

ASEAN RESOLVE CRUCIAL TO TACKLE ILLEGAL FISHING WOES

Encroachment by foreign fishing vessels is a security problem that may spark conflicts between countries in the region

THE world's supply of fish is dwindling fast. Scientists blame it on pollution, overfishing, illegal fishing, overinvestment and global warming.

Less fish means less protein for the world's growing population. Illegal fishing or illegal, unreported and unregulated fishing (IUU) is a global menace.

Heated diplomatic exchanges are observed every time a state takes action to arrest and set ablaze foreign vessels for illegal fishing.

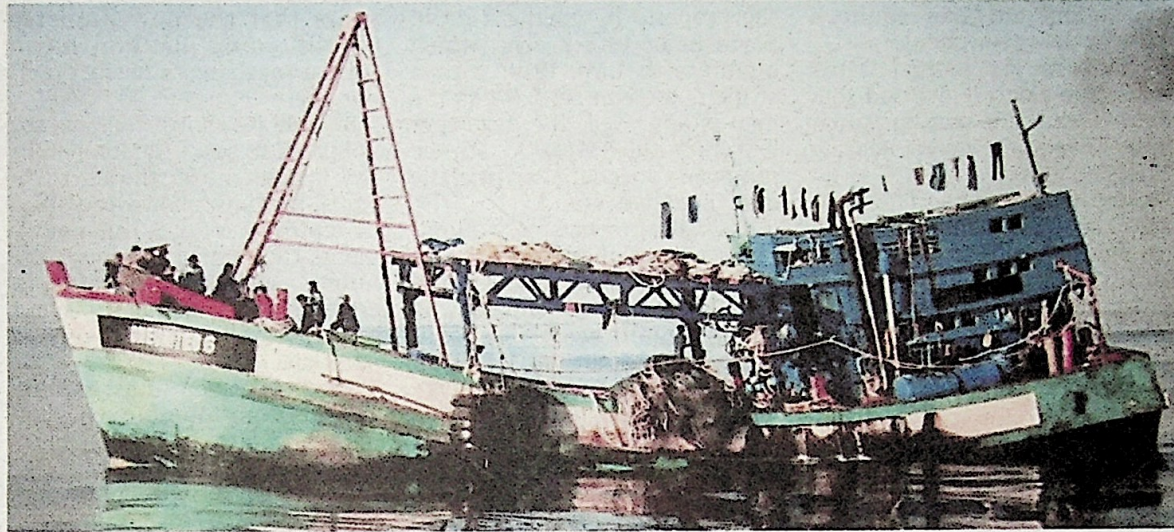
The global value of IUU fishing is estimated at US\$22 billion (RM90.4 billion) per year. Up to 26 million tonnes of fish are caught illegally each year, conservatively estimated at between 10 to 20 per cent of global catch.

The three areas in the region prone to illegal fishing are: the Gulf of Thailand, Indonesian waters and Malaysia's exclusive economic zone. The decision to impound and torch vessels, jailing as well as fining those caught for illegal fishing is far too extreme. However, coastal states view punitive enforcement of the IUU as a necessary deterrent.

The IUU is also rampant in Malaysian waters. According to the Department of Fisheries up to RM6 billion was lost to illegal fishing every year.

In a recent operation conducted by the Malaysian Maritime Enforcement Agency, the Fisheries Department, the Royal Malaysian Navy, the Royal Malaysian Air Force and the Royal Malaysia Police, a number of Vietnamese fishing boats were seized along with their crew.

Since 2006, Malaysia has seized 748 vessels and detained 7,203 fishermen from Vietnam fishing



The three areas in the region prone to illegal fishing are the Gulf of Thailand, Indonesian waters and within the exclusive economic zone of Malaysia. PIC COURTESY OF MALAYSIAN MARITIME ENFORCEMENT AGENCY

illegally in Malaysian waters.

In May 2019, following the arrest of 25 Vietnamese fishing vessels, Wisma Putra handed a protest note to the Vietnamese Embassy in Kuala Lumpur against illegal fishing and encroachment by Vietnamese fishermen.

Inter-state conflicts over fish and access to scarce fish resources are not new. The British and the Icelanders have for decades almost come to blows over cod fish. Although there was no declaration of war between the two nations, "the cod wars" between 1940s and 1976 were tense.

The "fight" over cod between Canada and the United States off Newfoundland was also legendary. The entire cod species that straddled the maritime borders of the two countries is now almost extinct from overfishing and poor cooperation between the two states on how to manage the stock.

Contrast this with the situation in the Barents Sea where the migratory cod fish is thriving well.

Credit goes to Norway and Russia who have cooperated to ensure mutual gain.

The British government took Norway to the International Court of Justice to determine the legality under the international lines of delimitation under its 1935 decree that effectively excluded British trawlers from fish-

ing in Norway waters. The judgment in the Anglo-Norwegian Case (1951) that favoured Norway put an end to British fishing activities in the Norwegian waters.

Canada was also involved in the Turbot War with Spain and other European countries off the Newfoundland coast over the years leading to the arrest on March 1995 of a Spanish trawling vessel.

The Canadian Coast Guard seized the Spanish fishing trawler *Estai* off the coast of Newfoundland, claiming Spanish fishermen were catching more than their share of the allowable total catch quotas set by the Northwest Atlantic Fisheries Organisation.

Emma Bonino, the then European Union Fisheries Commissioner, called the seizure "an act of organised piracy".

The relationship between the two countries became tense after Spain sent a warship to protect its fishermen. In April 1995, Spain, Canada and the EU reached an agreement, ending the dispute.

About a year ago, the French and British fishermen began hurling projectiles at each other in the bay of Seine as they fought over the right to harvest the scallop. In the recent tiff over scallop in the English Channel, angered by the action of the French, the British trawlers called for diplomatic intervention and military protection of their vessels.

Despite tough enforcement

measures in Indonesia, Malaysia and Thailand, IUU remains rampant because the return on investment is lucrative and also because the vast area makes policing extremely difficult without cooperation from the member states. Policing is also made difficult by the lack of defined maritime boundaries. For example, Indonesia and Malaysia have yet to agree on a common exclusive economic zone boundary; likewise, there are overlapping maritime claims between Vietnam with Malaysia and Indonesia.

Of course, the situation in the South China Sea proper is more problematic with China, Taiwan, Vietnam, the Philippines and Malaysia claiming part of the sea, making ocean governance and fisheries management a political challenge.

Although there are plans within the Association of Southeast Asian Nations (Asean) to tackle the IUU fishing problem via, for example, the Strategic Plan of Action on Asean Cooperation on Fisheries 2016 to 2020 adopted in 2018, they have not gone far enough to rein in the problem.

It is now time for a new mindset. Asean leaders must start viewing IUU as a security problem that can ignite into low-level conflicts between the "warring states".

The writer is a student of geopolitics and defence policy

6 Despite tough enforcement measures in Indonesia, Malaysia and Thailand, IUU remains rampant because the return on investment is lucrative and the vast area makes policing extremely difficult without cooperation from the member states.