DISCUSSION PAPER ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING: SECURITY IMPLICATIONS AND THE ROLE OF DEFENCE ESTABLISHMENTS

Introduction

1. Illegal, Unreported and Unregulated (IUU) fishing refers to the following definitions as provided by the United Nations Food and Agriculture Organization (UN FAO)\(^1\);

   (a) Illegal fishing refers to activities conducted by domestic or foreign fishing vessels in waters under the jurisdiction of a state, without the permission of that state, in contravention of its laws and regulations; or conducted in violation of national laws or international obligations.

   (b) Unreported fishing means fishing which has not been reported, or has been misreported, to the national authority, in contravention of national laws and regulations.

   (c) Unregulated fishing means fishing in areas or for fish stocks for which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with state responsibilities for the conservation of living marine resources under international laws.

2. According to UN FAO, IUU fishing presents a significant threat to the world’s fish stocks which are mostly exploited at unsustainable or maximally sustainable levels. This causes an adverse effect on economic and social aspects of nations and people involved in fisheries wherein fish stocks as the primary source of income and food. Diminishing fish stocks is also a key driver for other illegal activities as fishing operators seek to increase profit and reduce costs. Illegal immigration along with forced, child and slave labour are among the most common illegal activities associated with IUU fishing.

3. IUU fishing is recognised as a serious issue that has a global impact. One of the targets identified by the UN Sustainable Development Goal (SDG) number 14 is to effectively regulate harvesting and end overfishing, IUU fishing, and destructive fishing practices, as well as implement science-based management plans, in order to restore fish stocks at least to levels that can produce maximum sustainable yield as determined by their biological characteristics in the shortest time feasible.

Purpose

4. The purpose of this Discussion Paper is to raise awareness on the gravity of IUU fishing’s impact which is not only a social and economic issue but may also have security implications on ASEAN Member States (AMS) and their people. It also highlights suggestions on approaches to combatting IUU fishing and the possible role of AMS’s armed forces and defence establishments, while recognising that not all AMS

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\(^1\) Adapted from definition of IUU fishing by Food and Agriculture Organization (FAO) of the United Nations. The full definition can be found at this link – http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/
armed forces and defence establishments have a direct role in tackling IUU fishing.

**IUU Fishing and ASEAN**

5. IUU fishing presents a serious challenge to ASEAN and its people as all AMS are involved in fisheries in various capacities considering that most are coastal states, port states and flag states and all are market states. Furthermore, a large portion of ASEAN people depend their well-being on fisheries, however, some fall victim to illegal acts associated with IUU fishing.

6. According to ASEAN 2025: Forging Ahead Together, ASEAN Political-Security Community (APSC) Blueprint 2025, one of the key characteristics of APSC is specified as “… a rules-based, people-oriented, people-centred community bound by fundamental principles, shared values and norms, in which our peoples enjoy human rights, fundamental freedoms and social justice …” Thus, if IUU fishing is not eliminated from the region, APSC will not be able to realize its key characteristics as stated in the Blueprint. Moreover, APSC Blueprint 2025 calls for the expanding of ASEAN maritime cooperation to address transboundary challenges including IUU fishing, through concrete and practical activities.

**Security Implications of IUU Fishing**

7. Besides being threat to social and economic aspects of AMS and their people, IUU fishing can have implications on maritime security. Faced with economic pressure, some fishing operators engage illegal actors for additional income, while some deliberately use fishing operation as a cover to commit illegal activities. These include the use of fishing vessels for human trafficking; smuggling of goods, arms, and illegal drugs; piracy; and movement of criminals and terrorists. Financial gain from such illegal activities may also well be linked to terrorist activities.

8. While not all of AMS’s defence establishments are directly involved with combatting IUU fishing, which could have security implication, the weight of the situation should be recognized and cooperation among those involved should be considered in order to achieve a peaceful and secure environment for AMS and their people.

