

International Master's Program in International Studies

National Chengchi University

國立政治大學國際研究英語碩士學位學程

# **What Contributes to the Success and Failure of Economic Sanctions?**

## **The Case of the European Commission's Threats to Boycott Fishery Products from Seven Asian Countries**

**經濟制裁成敗關鍵為何？**

**以歐洲聯盟委員會抵制亞洲七國之漁產品為例**

Waratthapoom Buarapha

Advisor: Professor Chien-wu Alex Hsueh

July 2020

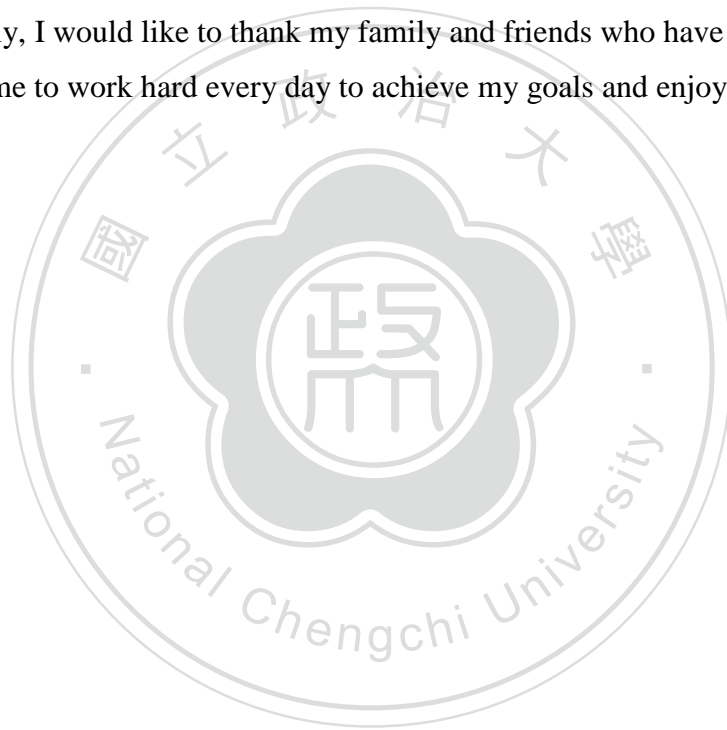


## Acknowledgement

First of all, I would like to express my sincere gratitude to my advisor, Professor Chien-Wu Hsueh, for helping me overcome all the challenges I faced during these past two years.

Secondly, I am really thankful to the staff at the IMPIS office and ICDF who have provided me with their great support throughout this wonderful academic journey.

Finally, I would like to thank my family and friends who have always encouraged me to work hard every day to achieve my goals and enjoy myself in the process.



## Abstract

In 2008, the European Commission developed the so-called “carding system” to fight against the issue of illegal fishing. Through this system, the EC has continuously encouraged major coastal states to take more part in the international fight against the issue of illegal fishing by threatening to boycott fish imports from targeted countries whose vessels conducted illegal fishing activities. Since the carding system was developed, seven countries in Asia have received official sanction warnings from the EC. Out of the seven, four chose to comply with demands from the EC during the threat stage of their sanction episodes (South Korea, the Philippines, Thailand and Taiwan), two chose not to comply (Cambodia and Sri Lanka), and one is still on the EC’s list of warned countries (Vietnam). This is a puzzle worthy of further investigation since the important factors that were mentioned by the sanction literature do not provide a satisfying explanation to explain this variation. The goal of this thesis is to find the factors that contributed to the countries’ different responses to the EC’s sanctions threats. By exploring the cases of the seven countries, I argue that if states are democracies, they are more likely to comply with senders’ demands during the threat stage of the sanctions episode because democracies generally have more political incentives to concede to demands from democratic senders and they also tend to be more well-prepared to address the issue in dispute. Instead, if the targets are autocracies, dependency on the senders’ market is not a sufficient factor for them to comply. In this situation, an involvement of a second superpower like the US is another important reason for them to comply because the interference will put more economic pressure on the targets. My findings supplement the sanction literature by pointing out new causal mechanisms of the political and economic factors.

Keywords: IUU Fishing, Economic Sanctions, Sanctions Threat, Fisheries Sector, European Commission, East and Southeast Asia

# Table of Contents

Acknowledgement .....	i
Abstract .....	ii
Table of Contents .....	iii
List of Tables .....	iv
List of Figures .....	v
List of Acronyms .....	vi
Chapter 1 Introduction .....	1
1.1 Research Motivation .....	1
1.2 The Purpose of the Research .....	6
1.3 Argument in Brief and Hypothesis .....	9
1.4 Methodology .....	14
1.5 Organization of Thesis Chapters .....	17
Chapter 2 Literature Review .....	21
2.1 The Basics of Economic Sanctions .....	21
2.2 The Effectiveness of Economic Sanctions .....	27
2.3 The Determinants of Sanctions Success and Failure .....	30
Chapter 3 Factors that Contributed to the Success and Failure of the EC's Sanctions Threats .....	35
Chapter 4 Cases of Countries Which Did Not Complied with the EU's Demands .....	51
4.1 The Case of Cambodia .....	51
4.2 The Case of Sri Lanka .....	61
4.3 Conclusion .....	73
Chapter 5 Cases of Countries Which Complied with the EU's Demands .....	75
5.1 The Case of South Korea .....	75
5.2 The Case of the Philippines .....	85
5.3 The Case of Thailand .....	96
5.4 The Case of Taiwan .....	111
5.5 Conclusion .....	121
Chapter 6: Conclusion .....	123
Bibliography .....	135

## List of Tables

Table 1.1 Timeline of the European Union’s Carding Decision for Countries in Asia from 2012-2019.....	8
Table 1.2 Preconditions for the EC’ Threat to Become Effective that Were Present in the Case of Each Country .....	12
Table 3.1 Polity Score by Country from 2013 to 2018.....	38
Table 3.2 Political Rights Score by Country from 2013 to 2019.....	39
Table 3.3 Each Country’s Total Value of Fish Exports to the Global Market as Percentage of Its GDP in the Respective Year that It Received the Yellow Card from the EC.....	44
Table 3.4 Each Country’s Total Value of Fish Exports to the EU as Percentage of the Country’s Total Value of Fish Exports to the Global Market in the Respective Year that It Received the Yellow Card from the EC.....	45
Table 5.1 Each Country’s Total Value of Fish Exports to the EU as Percentage of Its GDP in the Year that It Received the Yellow Card from the EC.....	92
Table 5.2: Each Country’s Total Value of Fish Exports to the Global Market as Percentage of Its GDP in the Respective Year that It Received the Yellow Card from the EC.....	109

## List of Figures

Graph 4.1 Cambodia's Value of Fish Exports from 1976 to 2017.....	55
Graph 4.2 Cambodia's Value of Fish Exports to the EU from 2000 to 2018.....	56
Graph 4.3 Sri Lanka's Value of Fish Exports from 2000 to 2018.....	65
Graph 4.4 Sri Lanka's Value of Fish Exports to the EU from 2000 to 2018.....	66
Graph 4.5 Sri Lanka's Amount of Unreported Fish Catch from 2000 to 2014....	69



## List of Acronyms

AP = Associated Press

APFFI = Alliance of Philippine Fishing Federations Inc.

BFAR = Bureau of Fisheries and Aquatic Resources (Philippines)

CCAMLR = Convention for the Conservation of Antarctic Marine Living Resources

CCCIF = Command Center for Combatting Illegal Fishing

CDCO = Import Export and Civil Development Construction Company

CMPA = Crisis Management Participation Agreement

CP Foods = Charoen Pokphand Foods

DFAR = Department of Fisheries and Aquatic Resources (Sri Lanka)

DWF = Distant Water Fleet

DWFD Act = Distant Water Fisheries Development Act (South Korea)

EC = European Commission

ECOFISH Project = Ecosystems Improved for Sustainable Fisheries Project

EEZ = Exclusive Economic Zone

EJF = Environmental Justice Foundation

EU = European Union

FA = Fisheries Agency (Taiwan)

FAO = Food and Agriculture Organization

FARA = Fisheries and Aquatic Resources Act (Sri Lanka)

FCF = Fong Chun Formosa Fishery Company

FDI = Foreign Direct Investment



FMC = Fisheries Monitoring Center

FTA = Free Trade Agreement

GDP = Gross Domestic Product

GSP+ = Generalized Scheme of Preferences plus

HACCP = Hazard Analysis Critical Control Point

HSE = Hufbauer, Schott, and Elliot

IATTC = Inter-American Tropical Tuna Commission

ICCAT = International Commission for the Conservation of Atlantic Tuna

IOTC = Indian Ocean Tuna Commission

IPOA-IUU = International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

IPOA-UN = International Plan of Action against Illegal, Unreported and Unregulated Fishing of the United Nations

IUU Fishing = Illegal Unreported and Unregulated Fishing

KAMFIMEX = Kampuchea Fish Import and Export Company

MAFF = Ministry of Agriculture, Forestry and Fisheries (Cambodia)

MCS = Monitoring, Control and Surveillance

MOF = Ministry of Oceans and Fisheries (South Korea)

NARA = National Aquatic Resources Research and Development Agency (Sri Lanka)

NOAA = National Oceanic and Atmospheric Administration

NPOA-IUU = National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

PSMA = Agreement on Port State Measures

RA8850 = Republic Act 8850 (Philippines)

RFMO = Regional Fisheries Management Organization

TIP Report = Trafficking in Persons Report

TPP = Trans-Pacific Partnership

UNCLOS = United Nation Convention on the Law of the Sea

USAID = United States Agency for International Development

VMS = Vessel Monitoring System

WCPFC = Western and Central Pacific Fisheries Commission

WHO = World Health Organization



# Chapter 1 Introduction

## 1.1 Research Motivation

In 2014-2015, several world's leading news agencies, such as the Guardian, Reuters and the New York Times started publishing stories about cases of labor exploitation found in the Thai seafood industry and they brought the issue of modern slavery, once again, into the world's spotlight (Hodal et al. 2014; Whiting, 2015; Urbina, 2015). Since then, the issue of forced labor in Thailand's seafood industry has gained an ever-growing attention from the press.

The case of labor abuse found in the supply chain linked to Charoen Pokphand Foods, Thailand's biggest food conglomerate, was probably the most notable case of modern slavery in 2014. According to an article published on the Guardian's website by Hodal et al. (2014), a large number of men were discovered to be held against their own will on fishing vessels off the coasts of Thailand during sometime in June 2014. These men were being forced to work in harsh conditions for more than 20 hours a day to provide fishmeal to CP Foods, which was the biggest supplier of shrimp to big supermarkets and food retailers in the United States. The men, after their successful escape from the boats, reported to the Guardian that many of them had regularly experienced physical abuse and some had even witnessed killings while they were working on the fleet. This incident sparked a lot of interest in the issues of forced labor and illegal fishing among international non-profit organizations such as Environmental Justice Foundation, Greenpeace and Human Rights Watch. After the incident, many NGOs conducted in-depth investigations on several more cases of forced labor in the fishing industry in Thailand and published a number of publications on the issue to raise more awareness among the public (EJF, 2015; Greenpeace, 2015).

But, before the situation in the Thai seafood industry gets to this point, how did the issue of forced labor come into existence in the industry in the first place? It actually began when the world's consumption of seafood started to massively increase during the second half of the 20<sup>th</sup> century. Due to the rise in global wealth and the world's population, the annual global consumption of

seafood products per capita had doubled from 10 kg in 1960 to almost 20 kg in 2014 (Guillen et al., 2019, p. 111). As the demand for fishery products in wealthy countries around the world increases, major fish exporters like Thailand need to produce more fishery products so that they can satisfy the demand from the global market and ensure food security for the world population. However, despite this ever-growing demand, most fish exporters cannot keep up with their production needs.

As for Thailand, the exploited fish stocks have been forcing fishing vessels to stay at sea longer and sometimes operate illegally in other nations' territorial waters to bring in diminishing catch (EJF, 2015, p. 4). Meanwhile, the lack of adequate fisheries law has also facilitated boat captains to hire illegal migrants from neighboring countries such as Myanmar, Laos and Cambodia to work for cheap wages on their boats. The EJF (2015, p. 4) claimed that the use of bonded labor on these fishing vessels allows fishing companies in Thailand to cut their labor costs and provide cheap fishery products to the west. Thus, fishing companies in Thailand have much incentive to continue using forced labor in their supply chains to fish illegally for them and provide consumers around the world with more products from the work of slaves and pirate fishing vessels.

Meanwhile, Taiwan, another world's major seafood exporter, has also been seeing similar issues during the past decades. Taiwan is the second largest tuna fishing country in the world after Japan (Haward and Bergin, 2000, p. 33). The country began developing its fishing industry in the late 1950s, but it turned to distant water fishing and focused more on high seas fisheries in the late 1960s as fish population in coastal water shrank due to overfishing (Hsu and Southerland, 2015, p. 3). By the year 2018, Taiwan became a country with one of the world's largest distant water fleets (Mundy, 2018, p. 67). Distant water fleet (also known as DWF) is a fleet of fishing vessels that operates outside the country's 200-mile exclusive economic zone (EEZ). Victoria Mundy (2018, p. 67) stated in her report that she wrote for Oceana that, in 2018, there were about 1850 Taiwanese fishing vessels sailing in the EEZs of more than 30 countries and

all major oceans of the world. Since the fishing vessels in the fleet do not operate in Taiwan's territorial waters, Taiwanese authorities often find it difficult to inspect the fleet. This makes it easy for captains of vessels in the fleet to hire illegal migrants without work permits from Vietnam, Indonesia, and the Philippines to fish illegally for them. These workers often become the victims of labor abuse on the fleet.

The most well-known case of labor abuse in the Taiwanese seafood industry was the case of forced labor on shipping vessels linked to Fong Chun Formosa Fishery Company (FCF) that was reported by Greenpeace in 2018. In its report named "Misery at Sea", Greenpeace (2018, p. 41-42) claimed that its team of investigators had received a letter from the crew of Tunago No.61; a longline fishing vessel that sailed from the Kaohsiung port in Taiwan towards fishing grounds in the Central Pacific on May 7, 2016. The letter informed the investigators that the crew, which consisted mostly of Vietnamese, Filipino, and Indonesian men, had experienced violent physical abuse, regular verbal abuse, and threats of killing from the captain of the fishing vessel. The men also reported to Greenpeace via the letter that their passports were being held by the captain of the boat and they were not paid in accordance with their signed contracts (Greenpeace, 2018, p. 38). After an investigation, Greenpeace (2018, p. 14) was able to identify links between Tunago No.61 and FCF, a giant fishing company that supplies 520,000 tons of tuna and 100,000 tons of other fish annually to markets in North America, Europe and Asia.

From the situation in both countries, we can see that the issue of labor exploitation on fishing vessels is strongly linked with illegal fishing. Since unregistered fishing vessels that operate in international waters are rarely being inspected by state authorities of any country, many of the captains on these ships see this as an opportunity to conduct misdeeds or illegal acts like hiring unlicensed workers for their crew, using violence on their employees, forcing employees to work overtime extensively, and using their ships to smuggle illegal drugs into other countries. Basically, most cases of labor abuse are found on ships

that operate illegally without being known by the state they belong to. Thus, if we would like to address the issue of forced labor on fishing vessels in a particular state, we should first address the issue of illegal unreported, and unregulated (IUU) fishing.

What is IUU fishing? IUU or illegal, unreported and unregulated fishing, according to the FAO (2001, p. 2-3), is a broad term which may include 1) fishing activities conducted by stateless vessels, 2) fishing activities that are in violation of national laws or international obligations, 3) fishing activities that have not been reported or misreported to the relevant national authority, and 4) fishing activities that are conducted in waters under the jurisdiction of a state without the permission of that state.

The issue of IUU fishing does not only exist in Thailand and Taiwan, but it has been a major issue for many countries in Asia during the past two decades. South Korea is an example of Asian countries that fought seriously against the issue of IUU fishing long before Thailand and Taiwan. In 2013, Greenpeace (2013, p. 2) reported that there were 34 vessels owned by 20 South Korean companies that had been identified as being involved in IUU fishing activities internationally. According to the report, some of these fishing vessels, namely the *Insung 2* and *Inusng 7*, were caught fishing more than their allowed quotas in a sub-area of the Ross Sea (Greenpeace, 2013, p. 3). Furthermore, Greenpeace (2013, p. 4-5) also found that a number of vessels owned by Sajo Group, one of the biggest fishing companies in South Korea, had repeatedly abused human rights of their foreign crew. According to Greenpeace (2013, p. 4-5), foreign crew working on the vessels called *Oyang 70* and *Oyang 75* were reported to be often beaten by blunt instruments like steel pipes and had experienced sexual harassment, violation and insult while they were working as fishermen on the ships. These incidents demonstrate that the South Korean government, at that time, failed to regulate its fishing industry and did not have enough resolve to fix the issue of IUU fishing in its fishing industry. Since then, the international

community has been pressuring South Korea to strengthen its legislation against IUU fishing and take a more serious action to resolve the issue.

Fortunately, international organizations such as the European Union have not been ignorant about the issue. In 2008, the European Union adopted a legislation called the EU IUU Regulation in a bid to prevent, deter and eliminate IUU fishing from the global community (EJF, Pew & WWF, 2016, p. 2). Under the said regulation, the EU may issue official warnings (also known as “yellow cards”) to non-EU countries that do not have adequate measures to prevent and deter IUU fishing. Those that receive yellow cards from the EU will need to go through an evaluation period of at least six months. During this period, the countries are expected to “undertake substantial reforms to address the identified shortcomings in line with an action plan proposed by the EU” (EJF, Oceana, The Pew Charitable Trusts & WWF, 2016, p. 6). If the countries could improve the situation in their fishing industry, the yellow cards can be removed by the EU. However, if the countries fail to address the problems, the EU can identify them as non-cooperating, issue them “red cards”, and boycott all fishery products caught by fishing vessels flying the flags of those countries. This process created by the EU to tackle IUU fishing is widely known as the “carding system”.

Contrary to the belief that economic sanctions are inefficient tools of foreign policy, the EU has actually been quite successful in persuading non-EU countries to take more actions to address the issue of IUU fishing through the carding system in the past decade. Since the EU adopted the IUU Regulation, there have already been seven countries in Asia that received yellow and red cards from the EU. Out of these seven countries, four have complied with demands from the EU and took adequate measures to eliminate IUU fishing activities from their territorial water since the threat stage of the sanctions episodes. What are the factors that contributed to the success of the sanctions threats that the EU made against seven countries in Asia for their lack of action against illegal, unreported, and unregulated fishing during the period of nine years from 2010-2019? This thesis will guide readers to the answer to this question.

## 1.2 The Purpose of the Research

Since the European Commission adopted the carding system in 2010, the commission has given yellow and red cards to a total of seven countries in Asia. Those countries were Sri Lanka (issued in 2012), Cambodia (issued in 2012), South Korea (issued in 2013), the Philippines (issued in 2014), Thailand (issued in 2015), Taiwan (issued in 2015), and Vietnam (issued in 2017) (European Commission, 2012; 2013a; 2014b; 2015; 2015, April 21; 2017a). Among all these countries, four countries managed to have their yellow cards revoked by the EC during the threat stage of the sanctions episode, one country was able to get its red card revoked, one country still got sanctioned by the EU up until today and has not yet been removed from the list of countries that are red-carded, and one still possesses a yellow card but has yet to receive a red card.

Cambodia and Sri Lanka were the first two countries in Asia to receive official warnings (yellow cards) from the EC. Both countries got their cards in November 2012 (European Commission, 2012). However, after the yellow cards were given, the EC saw that the two countries had not taken enough action in fighting against IUU fishing, therefore, the commission decided to identify both countries as non-cooperating and issued Cambodia and Sri Lanka red cards in November 2013 and October 2014, respectively (European Commission 2013b; 2014c). Sri Lanka, after having been sanctioned by the EC, improved the situation in its country and finally got its red card revoked in June 2016 (European Commission, 2017b). Cambodia, however, is still on the list of countries that are red-carded by the EC up until today.

South Korea and the Philippines were the next group of Asian countries that received yellow cards from the European Commission. South Korea was the first to receive the warning in November 2013 (European Commission, 2013a). Then, following South Korea, the Philippines got its yellow card in June 2014 (European Commission, 2014b). Fortunately, the two countries performed excellently in addressing the issue of IUU fishing and both got their yellow cards



revoked by the EC at the same time, in April 2015 (European Commission, 2015, April 21).

Thailand and Taiwan received their yellow cards in the same year and it took them the same amount of time to adopt adequate measures to prevent and deter IUU fishing that could satisfy the EC's suggestion. Thailand got its yellow card in April 2015 and the card was revoked in January 2019 (European Commission, 2015, April 21; 2019, January 8). Meanwhile, the card was given to Taiwan in October 2015 and it got revoked in June 2019 (European Commission, 2015; 2019, June 27).

Finally, Vietnam was the latest country in Asia to receive a yellow card from the EC in October 2017. The country still possesses the yellow card up until today and it has not yet been given a red card (European Commission, 2017a).

Table 1.1 in the next page shows the timeline of the carding process in Asia.



**Table 1.1 Timeline of the European Union’s Carding Decision for Countries in Asia from 2012-2019**

Country	Yellow Card received	Yellow Card revoked	Red Card received	Red Card revoked	Duration of the Sanctions Episode
Sri Lanka	November 2012	-	October 2014	June 2016	43 Months
Cambodia	November 2012	-	November 2013	-	85 Months (ongoing)
South Korea	November 2013	April 2015	-	-	17 Months
The Philippines	June 2014	April 2015	-	-	10 Months
Thailand	April 2015	January 2019	-	-	45 Months
Taiwan	October 2015	June 2019	-	-	44 Months
Vietnam	October 2017	-	-	-	26 Months (ongoing)

Source: Mundy, V. (2018). The Impact of the EU IUU Regulation on Seafood Trade Flows: Identification of Intra-EU Shifts in Import Trends Related to the Catch Certification Scheme and Third Country Carding Process. *Overview of third country authorizations to export seafood products to the EU (p. 10)*. Belgium, Brussels: Environmental Justice Foundation, Oceana, The Pew Charitable Trusts, WWF.

Note: Re-organized by the author.

According to the information in Table 1.1, it is clear that the sanctions threats that the EU made against seven Asian countries were quite effective. Out of the seven cases, the EU has seen success in four cases overall. The goal of this thesis is to find an answer to one particular question; *what are the factors that contributed to the success and failure of the sanctions threats that the EU made against seven countries in Asia for their lack of commitment in the international fight against the issue of IUU fishing?* In a bid to achieve this goal, I will conduct a comparative case study across the seven cases by employing Mill's method of agreement and Mill's method of difference, which I will explain in detail in part 1.4 of this chapter.

### **1.3 Argument in Brief and Hypothesis**

In the 1990s, there has been a major debate among scholars in the field of international political economy on whether economic sanctions are an effective tool of economic statecraft. Scholars like Hufbauer et al. (1990), for example, believed that economic sanctions can be used effectively by sender states to coerce target states into changing their policies. Meanwhile, there was also a scholar like Pape (1997) who did not have much faith in the effectiveness of economic sanctions.

However, the focus of the studies of scholars in this field completely changed in the early 2000s. In 1997, Morgan and Schwebach (1997) published a work in which they encouraged scholars in the field of international political economy to focus more on finding *when* economic sanctions work instead of finding *if* sanctions work at all. Aside from this, they also claimed in the paper that sanctions will have a higher chance of producing favorable outcomes if target states are expecting to bear a high economic cost from the imposed sanctions. Since then, many scholars have published more works to discuss the determinants of sanctions success and failure. Drezner (1999), for example, published his work in 1999 which stated that allies are more likely to comply with demands from sender states than adversaries. After that, in 2002, Morgan and Miers (2002) claimed that sender states will be more likely to succeed in using economic

sanctions to coerce target states into complying with their demands if there is an involvement of an intergovernmental organization in the sanctions episode. In 2005, Allen (2005) found that leaders in democratic states are more likely to concede to demands from senders than those in autocratic states. Finally, in 2007, Ang and Peksen (2007) argued that economic sanctions will be more effective if the states perceive the issue in dispute as highly salient.

Based on the aforementioned works of scholars in this field, I assume that there are four variables that could determine the success and failure of economic sanctions; the involvement of an intergovernmental organization, the target's dependency on the sender's market, the target's political regime type and the saliency of the issue in dispute. However, the involvement of an IO cannot be a factor that caused the difference in outcomes of the sanction episodes of the seven Asian countries as those countries were being sanctioned by the same IO, which was the EC. Thus, this leaves me with only the other three variables.

