OR farming method, farm location (region, country)
    - b. exporting country
  6. Develop a policy of working with key countries exporting to Australia to assist them to meet import requirements.

---

<sup>111</sup> The Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF (2020). A comparative study of key data elements in import control schemes aimed at tackling illegal, unreported and unregulated fishing in the top three seafood markets: the European Union, the United States and Japan. pp. 1-29.  
[https://wwfeu.awsassets.panda.org/downloads/iuuwatch\\_kdesforimportcontrolschemes\\_report\\_jan2020.pdf](https://wwfeu.awsassets.panda.org/downloads/iuuwatch_kdesforimportcontrolschemes_report_jan2020.pdf)



7. Develop a policy of working with other countries and RFMOs with import controls, to ensure harmonisation and information sharing.
8. Help to set up an international IUU vessel list that includes combined RFMO lists, as well as any additional vessels and companies with known or suspected serious IUU infractions and human rights abuses.

## 4.2 Legal implications

We have not made an analysis of the legal implications of a new framework to address IUU. We expect it will require changes to domestic laws and regulations. With regard to international legal implications, there are a number of useful papers on the subject:

- MA Young (2016). International trade law compatibility of market-related measures to combat illegal, unreported and unregulated (IUU) fishing. *Marine Policy*; 69: 209–219. <https://www.sciencedirect.com/science/article/abs/pii/S0308597X16000385>
- Clark S (2022). Understanding and implementing catch documentation schemes – A guide for national authorities. *FAO Technical Guidelines for Responsible Fisheries No. 14*. Rome. <https://doi.org/10.4060/cb8243en>

A benefit worth noting of Australia adopting an SDS is that it will help support other relevant Australian domestic legislation requirements. Australia has stronger domestic measures than required for the implementation of CITES. It requires the issuing of an Import Permit for CITES Appendix II species. The adoption of a SDS will facilitate that process by providing greater detail for Australia to determine the provenance of such imports where that seafood species is listed on CITES.