**Role of AMS’s Defence Establishments**

9. Some of the possible approaches to combatting IUU fishing and the AMS defence establishments’ role, where appropriate and under their national mandate, are explored as follows:
   
   (a) At national level
   
   (i) **Legal Framework and Law Enforcement**: A sound legal national framework is a critical foundation to combatting IUU fishing. Amendments to existing legislation as well as formulation of new legislations allow governments to gain oversight over fishing activities effectively. These are also essential tools to sanction those who violate the law. In some states, the armed forces and defence establishments may support this aspect by providing personnel with legislative knowledge to assist or give recommendations from the security sector’s point of view. Some armed forces may
also be given the authority to act as a law enforcement agency as they have capabilities for projecting forces beyond those of civilian agencies;

(ii) Organization and Structure: IUU fishing is a complex issue that spans over the purview of various agencies. Within each state, it can be helpful to establish an inter-agency coordinating body to unify national efforts to address IUU fishing such that these can be conducted in a holistic manner without gaps or overlaps. In some states, representatives from the armed forces and defence establishments may form part of the coordinating body;

(iii) Fisheries Management: Fisheries management is essential for preventing overfishing and ensuring the sustainability of fisheries. Fishing gears with high-catch capabilities should be controlled and highly destructive fishing methods should be prohibited. The validity period of fishing licenses should take into account the quantity of existing fish stocks on the basis of sustainability. The armed forces may use its capabilities to assist in monitoring and enforcing rules and regulations. Military intelligence assets may also be used to detect illegal fishing activities;

(iv) Fleet Management: To aid fisheries regulation and keep the number of fishing vessels at a sustainable level, all vessels should be registered with the responsible agency and each vessel should be given a unique vessel identification. A unified national database of vessel registration can provide relevant agencies with the same vantage and understanding on the fishing fleet. The database can be used by the armed forces and defence to identify vessels for security purposes;

(v) Monitoring, Control and Surveillance: Monitoring, control and surveillance of IUU fishing activities can be done by establishing Port-In-Port-Out (PIPO) Control Centres and installing a Vessel Monitoring System (VMS) on large fishing vessels. Authorities will then be able to inspect vessels departing or docking at ports and track their locations and fishing activities. The armed forces may act as an enforcement agency that conducts patrols at sea (surface or air) to inspect vessels for illegal activities;

(vi) Traceability: Systems should be in place to trace the origin of fish caught to ensure that no IUU fishing products can enter the market. Military intelligence assets may assist in identifying IUU fishing products transferred in port or at sea which can also help identify other illegal activities associated with IUU fishing vessels;

(vii) Use of Labor: Labor legislations should be re-examined and amended or established anew as needed in order to regulate proper and fair use of labor in fisheries. International practices and conventions can provide comprehensive frameworks for ensuring the safety and protecting the rights of workers. The armed forces and defence establishments may provide assistance in this matter by monitoring and patrolling border areas, and inspecting fishing vessels at sea for illegal import or export of workers who may be exploited against their wills. Special attention should be given to providing humanitarian assistance to workers in distress as well as humane treatment of those under detainment.

(b) Cooperation amongst AMS’s defence establishments: IUU fishing is a challenge that intertwines with various other type of threats. It is often conducted without regard to national borders or a country’s sovereignty. This makes it a daunting task for a single nation to deal with. Cooperation among AMS’s armed forces and defence establishments, where they already have responsibility over IUU fishing, is therefore essential to eradicate IUU fishing. Existing cooperation mechanisms should be sufficient
for effective engagement on this matter. Information exchange regarding IUU fishing activities and other related security challenges can be conducted through various mechanisms that are already in place. Joint and coordinated patrols, which are regularly conducted both bilaterally and multilaterally, may be used for monitoring, control, and surveillance. The issue of IUU fishing may also be incorporated into joint training and exercise to enhance awareness and readiness of the armed forces in conducting IUU fishing related missions.

Conclusion

10. IUU fishing is a serious issue at the global, regional and national levels. It is an obstacle that may prevent the ASEAN Community from achieving its vision especially the APSC’s key characteristics of being a rules-based, people-oriented, people-centred community in which our peoples enjoy human rights, fundamental freedoms and social justice. Therefore, it is of vital importance that the gravity of this issue is recognized and cooperation is needed to eradicate IUU fishing together with no country left behind. Ultimately, this will ensure sustainable security, peace and prosperity of ASEAN community and our peoples into the far-reaching future.