In order to determine the regime type of each target state, I have looked into the Polity and Political rights scores of that country. Aside from this, I have also looked into each country's fish exports data to determine its degree of dependency on the EU's fish market (this will be further discussed in the third chapter). According to my findings, there were three countries that can be considered as democracies when their sanctions episode started; Taiwan, South Korea and the Philippines. Meanwhile, there were three countries whose fisheries sectors depended a lot on the EU market; Thailand, Sri Lanka and Vietnam. As for the saliency of the issue (as perceived by the target), I have looked into each country's level of preparedness to address the issue in dispute at the time that the threat was received and determined that there were three countries that perceived the issue as significant and were well-prepared to fight illegal fishing; South Korea, the Philippines and Taiwan.

Aside from these three variables, I would also like to add one more variable to the study, which is the involvement of the US in the sanctions episode. The reason for adding this variable to the study is because I have found that the

US had gotten involved in three countries' sanctions episodes during the 2010s and this may be a factor that leads the countries to their compliance. Those countries were; Thailand, the Philippines and South Korea.

Table 1.2 in the next page shows the variables present in each case.



**Table 1.2 Preconditions for the EC's Threat to Become Effective that Were Present in the Case of Each Country**

	Country	Y/M that the card was received	Time spent to get the yellow card revoked		The country was a democracy	The country was highly dependent on the EU fish market	There was an involvement of the US in the episode	The country was well prepared to address the issue
Countries that did not comply during the threat stage								
Wave 1	Cambodia	Nov-12	N/A					
	Sri Lanka	Nov-12	N/A			✓		
Countries that complied during the threat stage								
Wave 2	South Korea	Nov-13	17 months		✓		✓	✓
	The Philippines	Jun-14	10 months		✓	△	✓	✓
Wave 3	Thailand	Apr-15	45 months			✓	✓	
	Taiwan	Oct-15	44 months		✓			✓
Countries that are still caught in the threat stage								
Wave 4	Vietnam	Oct-17	N/A			✓		

Note: Table created by the author.

Based on the information in Table 1.2, it can be clearly seen that the country's level of preparedness was actually correlated to the country's degree of democracy. A democratic country was interestingly more well prepared to address the issue of IUU fishing than an autocratic state. Thus, the country's level of preparedness cannot be considered as an "independent variable" that contributed to the success or failure of the EC's sanctions threat in the case of each country. This variable is more like a dependent variable in the causal chain that links between each country's level of democracy and the outcome of the sanctions episode. Thus, this leaves me with only three independent variables that might be the determinants of the outcome of each case; the country's regime type, the country's dependency on the EU market and the involvement of the United States.

Based on all the findings from this initial phase of the research, I would like to construct my hypothesis that "democratic states are more likely to comply with demands from the sender during the threat stage of the sanction episode than autocratic states. However, there is also a high chance that autocratic states will comply with demands from the sender during the threat stage if their economy depends a lot on the sender's market and if there is an involvement of another superpower in the sanction episode". In a bid to support my hypothesis, I argue that if states are democracies, they are more likely to comply with demands sooner because they would receive more political benefits from doing so and democracies are also more likely to be well-prepared to address the issue in dispute at the time when it receives the threat from the sender. Instead, if the targets are autocracies, dependency on the sender's market is not a sufficient concern for them to comply with demands from the sender during the threat stage. In this situation, the involvement of another superpower like the US is an important condition for them to comply. This is because the country will receive more pressure if it is being threatened by two parties simultaneously and the involvement of another superpower will increase the damage of the sanctions to the country's economy.

## 1.4 Methodology

This research will be conducted in a bid to find an answer to one particular question; what are the factors that contributed to the success and failure of economic sanctions threats that the European Commission used against seven countries in Asia during the course of nine years from 2010-2019? In this study, I will employ two research methods to find the answer to the said question; the comparative methods and the case study methods, mainly process tracing.

However, before we dive into the details on the research design, I would first like to introduce readers to the cases that I will examine in this study. There are seven cases in total. The first case (Case 1) is the case of economic sanctions that the EU imposed on Sri Lanka for its lack of commitment in addressing the issue of IUU fishing that began in November 2012 and ended in June 2016. The second case (Case 2) is the case of economic sanctions that the EU imposed on Cambodia for its lack of commitment in addressing the issue of IUU fishing that began in November 2012 and has yet to end. The third case (Case 3) is the case of an economic sanctions threat that the EU made against South Korea for its lack of commitment in addressing the issue of IUU fishing that began in November 2013 and ended in April 2015. The fourth case (Case 4) is the case of an economic sanctions threat that the EU made against the Philippines for its lack of commitment in addressing the issue of IUU fishing that began in June 2014 and ended in April 2015. The fifth case (Case 5) is the case of an economic sanctions threat that the EU made against Thailand for its lack of commitment in addressing the issue of IUU fishing that began in April 2015 and ended in January 2019. The sixth case (Case 6) is the case of an economic sanctions threat that the EU made against Taiwan for its lack of commitment in addressing the issue of IUU fishing that began in October 2015 and ended in June 2019. Finally, the seventh case (Case 7) is the case of an economic sanctions threat that the EU made against Vietnam for its lack of commitment in addressing the issue of IUU fishing that began in October 2017 and has yet to end.



These seven cases will be divided into three different groups. The first group shall be called Group A. This group consists of cases in which the target states did not comply with the EC's demands during the threat stage of their sanctions episodes and were later given red cards by the EC. There are two cases that belong in this group; the case of Cambodia and the case of Sri Lanka. The second group shall be called Group B. This group consists of cases in which the target states chose to comply with the EC's demands in the threat stage of their sanctions episodes. There are four cases that belong in this group; the cases of South Korea, the Philippines, Thailand and Taiwan. Finally, the last group, which shall not be given a name, consists of the case in which the sanction episode has yet to end. There is only one case in this group, which is the case of Vietnam. The case of Vietnam will not be discussed in detail in the following four chapters of the thesis. However, the case of Vietnam will still be briefly discussed in the last chapter; the conclusion of the research.

Now that all the cases are given, I shall explain my research design. In this comparative case study, I will use Mill's method of agreement and Mill's method of difference to find all variables that may be associated with the success and failure of economic sanctions threats that were made by the EU against seven countries in Asia. According to George and Bennett (2005, p. 153), the method of agreement is generally used to identify the independent variables associated with a common outcome in two or more cases. In the method of agreement, the investigator will employ the logic of elimination to exclude the candidate causes (independent variables) that are not present in all cases with similar outcome. Any cause (independent variable) that can survive this elimination can be considered as possibly associated with those cases' common outcome (dependent variable) (George & Bennett, 2005, p. 155).

Meanwhile, the method of difference allows the investigator to identify the independent variables that contribute to the difference in outcomes of all the cases under examination. In the method of difference, the investigator uses the logic of elimination to exclude candidate causes (independent variables) that are

present in all cases that are being compared (two or more) (George & Bennett, 2005, p. 156). According to George and Bennett (2005, p. 156), a condition present in all cases cannot “account for the difference in case outcomes”. Thus, only conditions (independent variables) that survive the elimination process and are not present in all cases that are being compared can be regarded as possibly associated with the variance in the outcomes of the cases.

In the first phase of the study, I will compare the cases in Group B against each other via the method of agreement. Since all cases in Group B share a common outcome (the success of sanction threats), I will use the logic of elimination to exclude all the conditions (independent variables) that are not present in all cases in group B and single out only those that are present in all cases. All the conditions that are present in all cases in group B can then be regarded as the independent variables that may be associated with the success of sanction threats. For example, if all countries in Group B are democracies, I may be able to conclude that “a high degree of democracy in the target state” may be one of the factors that contribute to the success of sanction threats.

Then, I will use a tool for within-case analysis called “process tracing” to seek for explanations why those independent variables lead to the outcome shared by all the cases in Group A. According George and Bennett (2005, p. 206), process tracing is a method which “attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable”. I can use process tracing to either 1) develop a new hypothesis to why a certain independent variable caused the outcome to occur or 2) test an existing hypothesis by seeing whether there is any alternative causal path that links the independent variable to the outcome (aside from the path that has been given by the scholar who came up with that particular hypothesis).

Next, in the second phase of the study, I will use the method of agreement to find all the independent variables that lead to the failure of the sanction threats.

For this second phase, I will do the same process all over again, except with the cases in Group A instead of Group B. Basically, I will compare the two cases in group A against each other to find the independent variables that are present in all cases. Those independent variables will be identified as the factors that contribute to the failure of sanction threats. Then I will use process tracing to find the causal chains/causal mechanisms that link those independent variables with the outcome shared by all cases in Group A.

Finally, in the last and final phase of the study, I will conduct a case comparison between Group A and group B to find the factors that caused the two groups to act differently in response to the sanctions threats from the EU. In this phase of the study, the variables that are present in both groups can be discarded and the variables that are not present in both cases can be regarded as the possible factors that contribute to the difference in outcomes between the two groups.

In conclusion, this study will be divided into three phases. In the first phase of the study, I will employ “Mill’s method of agreement” to compare all the cases in Group B against each other to find the variables that are associated with the “success” of the EU’s sanction threats. In the second phase of the study, I will, again, employ “Mill’s method of agreement” to compare all the cases in Group A against each other to find the variables that are associated with the “failure” of the EU’s sanction threats. After each phase of the study is finished, I will also use process tracing to find the causal chains and mechanisms that link the variables to the outcomes of the cases. Finally, in the final phase of the study, I will employ “Mill’s method of difference” to find the factors that contributed to the difference in outcomes between the two groups.

## **1.5 Organization of Thesis Chapters**

The purpose of the thesis is to find factors which contributed to the success and failure of the sanction threats that the EU decided to put on seven countries in Asia for their lack of commitment in its international fight against IUU fishing. The thesis will be organized into six chapters as follows.

Chapter 1 (this chapter) serves as an introduction to the research. The first part of the chapter provides a brief background of the issue of IUU fishing in Asia and explains my motivation for conducting this research. Apart from the background of the issue, the chapter also describes the significance of the research, the research question, the objective of the research, the hypothesis of the research, and the research design.

Chapter 2 is the literature review. The chapter is divided into three parts; 1) the basics of economic sanctions, 2) the scholars' debate on the effectiveness of economic sanctions, and 3) the determinants of sanctions success and failure. The first part of the chapter (the basics of economic sanctions) reviews the definitions of economic sanctions, the types of economic sanctions, the components of a sanctions episode, and the different motives behind the use of economic sanctions. In the second part, the chapter discusses different opinions of modern scholars on how effective are economic sanctions as tools of statecraft. In the third part, the chapter provides different ideas and arguments of modern scholars on what contributes to the success and failure of economic sanctions.

Chapter 3 contains details on how I arrive at my main argument that the target's regime type is the determinant of the success and failure of sanction threats. In this chapter, I seek to find the major factors that contributed to the success and failure of the EU's economic sanctions threats by looking into different circumstances of the six cases under examination. The comparative method will be used to single out the variables that may be associated with the outcomes of the cases and the hypothesis will be constructed based on the findings.

Chapter 4 is the study of the cases in which the target states chose to not comply with demands from the EC in the threat stage of their sanctions episode. The two cases that will be examined in this chapter are the cases of Cambodia and Sri Lanka. By examining these two cases, I wish to demonstrate how the

undemocratic nature of the states contributed to their decision to not comply with demands from the EC.

Chapter 5 is the study of the cases in which the target states chose to comply with the EC's demands in the threat stage of their sanctions episode. The four cases that will be examined in this chapter are the cases of South Korea, the Philippines, Thailand and Taiwan. In this chapter, I will explore the circumstances that prompt these countries to increase their attempts to eliminate IUU fishing activities conducted by vessels flying their flags both within and outside their jurisdictional waters. By the end of this chapter, I wish to be able to demonstrate how factors like the level of democracy in each state, the country's reliance on the EU as a fish export market, the country's preparedness in fighting against IUU fishing and the involvement of another superpower such as the United States in the sanction episode, could possibly affect each country's response to the EU's demands.

Finally, Chapter 6 is the conclusion. It provides a brief summary of everything I discovered through this research. In this chapter, the case of Vietnam will also be briefly discussed. I will use what I have learnt from the research thus far to make a prediction on how the Vietnamese government will respond to the EU's threat in the future and whether Vietnam will be able to get its yellow card revoked.



## **Chapter 2 Literature Review**

In this second chapter, I will provide readers with a review of well-known literature on economic sanctions that have been well read and praised by scholars in the academic community from the mid-1970s to the present. This literature review consists of three different parts. In the first part of the chapter, I will review the basics of economic sanctions, including the definition of the term, different types of sanctions that can be employed by states, components of a sanctions episode, ways to evaluate the success of a sanctions episode, and different motives that drive states to use economic sanctions against allies or adversaries. In the second part, I will examine the debate among scholars on the effectiveness of sanctions as instruments of statecraft. Finally, in the last part of this review, I will discuss the factors that can possibly contribute to the success and failure of economic sanctions.

### **2.1 The Basics of Economic Sanctions**

#### **2.1.1 The Definition of Economic Sanctions**

Up until today, there is still an ongoing debate among scholars on what constitutes economic sanctions. Thus, to clearly define the term “economic sanctions” is a challenging task. However, it is quite essential for us to first and foremost find a precise definition for this term so that economic sanctions will not be confused with other instruments of foreign policy when we discuss them later on in this thesis.

Baldwin (1985) is a scholar whose writing is widely read by researchers of economic sanctions, therefore, we will start by looking at the definition of the term from his perspective. Baldwin (1985, p. 35-36) claimed that the definition of economic sanctions corresponds to his concept of economic statecraft, therefore, the two terms can be used interchangeably. To Baldwin (1985), the concept of economic statecraft encompasses all economic means by which policymakers use to influence other international actors. Thus, his definition of economic sanctions is rather quite broad compared to the definitions that were given by other scholars.

Economic sanctions, according to him, include the use of economic instruments to pursue any kind of policy goals, whether it's to weaken another state's economic potential, to weaken another state's military power, or just to simply demonstrate one state's resolve that it will not tolerate the behavior of the targeted state.

Moreover, Baldwin (1985, p. 40) also categorized the techniques of economic statecraft into two types; negative sanctions and positive sanctions. Negative sanctions include economic or financial penalties that one group of states applied on another group of states such as embargo, boycott, or tariff increase, while positive sanctions include economic rewards that one group of states may give to another as incentives such as financial aid or MFN grant (Baldwin, 1985, p. 41-42). It should be noted that this categorization proposed by Baldwin contradicts the belief of most modern-day scholars who see that economic sanctions should only include the use of commercial or financial penalties to coerce targets into particular responses.

Hufbauer, Schott, and Elliot (also widely known as HSE), are another group of scholars that is well known in this academic field. To HSE (1990, p. 10), economic sanctions are tools that states use in order to coerce target governments into changing their behavior or policy which is not appreciated by the international community or the sender state. In their most notable work, "Economic Sanctions Reconsidered", Hufbauer et al. (1990, p. 2) defined economic sanctions as "the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations". Unlike Baldwin, according to HSE's view, economic sanctions do not include the use of positive economic incentives (such as financial aid) to encourage target states to change their policy or behavior (Hufbauer et al., 1990, p. 2). Thus, cases in which such techniques of statecraft are used by sender states were left out from the study conducted by the three scholars. Basically, for HSE (1990), economic sanctions refer to only the use of "negative sanctions" to coerce target governments into particular responses that are deemed favorable by sender states.



Pape (1997, p. 95) was another scholar who argued that the definition of economic sanctions given by Baldwin is too broad, making it “conceptually unwieldy” and confusing for policymakers. Pape (1997, p. 93) noted that there are three main strategies of economic pressure: economic sanctions, trade war, and economic warfare. Each of these strategies should be clearly distinguished by its policy goal and should not be confused with one another. According to Pape (1997, p. 94), a trade war occurs when a sender state inflicts economic harm on a target state in order to “persuade the target state to agree to a term of trade that is more favorable to the sender”, while economic warfare occurs when a sender state seeks to inflict harm to adversary’s economy in order to “weaken its military capabilities”. However, economic sanctions, unlike the other two strategies, “seek to lower the aggregate economic welfare of a target state by reducing international trade in order to coerce the target government to change its *political behavior*” (Pape, 1997, p.94). To put this simply, Pape’s definition of economic sanctions does not include the use of economic coercion to pursue any other goals aside from the political ones.

As for myself, I think that the definitions of economic sanctions given by Pape and HSE are most compatible with the case study in this thesis. Thus, based on the definitions given by the two groups of scholars, I would like to redefine economic sanctions as “commercial or financial penalties that a group of states imposed on its target in a bid to coerce the target into changing its political behavior”. This will be the definition that should be referred to when I discuss economic sanctions throughout this literature review.

### **2.1.2 The Types of Economic Sanctions**

According to Hufbauer et al. (1990, p. 36), economic sanctions can be categorized into two types: trade sanctions and financial sanctions. Trade sanctions are generally employed by a sender with the purpose of obstructing its trade with a target country. When facing trade sanctions, the target country’s economy is expected to be damaged by its severed trade ties with the sender country. The most applied measures of trade sanctions include: 1) prohibiting

exports to target countries (embargo), 2) prohibiting imports from target countries (boycott), and 3) raising the country's import/export tariffs (Hufbauer et al., 1990, p. 36).

Hufbauer et al. (1990, p. 36) also noted that when a sender country decides to employ trade sanctions, an export control is more likely to be used than an import control because it is rather more difficult for target countries to find alternative import markets than to find alternative export markets. However, contrary to HSE's belief, in this thesis, we will be studying the case in which the EU boycotts fishery products from seven countries in Asia to prove that "an import control can also be an effective measure of trade sanctions, as much as an export control is".

Financial sanctions, meanwhile, are seen by Hufbauer et al. (1990, p. 37) as the more severe form of economic sanctions. Financial sanctions could be employed by 1) suspending aid to the target country, 2) freezing the target country's assets, 3) controlling the import of capital from the target country, and 4) controlling the export of capital to the target country. According to Hufbauer et al. (1990, p. 37), when facing financial sanctions, the target country could be severely hurt through the interruption of commercial and official financing from the sender country. If official or commercial financing got suspended, the target country may need to find alternative creditors and pay higher interest rates to them (Hufbauer et al., 1990, p. 37). However, even if financial sanctions are believed to be extremely effective, it should be noted that we will mainly focus on studying the use of trade sanctions in this thesis, not financial sanctions.

### **2.1.3 The Components of a Sanctions Episode**

When one group of states threatens to put an economic sanction on another group of states, and declares it formally, it is considered as the start of "a sanctions episode". According to HSE (1990, p. 35), there are always two parties involved in a sanctions episode: the target and the sender. HSE (1990, p. 35) defined the sender as "the country or an international organization that is the

principal author of the episode”. The target is, meanwhile, defined by HSE (1990, p. 36) as “the country that is the immediate object of the episode”. Please note that there can be one or more countries on both the target and sender parties.

An episode of economic sanctions can be divided into two stages: the threat stage and the imposition stage. It is possible for the target to comply with the demand of the sender at any point during these two stages. According to Drezner (1999), the decision making process in the threat stage can be divided into three sequences. First, the sender needs to decide whether to keep the situation as it is or to make a demand to the target state, attached with a threat of economic sanctions. If the sender decides to not threaten a sanction, the episode ends, but if the sender decides to threaten the target with an economic sanction, it will then be the target’s turn to make a decision. In the second sequence, the target needs to decide whether it will change its behaviors in accordance with the demand of the sender to avoid the costs of sanction (acquiescence), or to stand firm with its action. If the target chooses the latter, the sender will then need to make a decision once more. In the third and final sequence, the sender needs to decide whether it will impose a sanction or back down. If it chooses to impose a sanction on the target, the sanctions episode will then proceed to the imposition stage, and both the sender and the target will be caught in a deadlock.

The next question that we need to answer is; how can we know whether the sanction threats/imposed sanctions are successful? Each scholar in the field has his/her own different ways and criteria for determining the success of economic sanctions. For Pape (1997, p. 97), economic sanctions could be considered as successful if these three criteria are met: 1) “the target state concede to a significant part of the coercer’s demands”, 2) “economic sanctions were threatened or applied before the target change its behavior” and 3) there is no other explanation for the target’s change of behavior.

Bapat et al. (2013) have similar criteria for determining the success of economic sanctions. Bapat et al. (2013, p. 86) noted that imposed sanctions can be

considered as successful if the sanctions episode ends with target's complete or partial acquiescence, or negotiated settlement. As for sanction threats, they can be considered as successful only if the episode ends with the target's partial or complete acquiescence before sanctions are imposed (Bapat et al., 2013, p. 86).

#### **2.1.4 The Motives Behind the Use of Sanctions**

There are quite a few explanations to why a sender state decides to impose economic sanctions or threaten to impose sanctions against a target state. Firstly, the sender state might want to use economic sanctions as substitutes for other coercive measures (Hufbauer et al, 1990; Drezner, 1999). Sometimes, when a sender state is not satisfied with the behavior or a particular policy of a target state, the use of military intervention to punish the target state or to coerce the target state into changing its policy might be too extreme. Military intervention is not only costly and expensive, but it can also raise some concerns and discontent among the citizens of the sender state as well. Thus, this is where economic sanctions come into play. Economic sanctions are not only cheaper to deploy, but they are also considered by many as a more peaceful way to coerce the adversary of a state into modifying its policy. Due to this particular reason, economic sanctions are seen by leaders of many states as a good surrogate of military intervention, even though they are not as effective.

Secondly, according to Drezner (1999, p. 11), the government of the sender country might feel compelled to initiate sanctions against targets due to the domestic pressure from within the country. Drezner (1999, p. 11) claimed that, generally, when the behavior of a target country violates the international norms, the citizens within the sender country (which is likely to be democratic) will pressure their government to do something about the situation. Thus, the government will need to impose sanctions or threaten to impose sanctions against the target in a bid to send a signal to the target government and its own citizens that it disapproves the behavior of the target regime. If the government of the sender country fails to do so, it might be perceived by its own citizens as weak and indecisive. Thus, even though the sanctions themselves might be ineffective,

the sender government will initiate the sanctions anyway to avoid being accused as ignorant leaders by its own citizens. As long as sanctions serve well as an effective signal and a symbol of disapproval, their effectiveness is of secondary concern (Drezner, 1999, p. 12).

Lastly, sanctions can be used by a sender state to dissuade a target from implementing an undesirable policy or repeating an unfavorable action in the future. According to Lindsay (1986, p. 115), sanctions function as deterrents by “demonstrating the initiator’s willingness to act and its ability to inflict economic pain, which presumably it can reapply in the future”.

## **2.2 The Effectiveness of Economic Sanctions**

Scholars in the field of international political economy have long been debating about the effectiveness of economic sanctions since the economic techniques of statecraft regained attention from the academic community in the mid-1970s. Basically, there are two camps of scholars that hold dramatically opposed views on this matter; those who claim that economic sanctions are great tools that can be effectively used to coerce target states into complying to political demands from sender states and those who have negative views on the usefulness of economic sanctions. In a bid to gain a better understanding of the notions and works of important scholars from these two camps, we should first have a look at the study of HSE (1990) on the success rate of economic sanctions that was first published in their book called “Economic Sanctions Reconsidered” as recent debates on the successfulness of sanctions seem to mainly stemmed from the said research.

In 1990, Hufbauer and his fellow scholars conducted an empirical study on 115 cases of economic sanctions that were imposed during the period of 75 years from 1915 to 1990. From their study, HSE (1990, p. 93) found that economic sanctions have been successful in 40 cases or 34% of total. Although their research findings suggested that economic sanctions have a higher chance of failure than success, the success rate that HSE presented in the book was still a lot

better than what previous scholars before them expected out of economic sanctions. Thus, HSE are in neither of the two camps. Even though the three scholars viewed economic sanctions as tools of foreign policy that have limited usage, they still accepted that economic sanctions are not entirely useless and states that utilize these tools can sometimes expect favorable results.

Since HSE published their findings in 1990, the database created by them has often been used and referred to by many scholars who study the effectiveness of economic sanctions. Some said that the study has contributed to the optimism about the effectiveness of sanctions while some claimed that the success rate HSE presented in their book was far too generous. Pape (1997, p. 93), for example, has reexamined the HSE database and claimed that out of the 115 cases that HSE studied in 1990, only 5 cases can really be considered as successes. Pape (1997, p. 93) argued that the HSE study is seriously flawed because of three main reasons: 1) some of the cases were actually settled by direct or indirect use of force, not economic sanctions 2) some cases cannot be qualified as instances of economic sanctions in Pape's point of view and 3) the targets in some of the cases did not made meaningful concessions.

On the other hand, Drezner (2003) stated that HSE may have actually underestimated the effectiveness of economic sanctions. According to Drezner (2003, p. 644), both the sender and the target generally have incentive to solve their disputes before sanctions are deployed because sanctions could inflict huge costs on both parties. Thus, a successful sanction episode is more likely to end at the threat stage, not the imposition stage. Drezner (2003, p. 655) argued that the success rate of economic sanctions presented by HSE in 1990 may be understated because the three scholars only observed sanctions that have already been imposed. They did not include the cases in which sanctions have been threatened but not implemented. If HSE had included those cases in their study, they might have seen a higher success rate of economic sanctions (Drezner, 2003, p. 655). Simply put, Drezner believed that economic sanctions are actually effective tools

of economic statecraft. HSE just failed to realize this because of a selection bias in their study.

Drezner's work brought a new light to the study on economic sanctions effectiveness. However, not every scholar agrees with him. Drury and Li (2006), for example, wrote an article to prove that economic sanctions do not always work better at the threat stage. They have conducted a case study to examine the effectiveness of the U.S. threats to revoke China's most favored nation status during the 90s. At that time, Washington was trying to coerce the Chinese government into respecting its citizens' human rights following the Tiananmen Square massacre in 1989. As a result of the study, the two scholars found that Washington's threats were not only ineffective but also counterproductive. The severity of repression in China was unaffected by Washington's threats (Drury & Li, 2006).

Morgan and Schwebach (1997) are another group of scholars who, like Pape (1997), do not have much faith in the effectiveness of economic sanctions as foreign policy tools. However, unlike Pape, they did not entirely reject the usefulness of economic sanctions but they believed that sanctions can be effective if imposed under fairly restrictive conditions. For example, if the sanctions are extremely costly for target states, the effectiveness of the sanctions will largely increase (Morgan & Schwebach, 1997, p. 45). They thus suggested scholars who study economic statecraft to focus more on seeking to determine *when sanctions* work rather than asking *if* sanctions work at all (Morgan & Schwebach, 1997, p. 46). This work published by the two has altered the research interests of many scholars in the academic community. Scholars who published their works on economic sanctions after Morgan and Schwebach have been focusing more on finding the factors that can possibly affect the outcome of economic sanctions instead of assessing the effectiveness of economic sanctions. I would like to call these works that were published after Morgan and Schwebach wrote their article in 1997 as the "Second Wave" of research on economic sanctions.

This thesis will be written with an aim to contribute to this second wave of works on economic sanctions. Basically, I will conduct a case study to find the factors that contribute to the success/failure of sanctions imposed by an international organization on a group of countries in Asia.

### **2.3 The Determinants of Sanctions Success and Failure**

There were quite a number of scholars who wrote articles and books on the factors that determine the success and failure of imposed sanctions and sanction threats. The work by Drezner that was published in 1999, for example, clearly explains how high expectations of future conflicts between two states can affect their decisions to impose or acquiescence to economic sanctions. According to Drezner (1999, p. 4), if two states that are not allies but adversaries engage in political disputes, they will be concerned about their relative gains and their bargaining positions in future conflicts. For the target state, if it foresees that there will be frequent disputes with the sender, the state will be concerned that any concession made in the present dispute will undercut its bargaining position in the future. Thus, if the sender is an adversary, the target will be more reluctant to concede to a demand. As for the sender state, if the target state is an adversary, not an ally, the concern for relative gains will increase and the sender will eventually attempt to coerce as it prefers a deadlock or stalemate outcome of disrupted economic exchange to the status quo (Drezner, 1999, p. 4).

Thus, Drezner (1999, p. 4) claimed that, a robust anticipation of future disputes between two adversaries makes the sender more eager to threaten economic sanctions but makes the target less willing to concede to the sender's demand. On the other hand, if the relationship between the two states is amicable, the sender will be less willing to impose sanctions, but it will likely obtain more concessions from the target if it still insists to threaten or impose sanctions (Drezner, 1999, p. 53-54).

Drezner was not the only scholar who tried to find the factors that contribute to the success or failure of economic sanctions. Morgan and Miers, in



2002, wrote an article to discuss whether unilateral or multilateral sanctions are more likely to be successful in changing a targeted state's behavior. The two scholars claimed that, in general, multilateral sanctions are less effective than unilateral sanctions. They provide two main arguments to support this claim. Firstly, a multilateral sanctioning coalition generally consists of many states, thus, it creates a "public goods problem" for its members (Morgan & Miers, 2002, p. 119). Basically, Morgan and Miers (2002, p. 119) claimed that if each country in the coalition contributes only little to the sanctions, some of them will want to free ride. They might continue to trade secretly with the target while the others are severing their trade ties with the targeted state. Secondly, Morgan and Miers (2002, p. 119) claimed that multilateral sanctions are more effective than unilateral sanctions only when there is one issue in dispute. When there are many countries taking part in a sanctioning coalition, it will be difficult for the coalition to maintain a stable demand. The target country will need to deal with many issues in dispute and various demands from different members of the coalition, making the sanctions become less effective.

However, Morgan and Miers (2002, p. 130) also stated that multilateral sanctions can also be effective if there is an international organization involved in coordinating the coalition's efforts. The two scholars claimed that the involvement of an IO can make multilateral sanctions become more effective due to two main reasons. First, an international organization can provide leadership for the coalition and "help solve the collective action problems" (Morgan & Miers, 2002, p. 131). Second, an international organization can monitor the contributions made for the sanctions by member states, reducing their tendency to cheat.

Aside from the two groups of scholars mentioned above, Ang and Peksen (2007, p. 135) have conducted an empirical study to examine "the perceptions of the salience of the issue under dispute by both sender and target states and their impact on sanction outcomes". Ang and Peksen (2007, p. 135) stated that the salience of issues under dispute (as perceived by the two states involved in a

sanctions episode) is one of the most important factors that could determine the outcome of economic sanctions. From their research, the two scholars found that, the more the sender states view the issue in dispute as highly important, the more they will be determined to see the sanctions succeed and this will likely result in a positive sanctions outcome (Ang & Peksen, 2007, p. 143). Another finding from their study suggested that if there is a big difference between the sender state and the target state's perceptions of issue salience (favoring the sender state), the sanctions will also be more likely to succeed (Ang & Peksen, 2007, p. 143).

Finally, in 2013, Bapat et al. (2013, p. 84) has conducted an empirical study to examine "the robustness of the relationships between sanctions success and a number of variables that may contribute to success". Their findings actually support the claims of some groups of scholars I mentioned above. According to Bapat et al. (2013, p. 90) findings, imposed sanctions are more likely to succeed if these conditions are met; 1) there is an involvement of an international organization in the sanctions episode, and 2) the imposed sanctions inflict severe costs on the targeted states. Also, according to their findings, sanctions threats can be more effective if 1) the sanctions are threatened under the auspices of international institutions, 2) the sanctions inflict severe costs on the targets, and 3) the disputed issues are salient (Bapat et al. 2013, p. 90).

In the next chapters, I will thoroughly examine the six cases of economic sanctions that the European Commission threatened to impose on countries in Asia for their lack of commitment in fighting IUU fishing during the second decade of the 21st century in a bid to find the factors that contributed to the success and failure in those sanction episodes. The theories that were created by the aforementioned scholars will be referred to, and by the end of the thesis, I wish to demonstrate to readers that the most important factor that affected the outcome of the sanctions threats that the EC used against six Asian countries was the degree of democracy in the target state. My argument is that, if the target state is a democracy, it will be more likely to comply with demands from the sender. However, if the target is an autocracy, it can still choose to comply with demands

from the sender during the threat stage of its sanctions episode given that it is expecting to bear a heavy economic cost from the sanctions and there is an involvement of another super power like the US in its sanctions episode.





## **Chapter 3 Factors that Contributed to the Success and Failure of the EC's Sanctions Threats**

This chapter discusses the possible factors that could have contributed to the success and failure of the sanctions threats that the EU imposed on countries in Asia throughout the second decade of the 21<sup>st</sup> century. In this chapter, the Asian countries that received yellow cards from the EC (excluding Vietnam) are divided into two groups. The first group shall be called Group A. This group consists of the two countries that did not comply with demands from the EC during the yellow-carded period; Cambodia and Sri Lanka. The second group shall be called Group B. Members in this group are countries that chose to comply with demands from the EC during the threat stage of the sanctions episode, namely South Korea, the Philippines, Thailand and Taiwan. I will compare various political and economic data from the countries in these two groups in a bid to find variables that might have caused the difference in the outcomes of the six cases of economic sanctions.

First of all, let's briefly revisit the literature on the determinants of sanctions success and failure from the previous chapter to search for variables that are widely believed to affect the decision of target states to comply or not comply with demands from sender states. During the past three decades, many scholars suggested that economic sanctions can better influence targets' behavior if they are imposed under specific conditions. In the beginning, some groups of scholars such as Hufbauer et al. (1990, p. 50) and Morgan and Schwebach (1997) believed that economic sanctions will work better if the costs borne by target states are sufficiently high. Later in 2002, Morgan and Miers (2002, p. 130) claimed that economic sanctions should have a higher probability of success if they are imposed under the auspices of intergovernmental organizations. Then, in 2005, Allen (2005) found that leaders in democratic countries are more susceptible to economic sanctions than those in autocratic states. In addition to these arguments, in 2007, Ang and Peksen (2007) suggested that economic sanctions will likely succeed if the issue in dispute is perceived by sender states as highly salient and

there is a great difference between the sender's and target state's perceptions of the salience of the issue in dispute (favoring the sender state).

Finally, in 2013, Bapat et al. (2013, p. 84) conducted an empirical study to examine "the robustness of relationships between sanctions success and a number of variables that may contribute to success". They have included 18 variables in their study. Their findings suggested that in order for sanctions threats to succeed, there must be an involvement of IO in the sanctions episode, the costs on target states must be high, and the issue in dispute must be salient (Bapat et al., p. 90).

According to the literature, I conclude that there are four variables that can contribute to the effectiveness of economic sanctions threats; 1) the cost of sanctions borne by the target state, 2) the involvement of intergovernmental organizations, 3) the target state's regime type, and 4) the salience of the issues in dispute. However, the involvement of intergovernmental organizations should not be a variable that contributed to the success and failure of the sanction threats that the EU made against the six countries in Asia. As stated in the first chapter of this thesis, the sanctions threats were made collectively by member states of the European Union via the European Commission against the six Asian countries for their lack of commitment in addressing the issue of IUU fishing. Thus, all the cases under examination in this thesis are the cases in which the sanctions were imposed under the auspices of the same intergovernmental organization; the EU. Despite this fact, only four countries (out of six) complied with demands from the EU during the threat stage of the sanctions episodes. Therefore, it is clear that the involvement of intergovernmental organizations should not be a factor that affects the outcome of each case in this study.

This leaves us with only three variables; the regime type of the target state, the salience of the issue in dispute, and the cost of sanctions borne by the target state. First of all, let us have a look at the first variable; the regime type. If Allen's (2005, p. 124) argument that "democracies will concede more quickly to sanctions pressure" is true, then the countries which complied with the EU's demands during the threat stage of the sanctions episodes should have a high level

of democracy. In a bid to evaluate the level of democracy in each country, I will refer to the country's Polity score from Center for Systemic Peace's Polity data series. Every year, Center for Systemic Peace gives scores to states via its Polity5 Project to determine their regime types. A country can receive scores ranging from -10 to +10. The more democratic is the country, the higher is the score. According to Marshall and Elzinga-Marshall (2017, p. 29), a country will be considered as a democracy if it gets a Polity score between +6 to +10. It will be considered as an anocracy if its score falls somewhere between -5 to +5. Finally, the country can be considered as an autocracy if it gets a score between -10 to -6.

Aside from the Polity data series, I will also refer to Freedom House's Political Rights dataset to gauge each country's degree of democracy. In each year, Freedom House published annual scores that represent the level of political rights for states around the world. A state can receive a score on a scale from 1 to 7, with 1 representing the highest degree of freedom and 7 representing the lowest degree of freedom (Freedom House, 2018, p. 3). A state will be categorized as "free" if it receives a political rights score of somewhere between 1.0 – 2.5. It will be considered as "partially free" if it receives a score ranging from 3.0-5.0. Finally, the country can be categorized as "not free" if it gets a score from 5.5 to 7.0 (Freedom House, 2018, p. 3). Table 3.1 shows Polity scores of six countries in Asia that received the yellow card from the EC and Table 3.2 shows Political Rights scores of those countries.

**Table 3.1 Polity Score by Country from 2013 to 2018**

Country	2013	2014	2015	2016	2017	2018
Cambodia	(Anocracy) +2	(Anocracy) +2	(Anocracy) +2	(Anocracy) +2	(Anocracy) -4	(Anocracy) -4
Sri Lanka	(Anocracy) +3	(Anocracy) +3	(Democracy) +6	(Democracy) +6	(Democracy) +6	(Democracy) +6
South Korea	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8
The Philippines	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8	(Democracy) +8
Thailand	(Democracy) +7	(Anocracy) -3	(Anocracy) -3	(Anocracy) -3	(Anocracy) -3	(Anocracy) -3
Taiwan	(Democracy) +10	(Democracy) +10	(Democracy) +10	(Democracy) +10	(Democracy) +10	(Democracy) +10
Vietnam	(Autocracy) -7	(Autocracy) -7	(Autocracy) -7	(Autocracy) -7	(Autocracy) -7	(Autocracy) -7

Source: Center for Systemic Peace. (2018). *Polity IV Project, Political Regime Characteristics and Transitions, 1800-2018* [Data Set]. Retrieved June 19, 2020, from: <http://www.systemicpeace.org/inscrdata.html>



**Table 3.2 Political Rights Score by Country from 2013 to 2019**

Country	2013	2014	2015	2016	2017	2018	2019
Cambodia	(NF) 6	(NF) 6	(NF) 6	(NF) 6	(NF) 6	(NF) 6	(NF) 6
Sri Lanka	(PF) 5	(PF) 5	(PF) 5	(PF) 4	(PF) 3	(PF) 3	(PF) 3
South Korea	(F) 1	(F) 2	(F) 2	(F) 2	(F) 2	(F) 2	(F) 2
The Philippines	(PF) 3	(PF) 3	(PF) 3	(PF) 3	(PF) 3	(PF) 3	(PF) 3
Thailand	(PF) 4	(PF) 4	(NF) 6	(NF) 6	(NF) 6	(NF) 6	(NF) 7
Taiwan	(F) 1	(F) 1	(F) 1	(F) 1	(F) 1	(F) 1	(F) 1
Vietnam	(NF) 7	(NF) 7	(NF) 7	(NF) 7	(NF) 7	(NF) 7	(NF) 7

F = Free

PF = Partially Free

NF = Not Free

Source: Freedom House. (2020). *Freedom in the World 2013-2020* [Data Set]. Retrieved June 19, 2020, from: [https://freedomhouse.org/report/freedom-world?fbclid=IwAR2r4\\_eCDTDm6r1hl20DejjHOA0hF0DNhC2n1cy8c8HZ\\_3urAT3dTti95ew](https://freedomhouse.org/report/freedom-world?fbclid=IwAR2r4_eCDTDm6r1hl20DejjHOA0hF0DNhC2n1cy8c8HZ_3urAT3dTti95ew)

From Table 3.1, let's first have a look at the scores of Sri Lanka from 2013 to 2018. As I have mentioned in the first chapter of this thesis, Sri Lanka received a yellow card from the EC in November 2012 and it did not comply with the demands from the EC until it was given a red card in January 2015. According to Table 3.1 and 3.2, before 2015, Sri Lanka used to receive a Polity score of only +3 and a Political Rights score of 6, which means that the country was undemocratic. However, in 2015, there was a presidential election in Sri Lanka and the country's degree of democracy suddenly increased after the new government took office. The country's Polity score, for example, surged to +6 and stayed at that level until 2018. The country's Political Rights score also decreased to 4 in 2016 and 3 in 2017, which indicates that there has been more political freedom in the country after 2015. At the same time, the Sri Lanka's government had taken more steps to combat IUU fishing, like drafting a new national plan of action against IUU fishing in 2015, and the situation in its fisheries sector improved gradually alongside the increase in the country's degree of democracy until the red card got revoked in June 2016. This means that the increase in the country's degree of democracy might be associated with the country's sudden change in decision to comply with demands from the EC.

Now, let's have a look at the bigger picture. According to Table 3.1, three out of four countries in Group B (those that complied) have relatively higher Polity scores than the two countries in Group A (those that did not comply). South Korea, the Philippines and Taiwan received Polity scores of between +8 to +10 throughout the six-year period from 2013 to 2018, meaning that the three countries are highly democratic states. On the other hand, Cambodia and Sri Lanka, the two countries that did not comply in the threat stage of their sanctions episodes, received Polity Scores of only +2 and +3 in 2013 (one year after both countries received the yellow cards from the EC). This means that the Center for Systemic Peace considered both Cambodia and Sri Lanka as autocracies. If we take a look at Table 3.2, the data shows similar results. Both Cambodia and Sri Lanka got Political Rights scores of between 5-6 in 2013, making them being considered by Freedom House as nations with not so much political freedom for

its citizens. Meanwhile, three countries in Group B all have better Political Rights scores in that year compared to those of Cambodia and Sri Lanka. Taiwan and South Korea received the best Political Rights score of 1 in the same year. This is followed by the Philippines which received a Political Rights score of 3. At this stage, it is safe to assume that the countries which are democracies are more likely to comply with demands from the sender states during the threat stage of the sanctions episode (given that the sender states are also democracies).

The only country among those that complied with the EC's demand during the threat stage that received not-so good scores throughout the latter half of the 2010s is Thailand. According to Table 3.1 and 3.2, Thailand had a really low Polity score of -3 and a really high Political Rights score of 6 throughout the four-year period from 2015-2018. This was actually caused by the Thai military government who conducted a coup and overthrown the rightfully elected Prime Minister in 2014. After the military junta took power, Thailand's degree of democracy largely dropped and stays at that level up until now. Thus, Thailand is the only "black sheep" among the countries in Group B that isn't a democracy. However, I will later explain in this chapter that even though Thailand isn't a fully democratic state, it still chose to comply with demands from the EU during the yellow-carded period due to some economic incentives and the involvement of the US in its sanctions episode.

Next, let us have a look at the second variable under examination; the salience of the issue in dispute (as perceived by the target state). In order to determine whether the target state viewed the issue of IUU fishing as salient or not, I will examine the steps that each state had taken to address the issue of IUU fishing prior to the year that the yellow card was given to the country. The more prepared was the state, the faster it could respond to the threat from the EC. The best way to determine whether the target was well-prepared to fight IUU fishing or not is to see whether the country already had a national plan of action to prevent, deter and eliminate IUU fishing (NPOA-IUU) in place before it received the yellow card from the EC.

According to the result of my preliminary research, there were three countries out of the six that drafted their national plans of action before receiving the yellow cards from the EC. Those countries were South Korea, Taiwan and the Philippines (MOF, 2014, p.1, BFAR, 2013a, FA, 2013). What is interesting is that; these countries had really high polity scores and low political rights scores at the time when they received their official warnings from the EC, which means that they were highly democratic. Thus, I assume that the salience of the issue in dispute is a dependent variable which correlates to the degree of democracy in that country. Basically, if the target state is a democracy, there is a higher chance that the government of the country will care more about the issue of IUU fishing and take some steps to address the issue even without getting a sanctions threat from a sender state as it needs to improve its reputation in the world stage and retain the citizens' trust so that it could gain more support in future elections. It can be said that the country's level of preparedness in fighting against the issue of IUU fishing is only a dependent variable in the causal chain that links between the country's regime type and the outcome of its case. Therefore, up to this point, the dominant independent variable that could possibly lead to each country's decision to comply with demands from the EC is still the country's regime type.

However, I cannot conclude that the regime type is the only independent variable that is related with the outcomes of all the cases just yet. After all, Thailand still chose to comply with demands from the EC even though it was not a democracy in the year that it received its card. The question is; why did Thailand choose to comply even though it was not a democracy like the other three? In order to find an answer to this question, let's have a look at the third variable under the examination; the cost of sanctions borne by the target states. The assumption is that the higher economic costs the target states need to bear as results of the expected sanctions, the more they will be willing to comply with demands from the sender states. In this chapter, I will determine whether the EU's sanctions threats would have huge impact on a particular target state's economy or not by looking at two indicators; 1) the country's total value of fish exports to the global market as percentage of its GDP and 2) the country's total value of fish

exports to the EU as percentage of its total value of fish exports to the global market. The first indicator will help determine how important the fisheries sector is to the respective country's economy, while the second indicator will help determine how important the EU market is to the fisheries sector of that country. The data is shown in Table 3.3 and Table 3.4 in the next two pages.



**Table 3.3 Each Country's Total Value of Fish Exports to the Global Market as Percentage of Its GDP in the Respective Year that It Received the Yellow Card from the EC**

Country	Year that the yellow card was received	Country's GDP (million USD)	Value of fish exports to the global market (million USD)	Value of fish exports as % of the country's GDP
Cambodia	2012	14,054	14	0.10%
Sri Lanka	2012	68,434	266	0.38%
South Korea	2013	1,370,795	1,600	0.11%
The Philippines	2014	284,585	640	0.22%
Thailand	2015	401,296	1,800	0.44%
Taiwan	2015	525,600	1,400	0.26%
Vietnam	2017	223,780	5,800	2.59%

Source:

1. United Nations Statistics Division. (2018). *GDP and its breakdown at current prices in US Dollars* [Data Set]. Retrieved June 19, 2020, from: <https://unstats.un.org/unsd/snaama/Downloads>
2. Chatham House. (2018). '*resourcetrade.earth*' [Online Database]. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>
3. Trading Economics. (2019). *Taiwan GDP* [Online Database]. Retrieved June 19, 2020, from: <https://tradingeconomics.com/taiwan/gdp>
4. EETO. (2016). *EU-Taiwan Fact File 2016*. p. 10.

**Table 3.4 Each Country's Total Value of Fish Exports to the EU as Percentage of the Country's Total Value of Fish Exports to the Global Market in the Respective Year that It Received the Yellow Card from the EC**

Country	Year that the yellow card was received	Value of fish exports to the global market (million USD)	Value of fish exports to the EU market (million USD)	Value of fish exports to EU as % of total value of fish exports to the global market (USD)
Cambodia	2012	14	Less than 1000 USD	Less than 0.01%
Sri Lanka	2012	266	108	40.60%
South Korea	2013	1,600	81	5.06%
The Philippines	2014	640	51	7.93%
Thailand	2015	1,800	202	11.22%
Taiwan	2015	1,400	23	1.66%
Vietnam	2017	5,800	1,000	17.24%

Source:

1. Chatham House. (2018). *'resourcetrade.earth'* [Online Database]. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>
2. EETO. (2016). *EU-Taiwan Fact File 2016*. p. 10.
3. FAO. (2017). *Fishery Commodities Global Production and Trade* [Online Database]. Retrieved June 19, 2020, from: <http://www.fao.org/fishery/statistics/global-commodities-production/query/en>

According to data in Table 3.3, all four countries in Group B (those that complied with EC's demands) had relatively higher values of fish exports than countries in Group A (those that did not comply). South Korea, Thailand, and Taiwan saw values of fish exports that exceeded one billion USD in the years that they received their yellow cards from the EC. Meanwhile, the Philippines might not have been able to reach the one billion milestone in 2014 (the year it received the yellow card), yet the country was still able to export approximately 640 million USD worth of fish to markets worldwide in that year and that number is still a lot higher than the values that Cambodia and Sri Lanka were able to achieve in 2012. When looking at the countries' values of fish exports to the global market alone, it may seem that all countries in Group B had more economic incentives than countries in Group A to comply with the EC's demands in the years that they received their yellow cards.

However, if we have a look at each country's value of fish exports as a percentage of GDP, we can see that fish exports were worth a lot more to the GDP of Sri Lanka than to the GDPs of most countries that complied with the EC's demands during the threat stage, except for Thailand. In the year that Sri Lanka received its yellow card from the EC, the total value of its fish exports to the global market accounted for 0.38% of its GDP. Meanwhile, the values of fish exports of South Korea, Taiwan and Philippines accounted for less than 0.30% of their GDPs in the years that these countries received their yellow cards. It can be said that fish exports were actually more important to the economy of Sri Lanka than the economy of most countries in Group B, excluding Thailand, yet Sri Lanka still did not comply with the EC's demands during the threat stage of the sanctions episode.

Table 3.4 also shows similar results. The value of Sri Lanka's fish exports to the EU market was worth over 40% of its total value of fish exports to the global market in the year that it received the yellow card from the EC. That number is a lot higher than the number of any country in Group B. Thus, Sri Lanka should have been expecting a huge damage from the EC's sanctions to its fisheries sector



if the sanctions were to be imposed, yet the country still chose to neglect the warning from the EC during the threat stage of its sanctions episode. According to this information, it is safe to assume that the economic costs that the target states need to bear from the expected sanctions cannot be the dominant factor which caused them to comply with the EC's demands during the threat stage of the sanctions episode.

Nonetheless, this information gave me a lead to the answer why Thailand chose to comply with demands from the EC even though it was not a democracy like South Korea, Taiwan or the Philippines. According to Table 3.4, like Sri Lanka, Thailand depended on the EU market for fish exports a lot more than any other country which chose to comply with demands from the EC during the threat stage of the sanctions episode. The country shipped 1.8 billion USD worth of fish to the EU market in the year that it received the yellow card from the EC, which accounted for 11% of its total value of fish exports to markets worldwide. None of the countries in Group B had a number higher than that in the respective year that it received its card. From this information, I assume that Thailand may have chosen to comply with demands from the EC even though it was not a democracy as it was expecting to receive relatively more damage to its economy if the sanctions were to be imposed. But, what is the difference between the case of Thailand and the case Sri Lanka? Why did Thailand choose to concede to the EC's demands and Sri Lanka did not even though the imposed sanctions could cause a lot of damage to both countries' economy? The answer is that, in the case of Thailand, there was one more variable that came into play; the involvement of the United States.

In the past decade, aside from the EU, the United States was another superpower that had been encouraging the governments of some countries in Asia to deal with IUU fishing activities and labor issues in their fisheries sectors by either supporting them with aid programs or putting more pressure on them. There were three countries in group B that received either support or pressure from the United States; South Korea, the Philippines and Thailand. In 2013, the United

States' NOAA (National Oceanic and Atmospheric Administration) noted in its report to the congress that South Korea was unable to effectively control its fishing vessels in the CCAMLR area. The NOAA thus put South Korea on its list of nations whose vessels were engaged in illegal fishing activities (NOAA, 2013). The incident occurred in the same year that South Korea got its yellow card from the EU and it became another factor that prompted South Korea to take more serious actions to eliminate IUU fishing activities from its territorial waters.

As for the Philippines, the United States did not put pressure on the government but it had been supporting the Philippines in its fight against IUU fishing activities through several USAID programs (USAID, 2016, December 7). Those aids from the US had been helping the Philippines to deal with the issue of IUU fishing activities within its territorial waters since before the country received its yellow card from the EC. It should also be noted that the Philippines' BFAR drafted its first national plan of action against IUU fishing with the help from USAID officials as well (BFAR, 2013a, p.9).

In the case of Thailand, the United States put pressure on the country by downgrading Thailand to a Tier 3 Watch List in its 2014 Trafficking in Persons (TIP) report for the issue of forced labor found in its fisheries sector (United States Department of State, 2014, p. 372). The incident caused quite a panic among high ranking government officials at that time and I believe that it was one of the factors that helped increase Thailand's efforts to deal with other issues in its fisheries sector like IUU fishing. I assume that the involvement of the United States was the major factor that caused the difference in Thailand's and Sri Lanka's responses to the EU's warning. Sri Lanka, unlike Thailand and other two countries in group B, had never received any pressure or help from the United States in regards to the issue of IUU fishing activities within its territorial waters. Sri Lanka's status in the TIP report had never gone below Tier 2 during its sanctions episode and the country had never been warned by the NOAA about the issue of illegal fishing in its fisheries sector. Thus, I assume that even though Thailand and Sri Lanka both relied heavily on the EU as one of their major fish

export markets, Thailand should have had more incentives to comply with the EC's demands at the time due to the involvement of the United States in its sanctions episode. In the year that it received the card, Thailand might have chosen to put more effort into addressing the issue of IUU fishing because it was afraid that the country's economy would receive too much damage if the country lost both the EU market and the US market at the same time.

All things being considered; I would like to propose my arguments as follows.

If the target states are democracies, they are more likely to comply with demands from the sender during the treat stage of the sanctions episode. Instead, if they are autocracies, they will be more likely to comply with demands during the threat stage if they are expecting to bear a high economic cost from the sanctions and there is an involvement of another superpower in the sanctions episode.

In the next chapter, I will examine the cases of Cambodia and Sri Lanka in detail in a bid to find out how their undemocratic nature affected their decision to comply with demands from the EC during the threat stage of their sanctions episode.



## **Chapter 4 Cases of Countries Which Did Not Complied with the EU's Demands**

Since the European Commission established the carding system in 2010, there have been, so far, a total of seven countries in Asia that received yellow card warnings from the commission for the lack of commitment in addressing the issue of IUU fishing. Among those seven countries, Cambodia and Sri Lanka were the only two that did not comply with demands from the EC during the threat stage of their sanctions episodes. Countries which conform to demands from the EC during the threat stage were South Korea, the Philippines, Thailand and Taiwan. Vietnam, the latest country to receive the yellow card from the EC, is still in the process of addressing the issue of IUU fishing to satisfy the EC's demands and the threat stage of Vietnam's sanctions episode has yet to end. The case of Vietnam, thus, will not be included in either this chapter or the fifth chapter of the thesis but will later be briefly discussed in the conclusion.

In this chapter, the cases of two countries that did not conform to the EC's demands, Cambodia and Sri Lanka, will be greatly explored. In the case of Cambodia, I wish to demonstrate how the undemocratic nature of the country and the country's limited dependency on the EU's fish market have contributed to its decision to ignore the threat from the EC and take only small actions to address the issue of IUU fishing. As for the case of Sri Lanka, I wish to demonstrate by going through all the events related to IUU fishing that occurred in the country that even though the country had enough economic incentives to comply with the EC's demands, it still chose to ignore the warning from the EC during the threat stage of its sanctions episode as it lacked the political incentives to take action. Sri Lanka was only able to greatly improve the situation in its fisheries sector due to its transformation into a more democratic state after the sanction was imposed by the EC.

### **4.1 The Case of Cambodia**

Cambodia has one of the world's most productive inland fisheries thanks to the existence of large floodplains around the Tonle Sap (aka the Great Lake)

and along the Mekong river (FAO, 2019). According to data from the FAO (2019), in 2017, Cambodia's inland fisheries have produced roughly 528,500 tonnes of fish, accounting for 81.365% of the country's total fishery production in that year. By comparison, Cambodia's amount of marine fishery production was recorded at 121,025 tonnes in the same year, accounting for only 18.63% of the total (FAO, 2019). Therefore, it can be said that marine fisheries in Cambodia have been slow to develop while inland fisheries are more significant to the fisheries sector of the country.

Due to the country's abundant freshwater sources, Cambodian fishermen nowadays mostly operate their fishing activities in inland waters. There are currently over 650,000 fishers living in small-scale fishing communities around the Tonle Sap and the Mekong river (Kurien, 2017). Each person in these communities supply roughly 41.4 kg of fish annually for domestic consumption as well as for exports (Kurien, 2017). According to data from UNCTAD (2017, p. 22), catches from the Tonle Sap in each year contribute to approximately a quarter of Cambodia's fish exports. In 2018, Thailand and China were the two largest buyers of Cambodia fishery products (Chatham House, 2018).

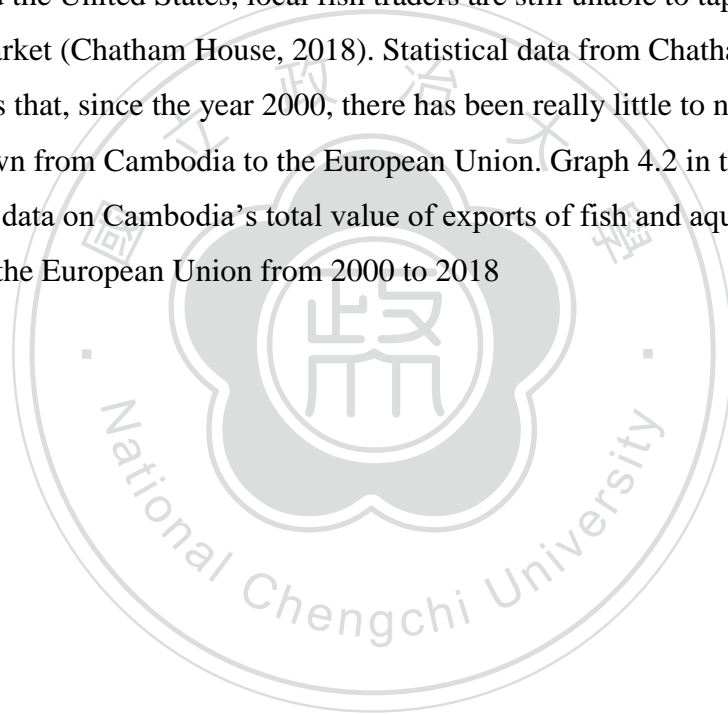
However, it is important to note that, unlike nowadays, fishermen were not able to catch fish for commercial profit and Cambodia did not export any fishery products to other countries during the Pol Pot regime (1975-1979) despite the country's abundant freshwater fish resources (See Graph 4.1). This is because commercial fisheries were banned and individual fishing was restricted by the military government during that period of time (Kusakabe, 2004). It was not until after Pol Pot was taken down from power in 1979 that commercial fishing activities started to spring up in border areas between Cambodia and Thailand (Kusakabe, 2004).

Unfortunately, even without Pol Pot, Cambodian fish traders were still not able to ship their products overseas in the 80s. In 1981, only two years after the termination of the Pol Pot regime, the government of Cambodia established a state-owned company called the Kampuchea Fish Import and Export Company

(also known as KAMFIMEX) with an aim to monopolize the country's fish export market (Kusakabe, 2004). According to Kusakabe (2004), KAMFIMEX was managed by the Ministry of Agriculture, Forestry and Fisheries (MAFF) in Cambodia. It was the sole licensed exporter of fishery products in the country at that time, which means that "all fish destined for export had to be sold to KAMFIMEX" (Kusakabe, 2004, p. 50). Generally, KAMFIMEX would buy fish from provincial distributors that were licensed by the MAFF and be the one to ship fishery products overseas. In 1990, KAMFIMEX had even opened its own office at the border town of Poipet, established a fish storage facility there, and forced all traders to go through KAMFIMEX and pay fees to the company if they want to export their fish to Thailand (Kusakabe, 2016).

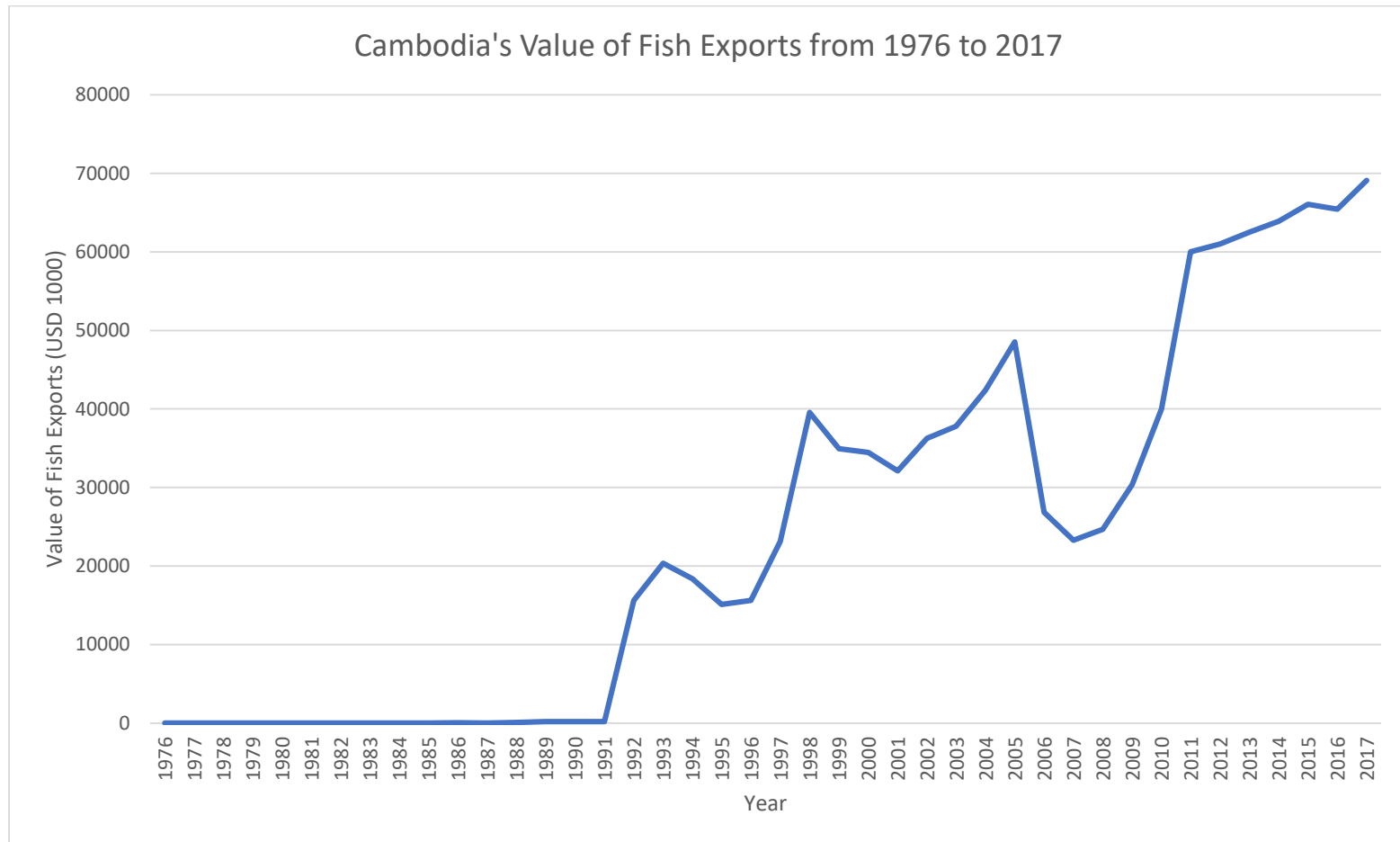
Since its establishment in 1981, KAMFIMEX had been ruling over Cambodia's fish export market for over two decades until it eventually collapsed in the early 2000s. According to Kusakabe (2004), the main reason behind the fall of KAMFIMEX was the decline in the amount of fishery products that pass through Poipet. Kusakabe (2004) noted that in a bid to avoid paying high fees to KAMFIMEX, many unlicensed exporters began to transport their goods via other informal trade routes in the early 1990s. At the same time, there was also an internal conflict in KAMFIMEX which led a number of managers to resign from the organization and founded a new company called the Import Export and Civil Development Construction Company (aka CDCO). CDCO eventually became an alternative channel for unlicensed exporters who wish to ship their products outside Cambodia without dealing with KAMFIMEX (Kusakabe, 2004, p. 52). As more and more traders started to cross borders to Thailand without paying export fees, KAMFIMEX began to lose control of the trade flow. In 2001-2002, according to Kusakabe (2016), many small-scale traders in Cambodia came together and protested against KAMFIMEX. The protesters demanded KAMFIMEX to stop collecting payments from traders and also demanded free trade for fish exports. After a yearlong process, the protestors have finally gained victory over KAMFIMEX when their demands were approved in 2004 (Kusakabe, 2016).

After the collapse of KAMFIMEX, Cambodia fish traders could export their products more freely. As a result, the country's recorded value of fish exports gradually increased from 23,126,000 USD in 1997 to 69,091,000 in 2017 (FAO, 2019) (See Graph 4.1). However, even though the number is steadily growing, it cannot be denied that the country's value of fish exports is still, and has always been, very low compared to those of other countries in Southeast Asia. This is actually because there are really few markets in the world that have agreed to import fishery products from the country. At present, even though Cambodia can export its fishery products to some markets like Thailand, Hong Kong, Australia and the United States, local fish traders are still unable to tap into the European market (Chatham House, 2018). Statistical data from Chatham House (2018) shows that, since the year 2000, there has been really little to no fishery products flown from Cambodia to the European Union. Graph 4.2 in the next two pages shows data on Cambodia's total value of exports of fish and aquatic resources to the European Union from 2000 to 2018



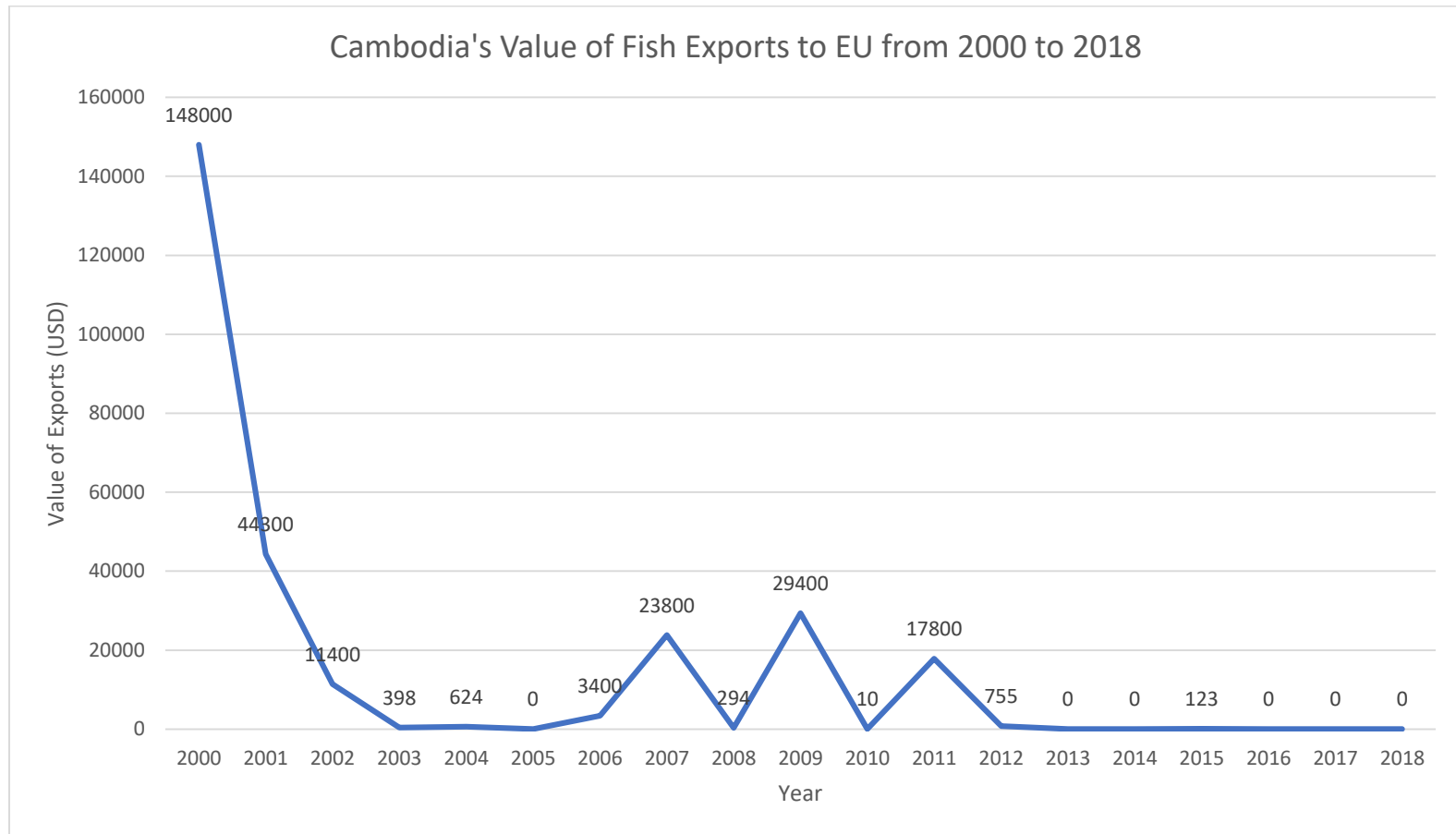


**Graph 4.1 Cambodia's Value of Fish Exports from 1976 to 2017**



Source: FAO (2019). *Fishery and Aquaculture Country Profiles: The Kingdom of Cambodia*. Retrieved June 19, 2020, from: <http://www.fao.org/fishery/facp/KHM/en>

**Graph 4.2 Cambodia's Value of Fish Exports to the EU from 2000 to 2018**



Source: Chatham House (2018). *'resourcetrade.earth'*. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>

The question is, why haven't Cambodian fish traders been able to export their fishery products to the European Union over the past decade despite the absence of any state-owned company monopolizing the export market? The answer is simple; according to Annex II of Decision 2006/766/EC, the European Commission has not permitted Cambodia to deliver its fishery products to the EU market since 2006 (European Commission, 2006). The EC made this decision in 2006 largely because Cambodia's fish processing and transporting system did not comply with most international standards, especially those of HACCP (UNCTAD, 2017).

To further explain why Cambodia's fish processing system was (and still is) poor in quality, let us have another look at data on Cambodia's value of fish exports from 1980 to 2017 in Graph 4.1. According to the graph, fish traders in Cambodia were only able to start exporting their goods to international markets in 1993, which was the year that KAMFIMEX began to lose its grip over the country's export market. Thus, up until now, Cambodia has had really little time to develop its fisheries sector compared to other countries. Even in the present day, the fisheries sector in Cambodia is still quite immature compared to those of its neighbors and there are currently few fish processing facilities in the country that can keep up with EU requirements. According to the European Commission (2018, p. 8), fish processing in Cambodia is "predominantly family-based and informal, with a few larger operations employing up to 20-40 workers during seasonal peak and producing food products such as fish ball, fish sauce, or crab meat". Currently, there are only two fish processing factories in Cambodia that are HACCP certified; Eche Ngov Heng Food Production and Kampot Seafood Company (Sok Chan, 2017, September 13).

Due to the lack of good fish processing facilities in the country, Cambodia has not been able to ship any fishery product to markets in Europe over the past decade and the country has always been one of EU's least important fish suppliers. Nevertheless, in 2012, the European Commission still considered the issue of IUU fishing in Cambodia as significant and gave the country a yellow

card for its lack of commitment in combating illegal fishing. According to the EC decision of 15 November 2012, Cambodia was given a yellow-card warning largely due to the incident in which two fishing vessels flying the flag of Cambodia named “Draco-1” and “Trosky” were seen fishing illegally in the CCAMLR convention area in 2010 (European Commission, 2012). In a bid to improve the situation in Cambodia’s fishing industry, the EC has demanded Cambodia to ratify international agreements governing fisheries and develop a national plan of action to fight IUU fishing. Also, the EC has recommended Cambodia to establish a sanctions system for “infringements of international management and conservation measures in respect of fishing activities conducted on the high seas” (European Commission, 2012, p. 41).

However, as many may have expected, Cambodia has been very unresponsive to the EU demands after the country got its yellow card in 2012 because the EU market had never been the main destination for the country’s exports of fishery products. In 2013, Nao Thuok, director-general of the Fisheries Administration at the Ministry of Agriculture, even gave an interview to Xinhua, saying that the sanctions announced by European Commission do not affect Cambodia’s fish exports at all as the country has never exported fish to the European market due to stringent standards (Xinhua, 2013). Thus, unlike some countries that responded promptly to the EU warning by publishing a national plan of action to prevent, deter and eliminate IUU fishing, Cambodia has never released such a document up until today. The only closest thing that Cambodia has offered as a guideline to improve its fishing industry was the “Strategic Planning Framework for Fisheries”. But, unlike a proper national plan of action, the document says really little about measures that the country will employ to tackle the issue of IUU fishing. Instead, the document focuses more on increasing aquaculture and marine fisheries production, improving the livelihood of people in the fisheries sector and building food security for people in the nation.

Aside from not developing a national plan of action, the country has also made really little attempt to ratify international fisheries laws. Up until today,

Cambodia has yet to ratify important international conventions and agreements such as the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stock Agreement, and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (aka the FAO Compliance Agreement). The only international fisheries law that Cambodia has ratified so far is the Agreement on Port State Measures (PSMA). However, Cambodia has just ratified the PSMA in December 2019, almost seven years after the country got its yellow card. Thus, Cambodia's decision to ratify the PSMA cannot be attributed to the yellow card warning or the red card that it received from the EC.

As the situation in Cambodia's fisheries sector did not improve, the European Commission decided to give a red card to Cambodia and ban all imports of fishery products from the country in March 2014, 16 months after the yellow card was issued. According to the Council Implementing Decision of 24 March 2014, Cambodia had failed to adopt an adequate legal framework, create an efficient monitoring system, and comply with recommendations and resolutions from relevant bodies such as the IPOA-UN (European Commission, 2014a). Thus, the EC identified Cambodia as a non-cooperating third country in fighting IUU fishing and put Cambodia on a banned list, given that the country had failed to "discharge its duties under international law as a flag state to take action to prevent, deter and eliminate IUU fishing" (European Commission, 2014a, p.3). Up until today, aside from ratifying the PSMA, Cambodia has yet to take any further action to address the issue of illegal fishing. Currently, in 2020, Cambodia is the only country in Asia that is still on the EC's list of non-cooperating third parties in fighting IUU fishing and the EC has still yet to lift the ban on its fishery products.

In conclusion, Cambodia's lack of cooperation with the EU in addressing the issue of IUU fishing can be attributed to both economic and political factors. There is some evidence which points out that Cambodia had ignored the EC's warning in 2012 and left the issue of IUU fishing untouched because Cambodian

authorities saw the EU as an unimportant market for Cambodian fish exporters. Firstly, data on Cambodia's fishery exports show that Cambodia had never shipped any fishery product to the EU up until the day that the red card was given to the country in 2013. Moreover, one of Cambodian authorities had even mentioned in an interview with a Chinese news agency in 2013 that the sanctions put against Cambodia will not affect the country's flow of fish exports in any way. At first glance, it may seem like Cambodian authorities have made the decision to ignore the EC's sanction threat purely out of economic reasons. However, after looking into the history of Cambodian fishery sector, I found that Cambodia's current inability to export fish to the EU market is actually related to the political situation in the last three decades of the 20<sup>th</sup> century, in which the fishery sector was heavily regulated by an authoritarian regime. Basically, the Pol Pot regime's prohibition of commercial fishery in the 70s and the KAMFIMEX's monopoly of the country fish export market in the 80s and the 90s left the country's fishery processing facilities mostly underdeveloped, and many first world countries (including those in the EU) have refused to import fishery products from Cambodia because the quality of Cambodia's fish production did not meet with international standards. In other words, Cambodia's current inability to export fishery products to the EU market is a byproduct of the regulation set up by an authoritarian regime back in the late 20<sup>th</sup> century. Also, the nature of an authoritarian regime made Cambodia become totally unprepared to address the issue of IUU fishing when it received the yellow card. It had not ratified any important international fisheries law prior to 2012 and it had also never drawn up any national plan of action to fight against IUU fishing before that year as leaders in the country saw the issue of illegal fishing as unimportant. Thus, I conclude that the major factors that contributed to the failure of the sanctions threat that the EC made against Cambodia were 1) the country's undemocratic political system and 2) the very low impact that the EU sanctions could have on Cambodia's fishery sector.

## 4.2 The Case of Sri Lanka

In 2012, aside from Cambodia, Sri Lanka was another country in Asia that received a yellow card warning from the EC for its lack of commitment in addressing the issue of IUU fishing. This makes Sri Lanka and Cambodia the first pair of countries in Asia to get a warning from the EC. However, it should be noted that, even though the two countries were identified as having the issue of IUU fishing within their territories in the same year, the fisheries sectors of both are quite different from each other in a few aspects. I would first like to briefly discuss these differences before exploring the actions that the Sri Lankan government has taken to fight IUU fishing.

There are three main aspects that make Sri Lanka's fisheries sector differ from the fisheries sector of Cambodia. First of all, unlike Cambodia, Sri Lanka's fisheries sector depends a lot more on marine fisheries than inland fisheries. Because Sri Lanka is an island nation surrounded by the Indian Ocean, the country has a really long coastline, which extends over 1,700 kilometers. Therefore, the country is entitled to reap benefits from its marine resources and the majority of fishermen in the country, about 85% of the total, work for the marine sector (FAO, 2006). On the other hand, inland fisheries contribute really little to Sri Lanka's total catches in each year. According to data from National Aquatic Resources Research and Development Agency (NARA) (2018), the total marine fish production of Sri Lanka in 2017 amounted to 449,440 metric tons, accounting for about 85% of the country's total capture production in that year. Meanwhile, the country's total amount of fish production from inland fisheries and aquaculture in the same year was 81,870 metric tons, accounting for only 15% of total (NARA, 2018). Thus, the issue of IUU fishing in Sri Lanka was a lot more severe and difficult to address as most fishing activities in Sri Lanka occurred in the coastal areas and in the high sea, not in inland waters. In order for Sri Lanka to effectively fight against the issue, the Sri Lankan government had to develop a good monitoring, control and surveillance (MCS) system to track fishing activities conducted by vessels flying its flag both within and outside its EEZ.

Secondly, when both countries got their yellow cards in 2012, Sri Lanka's fisheries sector was a lot more mature than Cambodia's fisheries sector in terms of exports. It can be said that exports of fishery products have always been more significant to Sri Lanka's economy. In 2012, Sri Lanka's total value of fishery exports had already reached 266 million US dollars, a lot higher than Cambodia's number in the same year (Chatham House, 2018). On top of that, unlike Cambodia, Sri Lanka has long been an important fish trade partner of the European Union. At the very least, the country was listed in the Commission Decision of 6 November 2006 as one of the countries and territories that are permitted to export fishery products to the European market. As a result of being on that list in 2006, Sri Lanka's value of fish exports to the EU has been growing tremendously in the second half of the 2000s (Chatham House, 2018). In fact, in 2009, the top four importers of fishery products from Sri Lanka were members of the EU (Chatham House, 2018). Hence, the impact of the European Union's ban could have been more severe for Sri Lanka than Cambodia.

Thirdly, since fish exports were relatively more important to the fisheries sector of Sri Lanka than to the fisheries sector of Cambodia, Sri Lanka was more prepared than Cambodia in terms of the implementation of international fisheries laws when the two countries received the warnings from the EC in 2012. Even before the yellow card was issued to Sri Lanka in 2012, the country had already ratified several important international fisheries laws like the UNCLOS, the UN Fish Stock Agreement and the FAO Port State Measures Agreement (DFAR, 2013). Moreover, the country had also become a member of the Indian Ocean Tuna Commission (IOTC) and ratified the IOTC agreement in 1994 (DFAR, 2013). As a member of IOTC, Sri Lanka is committed to adopt appropriate conservation and management measures to ensure the optimum utilization of fish stocks covered by the IOTC agreement (Lobach 2015). Also, under the IOTC agreement, Sri Lanka is required to cooperate with IOTC to prevent, deter and eliminate IUU fishing by developing port inspection schemes, implementing VMS, identifying vessels that are engaged in IUU fishing and regulating transshipment operations (Lobach, 2015, p. 14).



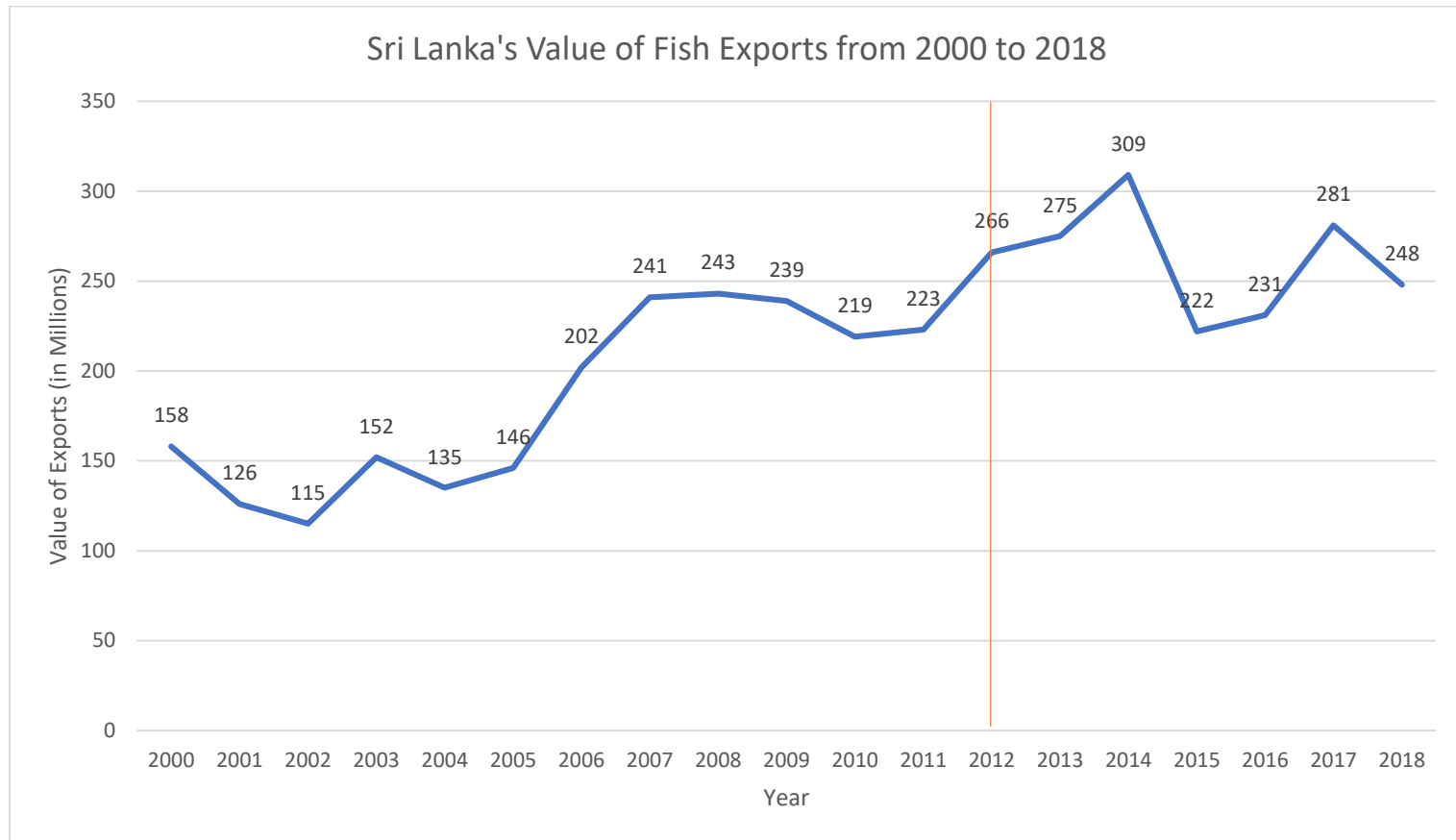
However, it is important to note that, compared to other countries which chose to conform to the EC's demands during the threat stage of their sanctions episodes, Sri Lanka's preparation in 2012 to fight against the issue of IUU fishing was still lacking. Unlike South Korea, the Philippines and Taiwan, Sri Lanka had never drawn any international plan of action to fight IUU fishing before it received the yellow card in 2012. Thus, even though Sri Lanka had ratified several international agreements on fisheries before 2012, the country did not actually have any provisions in its national law to give effects to those agreements it had signed and neither did it have a concrete roadmap to eliminate IUU fishing activities from its territorial waters.

On 15 November 2012, the EC finally notified Sri Lanka of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing. According to Commission Decision of 15 November 2012, the European Commission (2012) decided to give Sri Lanka a yellow card warning largely because 1) Sri Lanka had provided no legislation for the granting of fishing licenses for Sri Lankan flagged vessels to operate outside of Sri Lankan EEZ, 2) Sri Lanka had failed to implement international fisheries laws despite being a member of IOTC and 3) Sri Lanka did not submitted enough information on its plan to adopt VMS for all vessels larger than 15 meters in length to the IOTC. Also, the EC (2012, p.32) claimed that there were many Sri-Lankan fishing vessels that had been caught fishing illegally in the IOTC Convention Area during 2010-2012. As a result of being identified as a country that might fail to cooperate with the EC in fighting illegal fishing, Sri Lanka was given six months to come up with a national plan of action and address the shortcomings identified in Commission Decision of 15 November 2012.

It is important to note that Sri Lanka is one of the countries that depend a lot on the EU as a major export destination for fish products. According to data from Chatham House (2018), Sri Lanka exported 108 million USD worth of fish to the EU in 2012, accounting for over 40% of its total value of fish exports to the global market in that year. Moreover, the EU was also the largest buyer of Sri

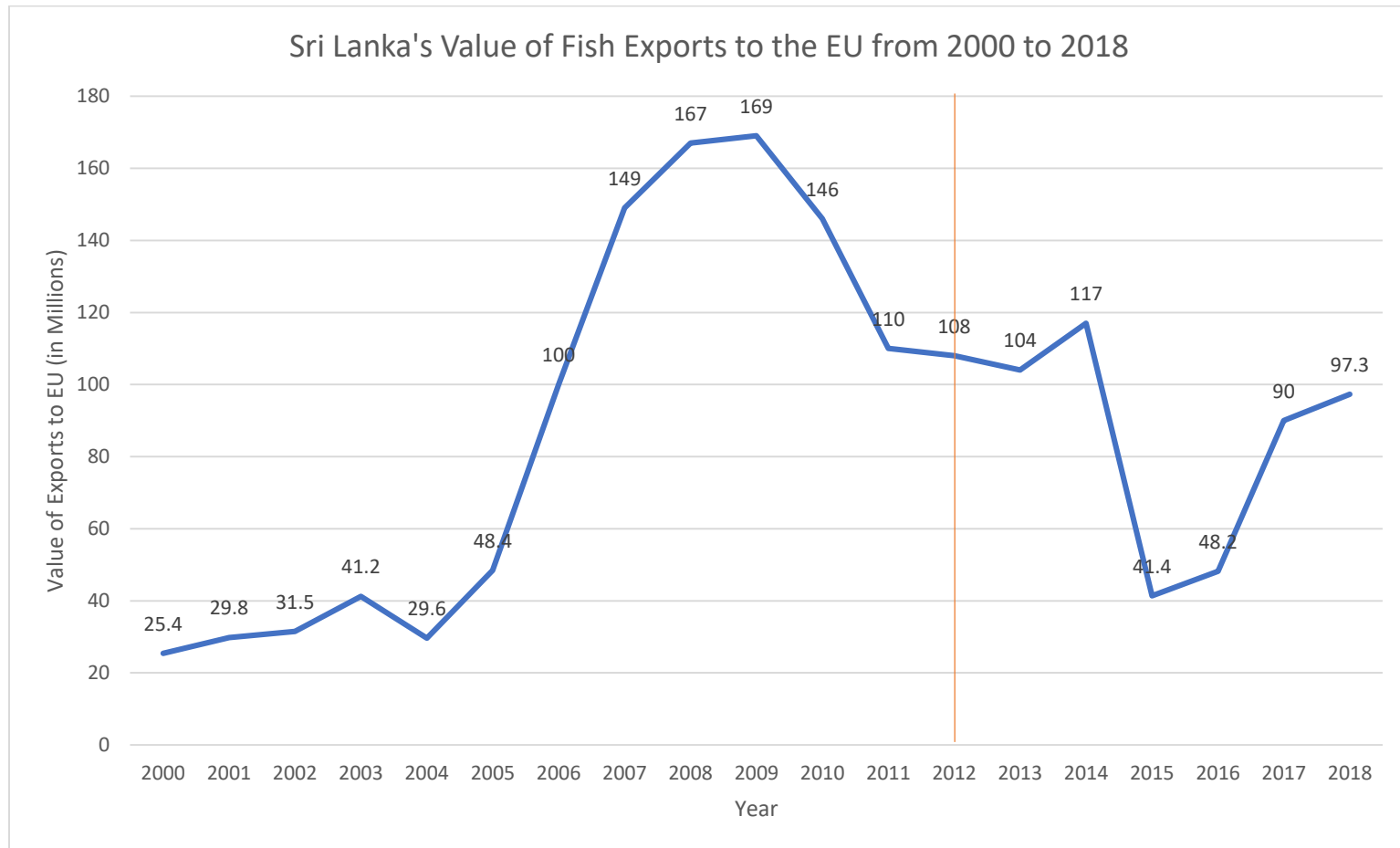
Lanka fish products in that year (Chatham House, 2018). However, Sri Lanka's fisheries sector did not immediately take any significant damage from the EU sanctions threat. In the first two years after the yellow card was given to Sri Lanka, the country's total value of fish exports to the global market did not suddenly drop but it still kept on growing from 266 million USD in 2012 to 309 million USD in 2014 (refer to Graph 4.3). This is because Sri Lanka, during that time, still had alternative export markets for its fishery products. These alternative markets include the United States, Japan and other countries in Asia (Chatham House, 2018). However, the yellow card did take some toll on the country's fish exports to the European market. From information in Graph 4.4, readers can clearly see that Sri Lanka's total value of fish exports to the EU dropped slightly from 108 million USD in 2012 (which was the year that the country received the yellow card) to 104 million USD in 2013. Then the value dropped dramatically to 41.4 million USD in 2015 (which was the year that the country received the red card). Eventually, Sri Lanka's value of fish exports to the world also started to decrease as well in 2015. It was not until 2016 (the year that the yellow card was lifted) that both the country's value of fish exports to the EU and to other parts of the world started to rise again (Chatham House, 2018).

**Graph 4.3 Sri Lanka's Value of Fish Exports from 2000 to 2018**



Source: Chatham House (2018). *'resourcetrade.earth'*. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>

**Graph 4.4 Sri Lanka's Value of Fish Exports to the EU from 2000 to 2018**



Source: Chatham House (2018). *'resourcetrade.earth'*. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>

In 2013, the Sri Lankan government, under the leadership of President Mahinda Rajapaksa, responded to the EC's yellow card warning by developing a National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (NPOA-IUU) and submitted the plan to the European Commission. The plan was developed in accordance with the guidelines stipulated in the IPOA-IUU and contains measures that would later be adopted by Sri Lanka to fight IUU fishing (DFAR, 2013). According to Department of Fisheries and Aquatic Resources (aka DFAR) (2013), before the 2013 National Plan of Action was developed, the Fisheries and Aquatic Resources Act (FARA) that governs Sri Lanka's fisheries sector did not include provisions to implement measures that are needed to combat IUU fishing. Thus, the 2013 NPOA-IUU was created with an aim to incorporate provisions that give effect to the three important international fisheries laws that Sri Lanka had ratified (namely UNCLOS, FAO Compliance Agreement and FAO Port State Measures Agreement) into FARA and enable DFAR to better control illegal fishing activities conducted by fishing vessels flying the flag of Sri Lanka in Sri Lanka waters, waters of national jurisdictions of other coastal states and high-seas.

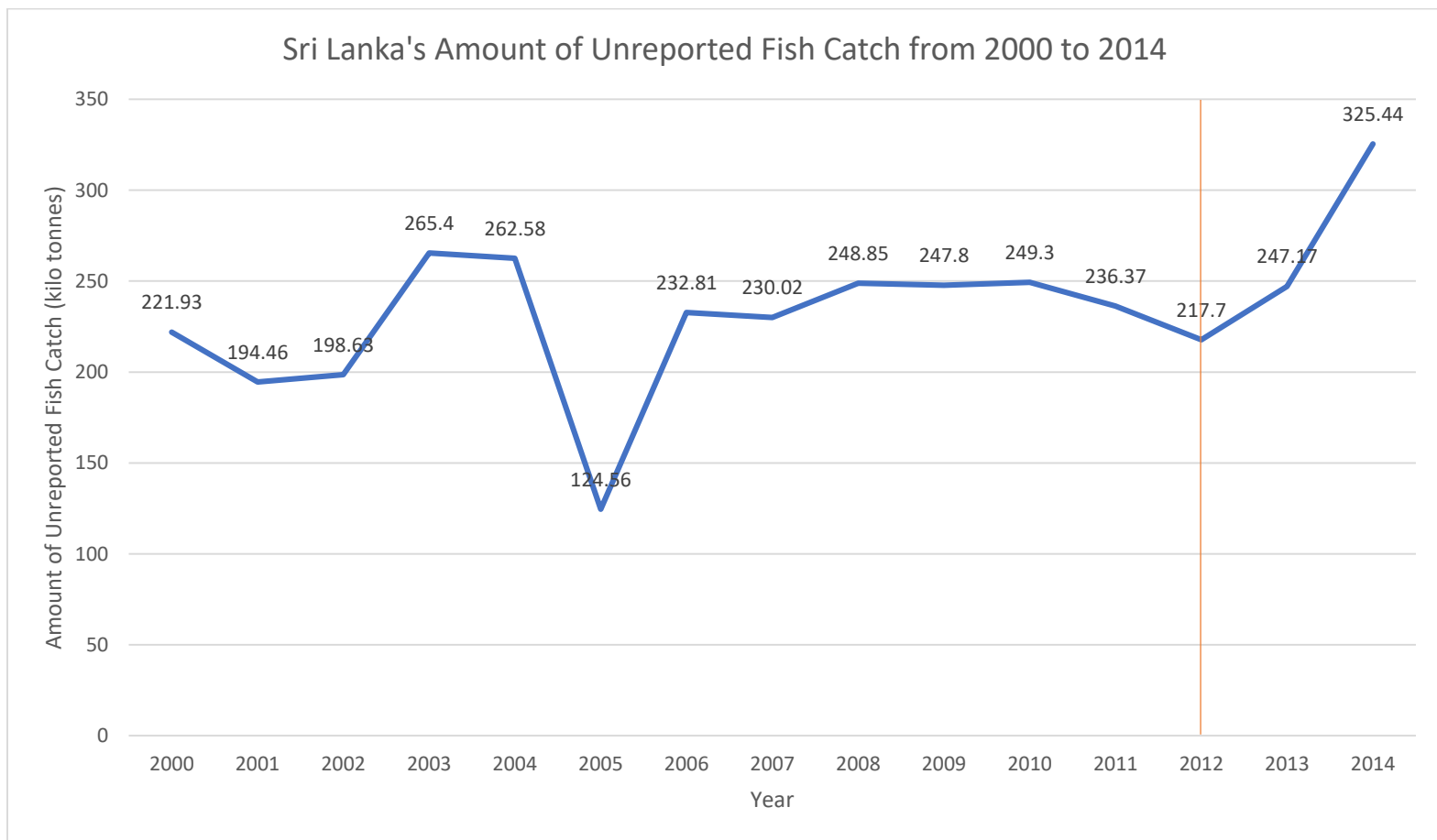
However, the provisions that were incorporated into FARA in 2013 did not include penalties that are heavy enough to deter fishermen from conducting illegal fishing activities in high seas. For example, according to Fisheries and Aquatic Resources (Amendment) Act, No. 35 of 2013, a person who engages in any fishing operation in high seas without a license granted by the Director General of DFAR shall "be liable to imprisonment for a term not exceeding two years or to a fine not less than one million and five hundred thousand rupees" (Parliament of Democratic Socialist Republic of Sri Lanka, 2013, p.22). The penalties were quite light compared to the ones prescribed in Fisheries and Aquatic Resources (Amendment) Act, No. 2 of 2015, which states that a person who engages in any fishing operation in high seas can be liable to an imprisonment for a term not exceeding two years or to a fine from 1.5 million rupees to 150 million rupees, depending on the length of the boat (Parliament of Democratic Socialist Republic of Sri Lanka, 2015, p.1). Furthermore, the 2013

NPOA-IUU did not include a scheme for issuing fishing operation licenses to fish in high seas. There was only a scheme for issuing fishing operation licenses to fishermen who want to fish in local Sri Lanka waters. Thus, it can be said that the 2013 NPOA-IUU was not quite well-designed in terms of the governance of fishing vessels operating in high seas.

Also, in an attempt to better monitor fishing activities conducted by Sri Lankan boats, DFAR had demanded all mechanized local fishing boats to maintain a logbook issued by DFAR and use a transponder for vessel monitoring systems (DFAR, 2013). However, the process of installing transponders on Sri Lanka's fishing vessels during 2012-2014 had been quite slow, making it extremely difficult for Sri Lankan authorities to track fishing activities both within and outside of the country's EEZ. In 2014, the EC noted in the Commission Implementing Decision of 14 October 2014 that Sri Lanka "failed to equip its vessels above 15 meters in overall length with VMS and to construct a Fisheries Monitoring Center (FMC)" (European Commission, 2014c, p.7).

Due to all of these reasons, Sri Lanka's amount of unreported catch continued to rise without a sign of slowing down even after the country had received the warning from the EC. According to data from Sea Around Us (2019), the amount of unreported catch in Sri Lankan waters rose from 217,700 tonnes in 2012 to 325,440 tonnes in 2014, an increase of almost 40%. Overall, it is clear that the government under the leadership of President Mahinda Rajapaksa had hugely failed to eradicate IUU fishing activities from Sri Lanka water during the year 2012-2015. Graph 4.5 shows data on the amount of unreported catch in Sri Lanka from 2000 to 2014.

**Graph 4.5 Sri Lanka's Amount of Unreported Fish Catch from 2000 to 2014**



Source: Sea Around Us (2019). *Catches by Reporting Status in the Waters of Sri Lanka*. Retrieved June 19, 2020, from: <http://www.seararoundus.org/data/#/eez/144?chart=catch-chart&dimension=reporting-status&measure=tonnage&limit=10>

All of these being considered, the European Commission finally determined that Sri Lanka had not been making good progress in combating IUU fishing and gave the country a red card in October 2014, meaning that after the trade ban came into force in mid-January 2015, Sri Lanka would no longer be able to export their fishery products to the European Market. After the decision to list Sri Lanka as a non-cooperating third country was made, Sri Lanka's value of fish exports to the European market plummeted for several months. According to Economy Next (2015, August 21), a media company based in Colombo, Sri Lanka seafood exports dropped by 36 percent to 85.8 million USD in the first half of 2015 because of the ban.

Interestingly, when the import ban came into effect in January 2015, there was another important political event happening in Sri Lanka; the 2015 Sri Lankan presidential election. There were two presidential candidates running for office in that year. The first candidate was the incumbent President Mahinda Rajapaksa from the United People's Freedom Alliance Party who was seeking a third term in the office. The second candidate was Maithripala Sirisena from the New Democratic Front Party. The 2015 presidential election gained a lot of attention from both local and international press as it was "the most significant for decades in the island nation and a last chance for democracy" (Burke and Perera, 2015, January 10). According to the Guardian, Sirisena won the election after receiving 51.2% of votes from Sri Lankans. Burke and Perera (2015, January 10), both news writers for the Guardian, stated that the victory of Sirisena has ended "a decade of rule that critics said had become increasingly authoritarian and marred by nepotism and corruption". Since Sirisena became the new president of Sri Lanka from the 2015 election, the degree of democracy in Sri Lanka has been improving drastically. According to the Center for Systemic Peace (2018), Sri Lanka's Polity Score increased from 3 in 2014 to 6 in 2015 and stayed at that level until 2018. Aside from that, Sri Lanka's Political Rights score also decreased from 5 in 2015 to 4 in 2014 and fall even lower to 3 in 2017, which means that there has been more political freedom for the citizens in Sri Lanka since Sirisena took office in 2015 (Freedom House, 2020).



The situation in Sri Lanka's fishery sector has also been improving along with the country's degree of democracy. It cannot be denied that the government under the leadership of Sirisena cares more about the situation and has been doing a better job than the previous government in addressing the issue of IUU fishing in Sri Lanka. According to Ramakrishnan (2016, April 22), a news writer for The Hindu, the Sirisena government even blamed the previous government for "failing to comply with international regulations despite repeated warnings from the EU". As a response to the EC's ban on fish imports from Sri Lanka, the Sirisena government immediately released an updated version of the NPOA-IUU only a few months after the ban came into effect in mid-January 2015. The 2015 version of the NPOA-IUU has incorporated provisions that allow DFAR to better govern fishing boats in high seas into FARA and included more severe penalties for fishermen who violate FARA by fishing in high seas without licenses issued by DFAR (DFAR, 2015).

However, the success of the Sirisena government in eliminating IUU fishing can actually be attributed to the establishment of a well-designed vessels monitoring system in Sri Lanka. As soon as the 2015 version of the NPOA-IUU was published, the DFAR immediately made plans to 1) establish a land base fisheries monitoring center (FMC) and 2) require fishermen fishing in offshore waters to install transponders for a satellite based vessel monitoring system inside their multi day fishing boats (DFAR 2015). In April 2015, A. L. Tilakaratne, assistant director of the Sri Lankan Fisheries Department, told World Fishing that the monitoring center was expected to be fully functional at the Fisheries Ministry by the end of May 2015 and the Ministry had already asked Visma Consulting A/S to supply Sri Lanka with transponders that will be installed on 1,500 multi day fishing boats to monitor their whereabouts and amount of catch (Jayatilleke, 2015, April 7). In June 2015, Prime Minister Ranil Wickramasinghe told Lanka Business Online that the government had already "installed the necessary equipment in 165 fishing boats" (Chandrasekara, 2015, June 22). Finally, Gunasekara and Rajapaksha (2016) reported in their paper that was published in

October 2016 that 1,500 out of 4,447 Sri Lankan fishing boats have been fully equipped with VMS.

In April 2016, the European Commission lifted its ban on imports of Sri Lanka's fishery products as a result of the country's significant improvements to prevent, deter and eliminate illegal fishing. According to the Commission Implementing Decision (EU) 2017/1949 of 25 October 2017, the European Commission (2017b, p.1) made the decision to remove Sri Lanka from the list of non-cooperating countries as Sri Lanka "has implemented the relevant international laws obligations and the actions undertaken by Sri Lanka as a flag state are sufficient to ensure compliance with the provisions of Articles 94, 117 and 118 of UNCLOS and Articles 18, 19, 20 and 23 of United Nations Fish Stocks Agreement". Overall, it took the Sirisena government only one and a half years to get the red card revoked after the card was issued to Sri Lanka in October 2014. After the ban was lifted, seafood traders in Sri Lanka have gained back the trust of European consumers and the country's value of fish exports to the EU market began to rise. According to data from Chatham House (2018), Sri Lanka's value of fish exports to the EU significantly increased from 41.4 million USD in 2015 to 97.3 million USD in 2018 (refer to Graph 4.4).

In conclusion, Sri Lanka's lack of cooperation with the EU in addressing the issue of IUU fishing in 2012-2014 can be attributed to an internal political factor. When the yellow card was issued to the country in 2012, Europe was a really important fish export destination for Sri Lanka's fish traders. Thus, unlike Cambodia, Sri Lanka should have had enough economic incentives to give full attention to the issue, try its best to eliminate IUU fishing activities from its territorial waters and stop fishing vessels flying the flag of Sri Lanka from fishing illegally in the high seas. However, statistical data from Sea Around Us (2019) clearly shows that Sri Lanka's amount of unreported catch continued to rise even after the yellow card was received because the government under the leadership of Rajapaksa was being quite ignorant of the issue. It was not until the country got its new government after the 2015 presidential election that the situation in the

fisheries sector began to improve. Since President Sirisena took office in the first month of 2015, Sri Lanka's Polity score has increased significantly and the government has also been cooperating more with the EU to address the issue of IUU fishing. Thus, I believe that the degree of democracy in Sri Lanka is related to the government's decision to comply or not comply with the EU's demands.

It is also important to note that, like in the case of Cambodia, the undemocratic nature of Sri Lanka made the country become relatively less prepared to fight against IUU fishing compared to other democratic states in the year that it received the yellow card and that resulted in the government's slow response to the EU's warning during the threat stage of its sanctions episode. Prior to 2012, Sri Lanka had already ratified several international fisheries agreements. However, the Rajapaksa government did not draft any plan of action before 2012 because it viewed the issue of IUU fishing as unimportant, unlike in the cases of South Korea, the Philippines and Taiwan, in which the governments already had an NPOA-IUU in place before the years that they received their cards. Moreover, the country's national law did not have any provision that could give effects to those agreements that Sri Lanka had ratified as well. It was not until 2015, after the Sirisena government created a new NPOA-IUU that Sri Lanka started to revise its national laws governing the fisheries sector and follow the action plan seriously. All things being considered, Sri Lanka only had economic incentives to follow the EU's demands, and that was not enough to prompt the Rajapaksa government to take serious action to fight against IUU fishing during the threat stage of the sanctions episode.

### **4.3 Conclusion**

In sum, I believe that the sanctions threats that the European Commission made against Cambodia and Sri Lanka in 2012 became quite ineffective due to the autocratic nature of the two target states. Cambodia in the early 2010s did not care much about the yellow card warning from the EC as the European market had never been important to the country's fisheries sector. In the 90s, Cambodia's fisheries sector was heavily regulated by a state-run entity and this made it really

difficult for the country's fish processing industry to develop. Due to this particular reason, the EU has always refused to accept low-quality fish products from Cambodia. Thus, it was not so surprising that the government of Cambodia chose to not comply with the EC's demands during the threat stage of its sanctions episode as complying will provide only limited benefits to the country's fisheries sector.

The case of Sri Lanka, meanwhile, clearly demonstrates that if a target state is an autocracy, it will likely choose to not comply with the sender's demands during the threat stage of its sanctions episode even though the expected sanctions could inflict a huge damage to its economy. In the first half of the 2010s, Sri Lanka was under the presidency of Mahinda Rajapaksa, which was considered by many as an authoritarian leader. According to my findings, the Rajapaksa government did not regard the issue of IUU fishing as important and the country was not well-prepared to address the issue when the yellow card was received. Furthermore, during the threat stage of the sanctions episode, the Rajapaksa government had done really little to improve the situation in the fisheries sector even though the country should have had a lot of economic incentives to comply with the EC's demands, and the amount of unreported catch continued to rise because of that. However, when the Sirisena government came into power in 2015 after the red card was issued, the degree of democracy in Sri Lanka suddenly increased and the country began to put more efforts into the fight against IUU fishing. It is clear from the case study that the Sirisena government viewed the issue of IUU fishing as more salient than the Rajapaksa government.

Thus, the findings from this chapter fully support my argument that a state will be less likely to comply with demands from a sender state during the threat stage of its sanctions episode if the country is being governed by an undemocratic regime.

## **Chapter 5 Cases of Countries Which Complied with the EU's Demands**

In the previous chapter, I have examined the cases of Sri Lanka and Cambodia and discussed the factors which contributed to the EC's failed attempts to use economic sanction threats to coerce the two countries into addressing the issue of IUU fishing. In this chapter, the cases of South Korea, the Philippines, Thailand and Taiwan will be greatly explored. The countries mentioned in this chapter are those that chose to comply with the EC's demands during the threat stage of the sanctions episode. Among the four, South Korea and the Philippines were the first pair to receive the yellow cards from the EC. They were also the fastest pair of countries to resolve the issue in dispute with the EU. By exploring the cases of South Korea and the Philippines, I wish to demonstrate how the two countries' democratic nature greatly affected their decision to cooperate with the EU in its international fight against IUU fishing.

The cases of Thailand and Taiwan occurred after the two aforementioned cases. Among these two, the case of Thailand is quite interesting as the country was an undemocratic state while it was caught in the sanctions episode. By exploring the case of Thailand, I wish to demonstrate that a target state could also choose to comply with demands from the sender even if it is not a democracy like the sender as long as these two conditions are met; the target state is expecting to bear a very high economic cost from the sanctions and there is an involvement of another superpower like the US in the sanctions episode.

### **5.1 The Case of South Korea**

South Korea is a maritime nation which has a very long coastline of over 2,400 kilometers and the country is surrounded by three seas, namely the Yellow Sea, the East China Sea and the Sea of Japan. Due to this geographical characteristic, South Korea has a very prominent marine fisheries sector which employed approximately 256,000 people and produced 1.2 million tonnes of fish in 2015 (FAO, 2019b). According to Midani and Lee (2016) fisheries in the country's EEZ serve as a major supplier of fish for domestic consumption while

South Korea's distant water fisheries contribute largely to the country's exports of fish products. One of South Korea's most important fish products is Tuna, which is widely enjoyed by both domestic and foreign consumers (Midani & Lee, 2016). In recent years, the increase in global demand for seafood and tuna forced Korean fishing community to largely expand its distant water fleet. Thus, South Korea currently has one of the largest distant water fishing fleets in the world, which comprises 221 license vessels (The Maritime Executive, 2019, December 21). Moreover, the country also has the largest number of vessels that are allowed to fish in the CCAMLR convention area as well (The Maritime Executive, 2019, December 21).

Unlike Sri Lanka and Cambodia, South Korea has been considering the issue of IUU fishing as significant and has also been working to a certain degree to address the issue since the first decade of the 21<sup>st</sup> century. Even before the European Union started being concerned about illegal fishing activities within South Korea's territorial waters and gave the country a yellow-card warning, the country had already ratified the two most important international fisheries regulations; the UN Fish Stock Agreement and the FAO compliance Agreement, in 1996 and 2003, respectively (MOF, 2014, p.6). Apart from that, the country has also been a member of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Indian Ocean Tuna Commission (IOTC), the two very significant regional fisheries management organizations, since they were founded in 1985 and 1993 (MOF, 2014, p.7). Most importantly, the country was one of the earliest countries in Asia to draft the national plan of action to prevent, deter and eliminate IUU fishing (NPOA-IUU). According to the country's Ministry of Oceans and Fisheries (MOF) (2014, p.1), the country's NPOA-IUU was first drafted in February 2005, earlier than other Asian countries that received yellow cards from the EU. Unfortunately, in 2008, there was a major cabinet reshuffle that led to the breakup of the Ministry of Maritime Affairs and Fisheries, which was the central authority that was designated to govern the country's fisheries sector at that time. Due to the incident, the plan did not get reviewed in 2009 as recommended by the FAO and the issue became obsolete

over time (MOF, 2014, p.1). It was not until in 2011 and 2014 that the government revisited and revised the plan after the establishment of the Ministry of Oceans and Fisheries.

However, despite being a party to IOTC, CCAMLR, and two important international agreements, South Korea in 2013 still did not have a good fishing monitoring, control and surveillance system in place and the country's fisheries law still lacked harsh penalties that could be used effectively by authorities to deter fishermen from fishing illegally in the high sea. In January 2013, the United States' National Oceanic and Atmospheric Administration or NOAA (2013, p.25) noted in its report to the congress that South Korea was unable to effectively control its fishing vessels that were authorized to fish in the CCAMLR convention area. The office reported that, on February 23, 2011, a South Korean fishing vessel, namely the Insung No.7, was found using its gears to fish in an area under CCAMLR convention even though the captain of the boat was fully aware that the catch limit has already been exceeded, resulting in an illegal catch of 35.5 tons of fish (NOAA, 2013, p.25). In order to punish the captain of the Insung No.7, South Korea reported to NOAA that it had imposed a fine of approximately 1300 USD on the captain of the vessel and suspended the vessel from fishing in the CCAMLR convention area for 30 days (NOAA, 2013, p.25). However, NOAA was not quite content with the punishment. In its report, NOAA (2013) believed that the fine imposed on the violator was too light and South Korea should have employed stronger sanctions against vessels that fish illegally in the high sea. Thus, NOAA decided to put South Korea on its list of nations whose fishing vessels were engaged in illegal fishing activities in 2013.

In addition to that, on 26 November 2013, 11 months after NOAA published its report, the European Commission also warned South Korea of the possibility of being identified as a non-cooperating third country in fighting IUU fishing. According to the Commission Decision 2013/C 346/03, the EC decided to give South Korea a yellow card due to the recurrence of cases of IUU fishing conducted by vessels flying the flag of South Korea in the international water and

in its territorial waters (European Commission, 2013b). The EC claimed that its team of inspectors had found 19 Korean-flagged vessels committing serious IUU infringements between 2011 and 2012 (European Commission, 2013b, p.2). Furthermore, the EC also observed that the country, at that time, still had no Fishing Monitoring Center to control the Korean long-distance fishing fleet. As such, the European Commission concluded that South Korea had failed to “discharge the duties incumbent upon it under international law as a flag state in respect of IUU vessels and IUU fishing carried out or supported by fishing vessels flying its flag” and gave the country six months to update its national plan of action to prevent, deter and eliminate IUU fishing, establish a system for monitoring fishing activities of Korean-flagged vessels and take effective enforcement measures against violators of domestic and international fisheries law (European Commission, 2013b, p.2). Otherwise, the country’s fish products could face an import ban in the European market.

The criticisms from both NOAA and the European Commission prompted the South Korean government to take a more serious action against IUU fishing activities conducted by vessels flying its flag both in its territorial waters and in the high seas. However, it seems that the warning from NOAA had a greater effect on South Korea. This can be proved by looking into some news articles that were published by local newspapers in that year. For example, Yonhap News Agency reported on June 4, 2013, that the Ministry of Oceans and Fisheries said it will revise the law on deep-sea fishing to require all local vessels to equip a tracking device and significantly strengthen penalties for illegal deep-sea fishing. Yonhap News Agency (2013, June 4) claimed that the move came “amid growing international criticism for illegal, unreported and unregulated fishing by South Korean ships, along with a recent warning from the United States for a possible import ban on the country’s fisheries products”. From the article, it can be said that the government of South Korea became quite enthusiastic to address the issue of IUU fishing shortly after it had received a warning from NOAA. On the other hand, the South Korean government’s response to the warning from the EC seems quite unmotivated and dull. For example, the Korea Herald reported on November



26, 2013, that South Korea was “displeased” with the EU’s designation of the country as an illegal fishing nation. An official from the Ministry of Oceans and Fisheries told the Korea Herald in an interview that “South Korea has consistently sought to react to various issues raised by the EU since last year” and “the EU’s preliminary designation of the country as an IUU fishing country on Tuesday came despite the EU’s awareness that the country’s necessary regulations are now in place and ready to go into effect early next year” (Park, 2013, November 26). Furthermore, the official from the ministry also added that “For now, the EU’s preliminary designation will have little impact on the country’s fishing activities, let alone its exports of fishery products to EU member states” (Park, 2013, November 26).

The question is; why haven’t South Korean authorities paid as much attention to the European Commission’s yellow card as to NOAA’s warning? From my research, I assume that there are two reasons why South Korea was more eager to respond to NOAA’s demands. First of all, at the time when the country received warnings from both NOAA and the EC, the United States was a more important export destination for South Korean fish traders. It may be true that consumers in Europe, especially those in Germany, the United Kingdom, France, Spain and Belgium were fond of canned tuna produced by Korean companies (Midani & Lee, 2016). However, even though the country generally receives a large sum of revenue from the exports of its canned tuna to the EU every year, the European market had actually never been the country’s biggest trading partner for fishery products before 2013. According to data from Chatham House (2018), Japan was the largest buyer of South Korea’s fish products in 2013, the year that the yellow card was issued to the country. In that year alone, South Korea shipped \$624 million worth of fish products to Japan (Chatham House, 2018). The second and third largest importers of South Korea’s fish products in the same year were Thailand and China, with \$223 million and \$184 million worth of fish products being shipped to the two countries, respectively (Chatham House, 2018). The United States and the European Union were the fourth and fifth most important markets for the country’s fish traders. In 2013,

South Korea exported \$104 million worth of fish products to the US and only \$81.1 million to the EU (Chatham House, 2018). South Korea's total value of fish exports to the EU accounted for only 5.06% of its total value fish exports to markets worldwide. Thus, it was typically normal for South Korea to prioritize the request from NOAA rather than the one from the EU, considering how the US was more important to South Korea's fish traders as an export destination.

Secondly, South Korea might have wanted to eradicate the issue of IUU fishing from its territorial waters in order to prove itself as a worthy member for the Trans Pacific Partnership. Even though South Korea never actually signed the TPP agreement, it cannot be denied that the Blue House had been showing a lot of interest in joining the TPP at the time when Park Geun-hye was the President of South Korea (2013-2017) (Lee, 2015, October 23). During that period of time, Barack Obama was the President of the United States, and he had also been eager to participate in the partnership as well. In fact, the United States was actually the spearhead in the negotiation among the potential member states of the partnership (Lee, 2015, October 23). However, one of the main objectives of TPP at that time was to remove fisheries subsidies which contribute to overfishing and it would be quite difficult for South Korea to join the partnership if the issue exists in its fisheries sector (Lee, December 25, 2013). According to Lee Jae-min (2013, December 25), a writer for the Korea Herald, addressing the issue of IUU fishing was almost like South Korea's "membership fee" for joining the TPP.

However, this does not mean that South Korea had no concern over the EU's yellow card at all. South Korea also had few political incentives to comply with EU's demands. At the time when it received the yellow card from the EC, South Korea was in the middle of the process of ratifying the FTA and the Framework Agreement which it had signed with the European Union in 2011 (Pardo et al., 2018, pp. 5-6). Aside from that, the country was also planning to sign the Crisis Management Participation Agreement (CMPA) with the EU in 2014 as well (Pardo et al., 2018, p. 26). The FTA was expected by South Korea at that time to greatly benefit its trade in goods and service with the EU. Meanwhile,

the Framework Agreement, when come into force in 2014, would become a backbone of the EU-Korea political relation. The Framework Agreement was expected to help strengthen the two parties' cooperation in many areas such as human rights and environmental protections (Pardo et al., 2018, p. 21-22). As for the CMPA, the agreement would allow South Korea to participate in EU international peace-keeping missions (Pardo et al., 2018, p.26). Being on the EC's blacklist for not committing to the international fight against IUU fishing would negatively affect any on-going negotiations regarding these three agreements that South Korea had with the EU at that time. Thus, it can be said that South Korea, at that time, still considered the EU as an important political ally that could not be neglected. NOAA just happened to be the first to give South Korea a warning and the United states was a slightly more important trade partner of South Korea than the EU so the government felt the need to prioritize the request from NOAA.

It should also be noted that the requests from the EC were actually quite similar to those of NOAA's. Basically, the two parties asked South Korea to 1) improve its national laws that govern the fisheries sector and 2) create a better system for monitoring fishing activities within the country's territorial waters and the activities conducted by those that fly the flag of South Korea outside its EEZ. Thus, South Korean authorities, at that time, thought that they could "kill two birds with one stone" just by working on NOAA's recommendations. Basically, if the country could amend its law on deep sea fishing, install tracking devices on vessels flying the flag of South Korea and set up a fishing monitoring center to keep close watch on all overseas fishing by South Korean ships, it could gain back the trust from both parties at the same time. The yellow card from the EU was like a supplement to the threat from the United States that had already been effectively forcing the South Korean government to start resolving the situation in its fisheries sector.

No matter which party South Korea had prioritized, it cannot be denied that the warnings from both NOAA and the EC contributed largely to the South Korean government's increased attempt to eliminate IUU fishing activities from

the country's border. On March 27, 2014, Yonhap News Agency (2014, March 27) reported that the Ministry of Oceans and Fisheries was ready to open its first-ever Fisheries Monitoring Center in the southern port city of Busan and begin monitoring all South Korean vessels engaged in deep-sea fishing in real-time. In an interview, the Ministry told Yonhap News Agency that the opening of the Fisheries Monitoring Center was "the heart of the government's efforts to curb IUU fishing" (Yonhap News Agency, 2014, March 27). Furthermore, the Ministry had also revised the law on deep sea fishing to raise the maximum fines for IUU fishing from 30 million won to 200 million won and require all deep-sea fishing vessels to be equipped with a vessel monitoring system as well (Yonhap News Agency, 2014, March 27).

As a response to this good progress, on June 13, 2014, David Balton, U.S. deputy assistant secretary for oceans and fisheries, formally praised the corrective actions taken by the Park Geun-hye government to prevent illegal fishing since South Korea was put on the U.S. list of countries engaged in illegal fishing in 2013 (Yonhap News Agency, 2014, June 13). Balton told Yonhap News Agency that the measures of the South Korean government to establish a fisheries monitoring center and require all vessels to be equipped with a monitoring system were very welcomed by the United States and the South Korean government should be commended for taking steps to try to rectify the situation in its fisheries sector (Yonhap News Agency, 2014, June 13). However, Balton, at that time, still could not confirm to Yonhap News Agency whether the steps the South Korean government had taken were good enough to take the country off the NOAA's list or not.

The EU, on the other hand, was not quite content with South Korea's six-month progress. On July 23, 2014, after an EU delegation had come to South Korea to inspect the government's measures against IUU fishing, the European Union decided to keep South Korea on its list of yellow-carded countries and granted the country an extra six months to improve the situation in its fisheries sector (Yonhap News Agency, 2014, July 23). Then, in August 2014, the Ministry

of Oceans and Fisheries responded to the EU's decision by releasing a new draft of South Korea's National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU). In the plan, the Ministry stated that it will amend the country's Distant Water Fisheries Development Act (DWFD Act) to include higher penalties for those who conducted IUU fishing activities in the EEZs outside Korea's jurisdiction or on high seas (MOF, pp. 31-33). The Ministry also planned to add provisions to the DWFD to "allow the government to revoke the officers' or crew's license from those engaged in IUU fishing outside Korea's jurisdiction" (MOF, 2014, p.9). Finally, according to the plan, the Ministry promised that it will amend the Fishing Vessel Act to require vessels operating in Korea's EEZ which are smaller than 1 GT to be equipped with a vessel position transmitting device (prior to this, the act only required vessels larger than 5 GT to have such device) (MOF, 2014, p.13).

South Korea's new attempt to further address the issue of IUU fishing by submitting a new draft of its NPOA-IUU to NOAA and the EC was celebrated by both parties. Finally, in its report to the congress on improving international fisheries management which was released in February 2015, NOAA (2015, p. 48) determined that South Korea "has taken appropriate corrective action to address its failure to apply sufficient sanctions to deter its vessels from engaging in fishing activities that violate binding conservation and management measures adopted by CCAMLR, for which it was identified in the 2013 Report to Congress". Based on this finding, NOAA (2015) thus decided to remove its preliminary designation of South Korea as an illegal fishing nation. Shortly after that, on April 21, 2015, South Korea was also taken off EC's preliminary list of countries engaged in IUU fishing. In its press release published on April 21, 2015, the EC noted that it has stopped formal discussions with South Korea's authorities regarding the cases of IUU fishing activities given that South Korea had "taken responsible action, amended their legal systems and switched to a proactive approach against illegal fishing" since the yellow card was issued in November 2013 (European Commission, April 21, 2015). Overall, it took the EC 16 months

to removed its yellow card issued to South Korea. This makes South Korea the second fastest country in Asia to get its yellow card revoked.

In sum, South Korea had been performing well to eliminate IUU fishing activities conducted by vessels flying its flag both within its territorial waters and in the high seas during the 16-month period from November 2013 to April 2016. The South Korean government's enthusiastic attempt to address the issue of IUU fishing during that period of time can be attributed to the unique situation in which South Korea was threatened to be black listed as a country that engaged in IUU fishing activities by two of its most important political allies; the United States and the European Union. During the time when the country received warnings from NOAA and the EC, President Park Geun-hye was eager to forge diplomatic ties and form FTAs with western countries. Being on NOAA's and the EC's black lists could badly affect any on-going negotiation that South Korea had with the western world during that time. Furthermore, even though the EU and the US were not the two most important export markets for South Korean fish exporters, losing both markets at once would still inflict a huge damage on its fishery sectors. Thus, South Korea was prompted to address the issue of IUU fishing in order to maintain a good trade and diplomatic relations with both parties.

It is important to note that South Korea had also been viewing the issue of IUU fishing as highly important since before the country received its yellow card like other democratic states in this study. Due to this particular reason, the country was very well-prepared to fight against IUU fishing in 2013. South Korea had already joined several RFMOs, ratified important international fisheries laws, and drafted a national plan of action to fight illegal fishing before it received a yellow card from the EC. These preparations that South Korea had made prior to the year that it received the yellow card allowed the country to resolve the issue in dispute more efficiently and faster than most target states in this study. As a result, South Korea became one of the only two Asian countries to get its yellow card revoked within only two years after the sanctions episode started.

## 5.2 The Case of the Philippines

The Philippines is a nation which comprises 7100 islands and has a total marine water area, including its EEZ, of 2,200,000 km (FAO, 2019c). The Philippines fisheries sector can be divided into two sub-sectors; marine fisheries and inland fisheries. However, due to the country's larger area of marine waters, the marine fisheries sub-sector generally contributes a lot more to the country's annual capture production. According to statistics from the FAO (2019c), the Philippines' marine fisheries sub-sector produced about 2.0 million tonnes of fish in 2013 while the inland fisheries sub-sector produced only about 200,000 tonnes of fish in the same year. Thus, it can be said that the marine fisheries sub-sector is more important to the economy of the country.

The country's marine fisheries can be further divided into two sub-sectors, municipal fisheries and commercial fisheries. Generally, fishermen who catch fish by using no fishing vessel or vessels of 3 GT (gross tons) or less are considered as parts of the municipal fisheries sector (FAO, 2019c). According to the FAO (2019c), fishermen in the municipal sector are allowed to fish within 15 kilometers from the shoreline by using gears for small-scale fishing such as gill nets, hook and lines, baby trawls, beach seines and round haul seines. Meanwhile, fishermen that use vessels of more than 3 GT are considered as parts of the commercial fisheries sector. Legally, those in the commercial sector are only allowed to fish outside municipal waters or waters that are beyond 15 kilometers from the shoreline by using gears for large-scale fishing such as trawls, bag nets, purse seines and ring nets (FAO, 2019c). According to the Bureau of Fisheries and Aquatic Resources (BFAR) (2013b, p.18), municipal marine fishing yielded 1.2 million metric tons of fish in 2013 while commercial fishing yielded about 1 million metric tons in the same year. Thus, both sub-sectors are equally important to the fishing community of the Philippines.

It is important to note that, before the yellow card was given by the EU to the Philippines in 2014, the Philippine Fisheries Code of 1998, also known as the Republic Act (RA) 8550, was the country's premier law on fisheries governance

(BFAR, 2013a, p.12). According to the Fisheries Code of 1998, the Bureau of Fisheries and Aquatic Resources (BFAR) is the main governing body of the sector. The BFAR is generally responsible for governing and managing all fisheries and aquatic resources of the Philippines. However, in actual practice, the BFAR's main focus is the management of fishing activities in the commercial sector. The tasks of regulating, managing and conserving fishery resources within municipal waters are assigned to local government units such as the municipality or city government. Basically, municipal authorities hold jurisdiction over the area within 15 kilometers from the coastline, while the BFAR is responsible for the remainder of the country's EEZ (BOBLME, 2015, p.289).

The BFAR has actually been well aware of the existence of the issue of IUU fishing since even before the country received a yellow card from the EC. However, during that time, the Philippines was more concerned about illegal fishing activities conducted by foreign vessels within its territorial waters than illegal fishing activities conducted in the high seas by vessels flying its flag. According to BOBLME (2015, p.293), there are many "hotspots" in the Philippines where foreign fleets can often be found fishing illegally. One example of those hotspots is the area around Palawan Island in the west of the Philippines' EEZ where Chinese, Taiwanese and Vietnamese vessels frequently poach endangered species such as marine turtles. BOBLME (2015, p.293) stated in its report that was published in 2015 that there had been over a thousand arrests of foreigners who fish illegally near Palawan during the time period between 2000 and 2008. Aside from marine turtles poaching, Taiwanese vessels had often been found fishing illegally for tuna near the Palawan island as well (BOBLME, 2015, p.293).

In order to address the issue of endangered species poaching conducted by foreign vessels within the Philippines' territorial waters and preserve the country's tuna stocks, the Filipino government had taken several countermeasures against IUU fishing prior to the year that the country received a yellow card from the EU. The Philippines, for example, had become a member of few important



regional fisheries management organizations (RFMOs) such as the Indian Ocean Tuna Commission (IOTC) and the International Commission for the Conservation of Atlantic Tuna (ICCAT) in 2004 (BOBLME, 2015, p.289). In addition to that, the Filipino government had also ratified the Convention on the Conservation and Management of Highly Migratory Fish Stocks of the Western and Central Pacific Ocean in May 2005 (BFAR, 2013a, pp.21-22).

Nevertheless, the most important countermeasure against IUU fishing that the government of the Philippines had taken prior to 2014 was probably the adoption of the Philippines' National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (NPOA-IUU). The plan was adopted as part of the Executive Order No.154 which was signed by President Benigno S. Aquino III on December 6, 2013 (Romero, 2013, December 15). According to Alexis Romero (2013), news writer for the Philippine Star, the plan mainly called for an amendment of the dated Fisheries Code of 1998 (the RA 8850) to increase penalties for crimes that fall under IUU fishing conducted by Philippine-flagged vessels and poaching activities conducted by foreign vessels in the Philippines' waters. In addition to this, the plan also called for the establishment of a better system for monitoring fishing activities conducted by Philippines-flagged vessels in the country's EEZ and in the high seas as well (Romero, 2013, December 15).

During the time before the yellow card was given to the Philippines by the EC, the Philippines was not the only country that was concerned about illegal fishing activities in its EEZ. the United States, one of the country's most important democratic allies, had also played a really important role in encouraging the Filipino government to address the issue of IUU fishing. The U.S. Agency for International Development (USAID), for example, had been assisting the government of Philippines to strengthen fisheries governance, management and enforcement via its Ecosystems Improved for Sustainable Fisheries (ECOFISH) project since 2012. Through its ECOFISH program, USAID had partnered with BFAR to develop better registration and licensing

schemes in the municipal fisheries sector (USAID, 2016, December 7). The organization also assisted the BFAR in drafting its 2013 NPOA-IUU and provided training to fisheries officers to detect, analyze and document fish caught illegally with explosives as well (USAID, 2016, December 7; BFAR, 2013a, p.9).

Aside from USAID, it is also important to note that the U.S. National Oceanic Atmospheric Administration (NOAA) was another American state-run organization that had been providing support to the Filipino government in its fight against IUU fishing throughout the period when the country was on the EC's list of yellow-carded nations (2014-2015). Unlike South Korea, Philippines was not on NOAA's list of countries that engaged in IUU fishing in NOAA's 2013 report to the congress. Nevertheless, NOAA still saw the issue of IUU fishing in the Philippines' territorial waters as significant and had been supporting BFAR via its Philippines Support Program during 2014-2017 to combat illegal fishing. Through the program, NOAA had partnered with USAID to help BFAR improve its vessel monitoring system and enhance the government of the Philippines' competencies in implementing fisheries management plans and marine park protection measures (USAID, 2016, December 7). In addition to that, NOAA had also provided training to BFAR and other enforcement agencies in setting up an "Alert System for Boat Detection" for the municipal fisheries sector as well (USAID, 2016, December 7).

The question is; why did the Filipino government need to accept the assistance from the United States and improve the situation in its fisheries sector in accordance with the United States' request? According to my findings, there are two main reasons behind the Filipino government's decision to comply with the United States' demands. First of all, the United States was a really important fish trade partner of the Philippines. The United States had always been the top two importers of the Philippines' fish products alongside Japan during the period from 2005-2013 (Chatham House, 2018). In 2013 alone, the Philippines shipped 146 million USD worth of fish products to the United States, making the US the biggest export destination for Filipino fish traders in that year (Chatham House,

2018). Thus, the Aquino government might have wanted to address the issue of IUU fishing in its territorial waters to assure the US consumers that their products were from trustworthy sources.

Secondly, there's a possibility that the Philippines, during that time, might have been concerned not only about the harm that illegal fishing would bring to its endangered marine animals and tuna stocks, but also about the intrusions of Chinese-flagged vessels in its Exclusive Economic Zone in the South China Sea as well. Over the past two decades, the Philippines have engaged in numeral territorial disputes with China over the claim to the Spratly islands in the South China Sea (Esplanada, 2012, January 11). However, during the first half of the 2010s, there have been several incidents in which Chinese vessels intruded into Philippines' EEZ near the Spratly islands to catch endangered species there. For example, in November 2014, Rappler (2014, November 24) reported that Philippines authorities found nine Chinese fishermen guilty of poaching in the Half Moon Shoal which is located at the eastern edge of the Spratly islands of the South China Sea. According to Rappler (2014, November 24), China claimed that the country has indisputable sovereignty over the shoal, so it demanded the Philippines to immediately release the fishermen. The incident further worsened the relation of the two countries which was already soured by their territorial disputes (Rappler, 2014, November 24). The Philippines, thus, might have chosen to welcome the help from the United States, which was its biggest military ally, in order to deter Chinese flagged vessels from invading its territorial waters near the Spratly islands in the South China Sea.

With the help from the United States and with its NPOA-IUU already in place, it can be said that the Philippines was already prepared to a certain degree to address the issue of IUU fishing before 2014. However, the EC still saw that Filipino authorities had not taken sufficient action against IUU fishing. Maria Damanaki, European Commissioner for Maritime Affairs and Fisheries, stated in the Commission Decision of 10 June 2014 that the Philippines did not have a working traceability system that could help ensure that fishery products entering

the Philippines or Philippines-based processing plants do not stem from IUU fishing (European Commission, 2014b). Furthermore, the Philippines did not have the capacity to effectively exercise its jurisdiction and control over ships flying its flag and the country neither had operational access to the necessary information on position or activities of some of its own vessels in territorial waters of other states. Thus, the EC decided to issue a yellow card to the Philippines on 10 June 2014 for the country's failure to discharge the duties incumbent upon it under international law as a coastal state and gave the country a time period of 6 months to address the shortcomings mentioned in the Commission Decision of 10 June 2014 (European Commission, 2014b).

Even though the European Union was not as important as the United States to the Philippines in terms of trade and political relations, it cannot be denied that the warning from the EC did have some significant effects on the Filipino government's commitment in addressing the issue of IUU fishing. After all, tuna was still one of the main export commodities of the Philippines and the EU was the largest buyer of tuna from the country in 2014 (Seafood Trade Intelligence Portal, 2018). According to statistical data from Seafood Trade Intelligence Portal (2018), the Philippines shipped 62,905 tonnes of tuna to the European Union in 2014. Meanwhile, in the same year, the United States was only the second largest buyer of tuna from the Philippines, with 29,237 tonnes of tuna being shipped to the country in that year.

Aside from that, the EU was a relatively more important fish export market to the Philippines than to South Korea and Taiwan, the other two countries that received a yellow card warning from the EC and conformed to the EC's demands during the threat stage of the sanctions episode. In the year that the Philippines received its yellow card (2014), the country exported 50.8 million USD worth of fish to the EU, which accounted for 0.018% of its GDP (Chatham House, 2018; United Nations Statistics Division, 2018). Meanwhile, in 2013, South Korea was able to export 81.1 million USD worth of fish to the EU, accounting for only 0.006% of its GDP (Chatham House, 2018; United Nations

Statistics Division, 2018). As for Taiwan, the country's total value of fish exports to the EU was worth only 0.004% of its GDP in the year that it received the yellow card (Trading Economics, 2019; EETO, 2016). Table 5.1 in the next page shows data on each country's total value of fish exports to the EU market as percentage of its GDP in the respective year that it received the yellow card from the EC.



**Table 5.1 Each Country's Total Value of Fish Exports to the EU as Percentage of its GDP in the Year that It Received the Yellow Card from the EC**

Country	Year that the yellow card was received	Country's GDP (million USD)	Value of fish exports to the EU market (aprx.) (million USD)	Value of fish exports to the EU as % of GDP
Cambodia	2012	14,054	Less than 1000 USD	Less than 0.00001%
Sri Lanka	2012	68,434	108	0.15780%
South Korea	2013	1,370,795	81	0.00591%
The Philippines	2014	284,585	51	0.01785%
Thailand	2015	401,296	202	0.05033%
Taiwan	2015	525,600	23	0.00443%
Vietnam	2017	223,780	1,000	0.44686%

Source:

1. United Nations Statistics Division. (2018). *GDP and its breakdown at current prices in US Dollars* [Data Set]. Retrieved June 19, 2020, from: <https://unstats.un.org/unsd/snaama/Downloads>
2. Chatham House. (2018). '*resourcetrade.earth*' [Online Database]. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>
3. Trading Economics. (2019). *Taiwan GDP* [Online Database]. Retrieved June 19, 2020, from: <https://tradingeconomics.com/taiwan/gdp>
4. EETO. (2016). *EU-Taiwan Fact File 2016*. p. 10.

Furthermore, the Philippines, in 2014, was in a middle of applying for a membership of the EU's Generalized Scheme of Preferences plus (GSP+), a trade scheme which will give the Philippines reduced tariffs on about two-thirds of its exports to the EU (Russell, 2017, p.4). If the EU had granted the Philippines a GSP+ status, the European market would later become one of the country's most important export destinations for fish products alongside the United States. However, the country's GSP+ status was largely dependent upon its ratification and implementation of 27 international conventions on human rights, environmental protection, and good governance (Russell, 2017, p.4). The existence of IUU fishing activities would definitely have a negative effect on the Philippines' entry into the scheme. Thus, in order to acquire such privilege from the EU, the Filipino government might have felt an urgent need to eliminate IUU fishing activities from its territorial waters to assure the EU that the country is a trustworthy supplier of fish products.

All things being considered, the Filipino government at that time had a lot of incentives to do everything within its power to get the yellow card revoked as soon as possible. On October 4, 2014, a few months after the country received the yellow card from the EU, the government of the Philippines decided to ratify the UN Fish Stock Agreement to ensure conservation of fisheries resources, especially tuna stocks, both within and beyond its exclusive economic zone (Samiento, 2014, October 4). Apart from that, BFAR had also been working with lawmakers and stakeholders of the fisheries sector to draft a revised version of the Fisheries Code of 1998 (aka the RA 8850) and BFAR expected President Aquino to sign the amendments to the code (which will later be known as the RA 10654) before the end of December 2014 (Ranada, 2014, December 17). According to Ranada (2014, September 17), the revised version of the Fisheries Code of 1998 would "give BFAR jurisdiction over Philippines-flagged ships operating in other countries, add provisions on port monitoring, and toughen penalties against illegal fishing". Thus, during that time, the Philippines was on track to become the first country in Asia to get the yellow card lifted within the first six-month period after the card was received.

However, in the last two months of 2014, there was an incident which temporarily halted the progress of the government in addressing the issue of IUU fishing. On November 24, 2014, the Alliance of Philippine Fishing Federations Inc. (APFFI), the representative of fishers in the country's commercial fisheries sector, have opposed key provisions of the proposed amendments to the Fisheries Code of 1998, claiming that the fines and penalties suggested in the amendments were too "oppressive and confiscatory in nature" (Domingo, 2014, November 24). Peter Paul D. Santos, APFFI vice president for National Capital Region (NCR), told Inquirer in an interview that in the new fisheries code, commercial fishers who fish without a permit or fish in municipal waters can be subject to a fine of up to P10 million, which is too expensive considering that the previous fine was only P10000. Furthermore, the APFFI also harshly criticized the proposed requirement for all commercial fishers to install a vessel monitoring system (VMS) on their ships. Santos commented on this matter that members of the APFFI felt that the device is considered quite costly for domestic operators to afford, especially for those who do not export their products to the EU but sell their products locally (Domingo, 2014, November 24). Due to the opposition from key players in the commercial fisheries sector, the government finally postponed the signing of the new fisheries code. As a result, on February 13, 2015, the European Commission decided to extend the time given to the Philippines for addressing the issue of IUU fishing in their fisheries sector by six months (Ranada, 2015, February 17).

Nevertheless, on February 27, 2015, the Republic Act 10654, which amends the Philippine Fisheries Code of 1998, still lapsed into law despite the ongoing protest from fishers in the commercial sector (Oceana, 2015, April 16). Under the new law, the fine for commercial fishers who fish in distant waters without a permit have been raised to as high as P45 million or five times the value of the ship's catch (Ranada, 2015, April 13). The law also requires all Philippines flagged fishing vessels to install a monitoring, control and surveillance (MCS) system regardless of fishing area and final destination of catch as well (Oceana, 2015, April 16).



Finally, on April 23, 2015, two months after the Republic Act 10654 lapsed into law, the European Commission revoked the yellow card issued to the Philippines in June 2014. Karmenu Vella, European Commissioner for Environment, Maritime Affairs and Fisheries stated via a press release on the EC's website that South Korea and the Philippines "have carried out appropriate reforms of their legal systems and are now equipped to tackle illegal fishing" (European Commission, 2015, April 21). The EC, thus, decided to stop the identification process and cease to discuss with the Philippines' authorities regarding the issue (European Commission, 2015, April 21). Overall, it took the Philippines only 9 months in total to get its yellow card revoked by the EU.

In conclusion, the Philippines was able to get its yellow card lifted faster than other countries in Asia largely because it had received assistance from the United States and started addressing the issue of IUU fishing since before the country received the card from the EU. The government of the Philippines saw the intrusions of Chinese-flagged vessels in its territorial waters as highly offensive and wanted to protect its sovereignty over its EEZ at all costs. Thus, it gladly accepted the help from the United States and started monitoring illegal fishing activities conducted by foreign vessels since the early 2010s. However, it cannot be denied that the yellow card was also another important stimulant that helped speed up the country's process of ratifying new international laws and adopting a new fisheries code to deter local fishers from conducting illegal fishing activities in its EEZ and in the high seas. The Philippines, during the time when it was on the EU's list of yellow-carded countries, wanted to acquire the GSP+ status and maintain its tuna trade ties with the European market, so it had enough incentives to quickly respond to the yellow card warning and comply with the EU's demand. The only factor that slowed down the country's process of eliminating IUU fishing activities was the dissatisfaction of local fishers with the new fisheries code. Therefore, I would like to conclude that, like in the case of South Korea, the Philippines was able to deliver satisfying results because it was simultaneously encouraged by two democratic allies to address the issue of IUU fishing in its fisheries sector.

### 5.3 The Case of Thailand

Thailand has a long coastline of 2,624 kilometers and a huge Exclusive Economic Zone (EEZ) which covers an area of 316,000 square kilometers (FAO, 2019d). The prosperity of Thailand's fisheries sector depends a lot on the country's two main fishing grounds; the Andaman Sea and the Gulf of Thailand, which are situated within the country's EEZ. The FAO (2018b) considered Thailand as one of the 25 major fish producing nations of the world largely due to the abundant resources of fish in the country's two main fishing grounds. According to statistics from FAO (2018b, p. 55), Thailand exported 5,893 million USD worth of fish and fishery products in 2016, making it the world's fourth largest exporter of fish and fishery products in that year.

One of Thailand's fisheries sector's strongest points is its continuous investment in fish processing technology. As an upper middle income developing country, fish processors in Thailand are able to produce a wide variety of seafood products, from basic raw frozen seafood to value-added products, and export them to developed markets worldwide (Ngamprasertkit, 2018, August 5). Due to this reason, fish and other fishery products have always been Thailand's top exchange commodities, with canned tuna and frozen shrimp as the primary exports (FAO, 2019d). In 2017 alone, Thailand shipped \$2.1 billion USD worth of canned tuna and \$1.8 billion USD worth of processed shrimp and prawns to markets worldwide, accounting for 68% of the country's total exports of fish and fishery products in that year (Ngamprasertkit, 2018, August 5, p. 2).

However, before the country got its yellow card from the EC in 2015, the weakest point of the country's fisheries sector was probably the lack of an efficient legal system to control and prevent illegal fishing activities conducted by Thai-flagged vessels. Before 2015, the Fisheries Act of 1947 was the legal backbone of the country's fisheries sector (BOBLME, 2015, p. 355). However, even though the Fisheries Act of 1947 includes a range of penalties for various fishing offences, the penalties are often extremely low (BOBLME, 2015 p.356). For example, according to BOBLME (2015, p.356), before 2015, fishermen who

fish without registration or operate unregistered fishing gears used to be subject to a fine of only 100 baht or one month in prison. The act was thus not strong enough to deter vessels flying Thai flag from fishing illegally within the country's EEZ or in the high seas and was considered as outdated by most international standards.

Furthermore, unlike the Philippines and South Korea, Thailand was not really well prepared in terms of the ratification of international fisheries laws. In 2015, Thailand was already a member of two important regional fisheries management organizations, namely the Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC) (BOBLME, 2015, p. 355). However, at that time, Thailand had yet to sign or ratify important international fisheries agreements such as the FAO Port State Measures Agreement and the UN Fish Stock Agreement (BOBLME, 2015, p.358). In addition to that, unlike the Philippines and South Korea, Thailand did not have an NPOA-IUU in place until after it received a warning from the EC. All things being considered; it was easy for captains of fishing vessels to fish illegally in the country's territorial waters and use forced labor to fish for them before 2015.

It is important to note that the issue of IUU fishing has always been deeply intertwined with the issue of forced labor in the Thai fisheries sector since the beginning of the 2010s. In fact, the Thai military government became well aware of illegal fishing while it was in the process of addressing the issue of forced labor in the sector. The Thai government started to be concerned about the use of forced laborers by Thai seafood companies when the country was put on the Tier 3 Watch List in the US Trafficking in Persons (TIP) Report in 2014 (United States Department of State, 2014). In the 2014 TIP Report, the US Department of State (2014) noted that it had decided to downgrade Thailand from the Tier 2 to Tier 3 largely due to the presence of human trafficking in the Thai fisheries sector. According to the report, 57% of Burmese migrant workers were found by the Department of State to have experienced conditions of forced labor in 2010 (United States Department of State, 2014). Moreover, the Department of State

(2014) also claimed that, in 2013, the number of Cambodian victims of forced labor rescued from Thai-flagged fishing boats operating in the Thai EEZ and in international waters had doubled from the year prior. Thus, the Department of State (2014), recommended the Thai government to promptly and thoroughly investigate all cases of human trafficking, especially in the fisheries sector, and increase its efforts to prosecute and convict trafficking offenders. Fortunately, the US Department of State did not slap Thailand with sanctions applied to other countries with similarly weak human trafficking records.

However, the 2014 TIP report still sparked fears among Thai authorities and businessmen over the country's future of trade relations with the United States (Bangkok Post, 2014, June 22) Pornsil Patchrintanakul, vice-chairman of Thai Chamber of Commerce, told Bangkok Post (2014, June 22) that the downgrading might affect buyers' decision to purchase Thai products and Thailand will have to do more to clarify the situation to the US and address the problem. After all, Thailand had exported over 2.6 billion USD worth of goods and services to the United States in 2014, making the US one of the ten most important trade partners of the country in that year (Chatham House, 2018). Apart from that, Songsak Saicheua, the director-general of the American and South Pacific Affairs Department, also told Bangkok Post (2018, June 21) that even though Thailand might not suffer trade sanctions, the US might still oppose international aid for Thailand from international institutions such as the International Monetary Fund and the World Bank. As a response to the downgrade, Deputy Prime Minister Prawit Wongsuwan thus declared on December 13, 2014, that the government of Thailand will set up a committee to work towards upgrading Thailand's status from a Tier 3 country in the TIP to Tier 2 as soon as possible (Jikkham, 2014, December 13). According to Patsara Jikkham (2014, December 13), a writer for Bangkok Post, Prime Minister Prayut Chan-o-cha had appointed Deputy Prime Minister Prawit Wongsuwan as chairman of the committee.

Then, in March 2015, the Associated Press (an American-not-for-profit news agency) published an investigative report that brought the issue of forced labor in the Thai fisheries sector to the attention of consumers around the world and made the situation worse for Thailand. In a year-long investigation, McDowell, Mason and Mendoza (2015, March 25) interviewed a large group of Burmese fishermen that were locked up by Thai boat captains against their will in a cell on a small island called Benjina in Indonesia and tried to track the journey of shipments of slave-caught seafood from the island. As a result of the investigation, the journalists from AP found that the tainted seafood from the island got mixed in with other fish and were delivered to a number of processing plants in Thailand which supplied seafood to major restaurants and supermarkets in the United States (McDowell et al., 2015, March 25). Few Thai companies that owned these processing plants or were engaged with the supply chain include Silver Sea Reefer Co, Kingfisher Holdings Ltd, and most importantly, Thai Union Frozen Products PCL which was the largest seafood corporation in Thailand. Thai Union, during that time, was the major supplier of seafood to Wal-Mart and it also shipped thousands of cans of cat food to the United States every month (McDowell et al., 2015, March 25). Thus, the incident raised a lot of concerns among seafood consumers in the United States. As a result of the event, the US government and major business leaders had renewed their call on the Thai government to “crack down on slavery in its fishing fleets and punish people who force migrant workers to catch seafood that can end up in stores in the United States” (Associated Press, 2015, March 26).

The AP’s investigation prompted food companies and the government to come up with measures to cope with the issue of forced labor in the fisheries sector. A few days after the report was published, on March 26, 2015, Thai Union Frozen Products said in a statement that the company had embraced AP’s finding and it had decided to cut ties with a supplier named in the AP’s report after determining that the supplier might be involved with forced labor and other abuses (Murphy, 2015, March 26). A day after that, on March 27, 2015, Prime Minister Prayut Chan-o-cha vowed to take legal action against any private

companies found to have used forced labor in the fishing industry. Furthermore, the Prime Minister also claimed that the government had sent delegations to discuss the issue with Indonesian authorities and the two sides will gather evidence to help workers falling victim to forced labor (Chuensuksawadi et al., 2015, March 27).

While the Thai authorities and big players in the fisheries sector were worried about the AP's report, the European Commission suddenly declared on April 21, 2015, that it had decided to give Thailand a yellow card for the country's lack of commitment in the international fight against IUU fishing. According to Commission Decision of 21 April 2015 (2015/C 142/06), the Commission had identified at least 11 cases of IUU fishing activities conducted by vessels flying Thai flag from its on-the-spot visits to Thailand during the period of four years from 2010 to 2014 (European Commission, 2015b, p.3). From the visits, the European Commission (2015b, p.3) found that the risk of IUU activity occurring in the Thai fleet was high due to the absence of Vessel Monitoring System (VMS) on most Thai vessels and the Thai government's weak collaboration with neighboring states. Furthermore, the European Commission also found that the Thai fishing fleet had expanded enormously from 15,000 vessels in 2011 to almost 40,000 vessels in 2014 (European Commission, 2015b, p.3). Despite that, less than a fifth of those vessels in the Thai fleet used log books, which suggested that the majority of Thai catches during that period went unreported (European Commission, 2015b, p.3). The European Commission thus denounced Thailand's shortcomings in its fisheries monitoring, control and sanctioning systems. Karmenu Vella, European Commissioner for Environment, Maritime Affairs and Fisheries, said that the EU had given Thailand six months to implement a corrective action plan to prevent, deter and eliminate IUU fishing (European Commission, 2015, April 21). Should the country fail to improve the situation within the given time frame, the EU could resort to banning fisheries imports from Thailand in a bid to further encourage the country to take more part in fighting against the issue of IUU fishing (European Commission, 2015, April 21).

At this point, the government of Thailand felt like it was fighting “two battles” at the same time. On one hand, the government needed to address the issue of forced labor in the fisheries sector to upgrade Thailand’s status in TIP from Tier 3 to Tier 2. On the other hand, it also needed to eliminate IUU fishing activities conducted by Thai-flagged vessels (or foreign vessels in its territorial waters) in a bid to get its yellow card revoked. However, it is important to note that even though the country was fighting two separate issues, both issues actually stemmed from Thailand’s lack of well-established fisheries monitoring, control and sanctioning systems. According to the EJF (2015, p.4), “the lack of an adequate fisheries management regime and effective enforcement along with extensive corruption have facilitated overfishing in Thailand, which has generated economic pressures that fuel the widespread use of slave labor”. Thus, like in the case of South Korea, the government of Thailand treated the two issues as one and thought that it could “kill two birds with one stone” just by updating the laws governing the fisheries sector and demanding vessels flying Thai flags to install a VMS transponder on board.

The EU’s threat to ban fish products from Thailand, coupled with the call for better labor management from the United States, prompted Deputy Prime Minister Prawit Wongsuwan to immediately call an urgent meeting with all agencies responsible for overseeing the fisheries sector (Bangkok Post, 2015, April 23). After the meeting, the Deputy Prime Minister announced that he had asked the Marine Department to set up special task forces in 319 ports in 22 coastal provinces to inspect all fishing boats departing from Thailand as an initial measure to fight against IUU fishing (Jikkham, 2015, April 24). Furthermore, the Deputy Prime Minister had also assigned the Ministry of Agriculture and Cooperatives to develop an action plan to eliminate IUU fishing activities from the Thai EEZ as well (Bangkok Post, 2015, April 23). Then, On April 24, 2015, three days after the yellow card was given to Thailand, Prime Minister Prayut Chan-o-cha decided to use Section 44 of the 2014 interim constitution of Thailand to allow the military to take part in the official operation against IUU fishing, speed up the registration of trawlers and set up the Command Center for

Combating Illegal Fishing (CCCIF) (Jikkham, 2015, April 24; Bangkok Post, 2015, April 30). According to Bangkok Post (2015, April 23), the Prime Minister spoke on the issue right after the country got a yellow card from the EU that his government “has no excuse and will not sit on the problem” and made a promise that “those violating the [fisheries] law will no longer have a place to stand in the Thai society”.

In November 2015, the government finally rolled out Thailand’s National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU). The most interesting feature of the plan is the amendment of the country dated Fisheries Act of B.E. 2490 (1947). The newly enacted Fisheries Act of B.E. 2558 (2015) requires Thai flagged vessels to be registered with authorities and acquire a fishing permit in order to fish outside of Thai waters (DOF, 2015, p.28). Furthermore, under the new act, fishing vessels and fish carriers are also required to 1) arrange transshipment logbook and submit it to the port of landing 2) report the departure and arrival to the port-in and port-out center and 3) equip VMS and report vessel positions to authorities every one to two hours (DOF, 2015, p.29). Whoever fails to comply with the law can be subject to penalties as described in the Fisheries Act of B.E. 2558 (2015), which are a lot heavier than those described in the Fisheries Act of B.E. 2490 (1947) (BOBLME, 2015, p. 357). Aside from the amendment of the Fisheries Act, the government noted in the NPOA-IUU that it also aimed to improve the management of fishing activities in the sector by ratifying important international agreements on combating IUU fishing (such as the UN Fish Stock Agreement or the FAO Port State Measure Agreement) and establishing a monitoring, control and surveillance center as well (DOF, 2015). Finally, under the new plan, the government had ordered the Department of Fisheries to partner with the Ministry of Labor to set up a Provincial Coordination Center to regulate the employment of fishing labor and monitor labor’s health on fishing vessels. Other government agencies such as the Royal Thai Navy and the Royal Thai Police will also be involved to undertake measures to protect and ensure the welfare of labor working on fishing vessels (DOF, 2015, p.44).



On January 12, 2016, with the NPOA-IUU in place, Deputy Prime Minister General Prawit Wongsuwan was confident that the country was fully prepared to report the progress of its crackdown on IUU fishing to the European Union (Prasertpolkrung, 2016, January 12). According to the Deputy Prime Minister, as of January 2016, 2,076 fishing vessels of over 60 gross tons were already equipped with vessel monitoring systems, which make up 93.7 per cent of the total number of vessels at that time (Prasertpolkrung, 2016, January 12). Furthermore, the Deputy Prime Minister also claimed that Thailand had already signed memoranda of understanding with Cambodia and Vietnam to import migrant workers and with Fiji for agriculture and fisheries (Prasertpolkrung, 2016, January 12). On the law enforcement side, Pol Lt Gen Tamasak Wicharaya, assistant commissioner of the Royal Thai Police, stated that the police forces had maximized law enforcement efforts against illegal fishing and human trafficking in the industry, prosecuting more than 1000 suspects and helping 720 victims in 2014 (Bangkok Post, 2016, January 9). Thus, the Deputy Prime Minister claimed that the country was also ready for the inspection from the TIP committee (Prasertpolkrung, 2016, January 12).

Unfortunately, on January 23, 2016, the European Commission decided to give Thailand six more months to curb illegal fishing activities, which means that Thailand would further stay on the EU's list of yellow-carded countries (Senwong, 2016, January 23). Prawit claimed that, overall, the representatives from the EU were quite satisfied with Thailand's attempts to fight illegal fishing in 2015 (Senwong, 2016, January 23). However, the representatives from the EU told the Thai government that they wanted the Thai authorities to do more to monitor Thai registered fishing vessels that operate in other countries' territorial waters to ensure that they follow international laws and speed up actions against seafood processing plants that violate labor laws (Senwong, 2016, January 23). Aside from that, the EU had also asked the Thai authorities to widen their labor protection to workers in other sectors as well, not just those in the fisheries sector (Nanuam, 2016, January 22).

In June 2016, the U.S. Department of State finally promoted Thailand to Tier 2 on its Watch List in the 2016 Trafficking in Persons report (United States Department of State, 2016). According to the Department of State (2016, p. 364) human trafficking in the fishing industry was still a major concern in Thailand in 2016 and the government of Thailand still did not “fully meet the minimum standards for the elimination of trafficking”. However, the country had shown significant efforts to improve its human-trafficking situation in 2015 (United States Department of State, 2016, p.364). The Department of State noted in its 2016 report that the Thai government had made progress in its fight against human trafficking in 2015 by 1) amending its 2008 anti-trafficking laws to increase penalties on traffickers, 2) increasing the number of investigations on cases of human trafficking and 3) increasing efforts to hold government officials complicit in trafficking crimes criminally accountable. Gen Prawit Wongsuwan, as a response to the upgrade, told Reuters in an interview that the country would continue to address the issue of human trafficking in Thailand, especially in the fishing industry, even though the country had already been moved to Tier 2 (Szep, Spetalnick & Marshall, 2016, June 29).

Even though Thailand could successfully promote itself to Tier 2 in the 2016 TIP report, the country’s progress on the EU’s side, however, had been quite slow. During the 3 years’ period from early 2016 to the end of 2018, the government of Thailand had to face few hardships in its fight against IUU fishing. One of the most important problems that the Thai government needed to face were several protests that occurred due to the fishermen’s discontent with the government intense clampdowns on illegal fishing activities. For example, on September 21, 2017, thousands of fishermen and business operators in Samut Songkhram had gathered and launched a protest against the European Union’s demands for tighter controls over the Thai fisheries sector (Bangkok Post, 2017, September 21). The protestors claimed that many trawler operators have had to close down temporarily since the government began implementing measures to curb illegal fishing activities, causing immigrant workers to lose their jobs as a result. The group of protestors thus believed that it was beyond their capacity to

fulfill the EU's requirements and demanded the Thai government to "work for the sake of Thai fishermen, not the EU" (Bangkok Post, 2017, September 21).

Aside from the protests, another problem which posed a challenge to the country's plan to eliminate IUU fishing activities was the Thai trawlers' attempt to evade illegal fishing crackdown. According to an investigation by Greenpeace, Thailand's overseas fishing fleets intentionally shifted their operations to remote and poorly policed waters in a bid to avoid fishing regulations after the government ramped up its efforts to crackdown on illegal fishing activities (Greenpeace, 2016, December 15). For example, Greenpeace stated that, between 2014 and 2016, they had found as many as 76 Thai-flagged vessels which evaded the states' surveillance by shifting their operations to Saya de Malha Bank in the Indian Ocean, which is located more than 7,000 kilometers away from Thailand's coastal province of Samut Sakhon (Greenpeace, 2016, December 15). These evasive behaviors of fishing trawlers had disrupted the monitoring procedures of state authorities and slowed down the country's progress in eradicating IUU fishing activities which eventually prompted the EU to extend Thailand's yellow-card period for several times during the course of three years from 2016-2018.

However, during the period of 2016-2018, Thailand had also achieved some important milestones in its plan against IUU fishing. For example, the country had acceded two important international laws against IUU fishing; the Port State Measures Agreement and the United Nations Fish Stock Agreement, on May 10, 2016, and April 28, 2017, respectively (Ministry of Foreign Affairs of the Kingdom of Thailand, 2016, May 11; 2017, May 3). More importantly, Thailand had also ratified the Work in Fishing Convention, also known as C188, in November 2018, making it the first country in Asia to do so (Charoensuthipan, 2018, November 30). According to Charoensuthipan (2018, November 30), writer for Bangkok Post, the convention would help ensure better working conditions for fishermen by requiring Thailand to enact national laws that set the maximum working hours and minimum age of workers in the fishing industry. The C188 would apply to large fishing vessels weighing at least 30 gross tons, which means

that more than 30,000 fishermen working on large vessels at that time were expected to benefit from the ratification (Charoensuthipan, 2018, November 30).

Finally, on January 8, 2019, the European Commission decided to lift its yellow card issued to Thailand as acknowledgement of the country's progress in addressing the issue of IUU fishing. The European Commission (2019, January 8) stated in its press release that since the yellow card was issued to Thailand in April 2015, the country has "amended its fisheries legal framework in line with international law of the sea instruments" and it has also "reinforced the mechanisms of control of the national fishing fleet". Furthermore, the European Commission also praised Thailand for its efforts to address the issue of human trafficking and to improve working conditions for labor in the fishing sector (European Commission, 2019, January 8). Thus, the EU decided to delist Thailand from the group of warned countries given that the country already has all the necessary measures in place to eliminate IUU fishing from its territorial waters and to protect workers in the fishing industry from human rights abuses and forced labor (European Commission, 2019, January 8). Overall, it took Thailand 3 years and 8 months to get its yellow card revoked. The duration of time that it was on the EU's list of yellow carded countries was on par with that of Taiwan, another country in Asia that received a yellow card warning from the EU in 2015 alongside Thailand.

The question is; why did Thailand choose to comply with the EC's demands since the threat stage of the sanctions episode alongside the Philippines, South Korea and Taiwan? According to my findings, I believe that, unlike the governments of other three countries in this group, the government of Thailand had no political incentives to conform to the EC's requests by stepping up its efforts to crackdown on illegal fishing activities. It is important to note that, during the course of five years from 2014 to 2019, Thailand was being ruled by General Prayut Chan-o-cha who came into power via a coup d'état. After the Thai military conducted a coup in May 2014 which overthrew the democratically-elected government of Yingluck Shinawatra, Thailand was being seen by the

international community as a highly undemocratic state. As mentioned in Chapter 3, Thailand's Polity Score had significantly dropped from +7 in 2013 (before the coup) to only -3 in 2014 (after the coup) and stayed at that level ever since (Center for Systemic Peace, 2018). The country's score can be considered as extremely low compared to those of The Philippines (+8), South Korea (+8) and Taiwan (+10), which also complied with the EC's demands during the threat stage of the sanctions episode (Center for Systemic Peace, 2018). Aside from that, according to Freedom House (2020), Thailand's Political Rights score also increased from 4 in 2014 to 6 in 2015, meaning that there has been less political freedom in the country after the military conducted a coup in 2014. The country's Political Rights score was relatively high compared to those of other countries that complied with the EC's demands like Taiwan (1), South Korea (1) and the Philippines (3).

After the Thai military seized power in a coup in May 2014, Thailand's diplomatic ties with democratic countries were severely strained and major democratic countries decided to abstain from providing its political support to the country. The United States under the Obama administration, for example, immediately suspended \$4.7 million in military aid to the Thai government following the coup in 2014 (Asia Sentinel, 2015, August 18). Meanwhile, the European Union also decided to halt its Free Trade Agreement talk with Thailand, insisting that the agreement will never be ratified whilst the country is under a military dictatorship (Tempest, 2015, November 23). Furthermore, throughout the course of five years after the coup, both parties had, for so many times, urged the Thai government to hold an official election so that the country would have a legitimately elected Prime Minister. Due to these reasons, the Thai government had always sought to forge stronger relationships with China and other undemocratic neighbors after Prayut Chan-o-cha became the Prime Minister of the state in a bid to reduce the country's dependency on Western governments (Chachavalpongpun, 2018, October 30). It can be said that Thailand under the reign of the military junta would gain limited political benefits from complying with demands from either the EU or the United States.

Therefore, I assume that the Thai government chose to comply with demands from western countries and ramped up its actions against IUU fishing and forced labor in the fishing industry solely because of economic motives. In my opinion, there are two main reasons why the Thai government would want to maintain good fish trade relations with both the EU and the United States. First of all, it is important to note that fish exports contribute a lot to Thailand's annual GDP. According to statistics from Chatham House (2018) and the United Nations Statistics Division (2018), Thailand's exports of fish were valued at 1.8 billion USD in 2015, accounting for 0.44% of the country's GDP in that year. This number is relatively high compared to those of other countries in Asia that received a yellow card from the EU (see Table 5.2). For example, the value of exports of fish accounted for only 0.11% of South Korea's GDP and 0.22% of the Philippines' GDP in the respective years that both countries received the yellow cards from the EC (Chatham House, 2018; United Nations Statistics Division, 2018). Thus, it is typically normal for the Thai government to care about the warning from the EU (and the United States' TIP report) considering how important fish exports are to the Thai economy.

**Table 5.2: Each Country's Total Value of Fish Exports to the Global Market as Percentage of Its GDP in the Respective Year that It Received the Yellow Card from the EC**

Country	Year that the yellow card was received	Country's GDP (million USD)	Value of fish exports to worldwide markets (million USD)	Value of fish exports as % of the country's GDP
Cambodia	2012	14,054	14	0.10%
Sri Lanka	2012	68,434	266	0.38%
South Korea	2013	1,370,795	1,600	0.11%
The Philippines	2014	284,585	640	0.22%
Thailand	2015	401,296	1,800	0.44%
Taiwan	2015	525,600	1,400	0.26%
Vietnam	2017	223,780	5,800	2.59%

Source:

1. United Nations Statistics Division. (2018). *GDP and its breakdown at current prices in US Dollars* [Data Set]. Retrieved June 19, 2020, from: <https://unstats.un.org/unsd/snaama/Downloads>
2. Chatham House. (2018). '*resourcetrade.earth*' [Online Database]. Retrieved June 19, 2020, from: <http://resourcetrade.earth/>
3. Trading Economics. (2019). *Taiwan GDP* [Online Database]. Retrieved June 19, 2020, from: <https://tradingeconomics.com/taiwan/gdp>
4. EETO. (2016). *EU-Taiwan Fact File 2016*. p. 10.

Secondly, it is important to note that even though Thailand's diplomatic ties with the EU and the United States had worsened after Gen Prayut Chan-o-cha became the Prime Minister of the state, both parties still remained as two major buyers of fish products from Thailand. According to statistical data from Chatham House (2018), the United States has always been one of the top two importers of Thailand's fish products alongside Japan since 2000. In 2014 alone, the United States imported 441 million USD worth of fish products from Thailand, making it the second largest buyer of Thai fish in that year, second only to Japan (Chatham House, 2018). The value of fish products that the United States bought from Thailand in 2014 accounted for approximately 20% of Thailand's total value of fish exports in that year. Meanwhile, the European Union was also a really important fish trade partner of Thailand in 2014. In that year, the EU imported 353 million USD worth of fish products from Thailand, accounting for 16% of Thailand's total value of fish exports in 2014 (Chatham House, 2018). All things being considered, it was essential for the Thai government to comply with demands from both the US and the EU as losing the two export markets would definitely cause a huge damage to the fisheries sector of the country.

In conclusion, the case of Thailand is a case in which economic factors play a more important role in prompting the target state to comply with demands from the sender state. At the time when Thailand received a warning from the EC and was put on the Tier 3 Watch List in the US's TIP report, the Thai government would receive limited political benefit from complying with the demands from the EC or the United States as the country's diplomatic ties with the western world had worsen a lot after Prayut Chan-o-cha took power in 2014. In this case, I thus argue that Thailand chose to strengthen its national fishery laws and address the issue of IUU fishing and forced labor because it did not want to lose its two important fish export markets; the EU and the US. Also, by going through all the attempts that Thailand had made in its fight against IUU fishing from 2015 to 2019, I have demonstrated that the interference of a third party has a significant effect on the country's commitment in complying with demands from the EU. It cannot be denied that in the case of Thailand, the United States had also



contributed a lot to the success in eliminating unregistered fishing vessels from the Thai EEZ. By downgrading Thailand to Tier 3 in its 2014 TIP report, the United States became another party aside from the EU that put pressure on the Thai government and urged the country to do more to inspect Thai-flagged vessels going in and out of its ports. The heavy inspection conducted by authorities of the state had discouraged captains of fishing vessels from fishing illegally and hiring forced labor. However, I also would like to make a point that even though the Thai government had great economic reasons to address the issue of IUU fishing (and forced labor) in its fisheries sector, it had made slower progress in addressing the issue of IUU fishing compared to the Philippines and South Korea. This is because, unlike the Philippines and South Korea, Thailand wasn't as well-prepared in its fight against IUU fishing when the country got its yellow card from the EC. The country did not ratify any important international fishery laws before 2015 and it also did not have an action plan in place. Thus, I conclude that Thailand wasn't able to get its yellow card revoked as fast as the Philippines and South Korea because it did not see the issue of IUU fishing as highly salient before it received a warning from the EC due to the autocratic nature of the state.

#### **5.4 The Case of Taiwan**

Taiwan is an island nation located in the western Pacific Ocean. The country has a long coastline of 1,566 kilometers with Kuroshio current along its east coast and continental shelf extending from its west coast. The country also has a diverse marine ecosystem which is suitable for the development of marine fisheries. Due to this natural endowment, Taiwan has a large fisheries sector that could produce roughly 1.20 million tons of fish per year, making it the world's 27<sup>th</sup> top producer of fisheries products (Fisheries Agency of the Republic of China (FA), 2019, p.4).

One distinctive feature of Taiwan's seafood industry is that it has a large distant water fisheries sector. Distant water fisheries refer to fishing activities that are conducted outside the country's 200-mile exclusive economic zone (EEZ)

(FA, 2019, p. 9). Taiwan, as of 2019, has more than 1,100 distant water fishing vessels operating in three major oceans of the world and in EEZs of 22 coastal countries (FA, 2019, p. 9). According to statistical data from the Fisheries Agency (2019, p.5), Taiwan's distant water fisheries sector hired about 15,000 people in 2017 and the sector's deep-sea fishing vessels produced roughly 54% of the country's total volume of fish production in that year. However, even though Taiwan's distant water fishing fleet had brought a lot of prosperity to the country's seafood industry over the past decades, the vessels in the fleet were also the major sources of illegal fishing activities.

In terms of its preparedness to fight against IUU fishing, Taiwan had actually made several attempts to conform to international norms and address the issue even before the country received a yellow card from the EC, much like the Philippines and South Korea. First of all, it is important to note that Taiwan is not a member of the United Nations. Therefore, unlike other countries in Asia, Taiwan could not ratify or sign important international fisheries agreements such as the UN Fish Stocks Agreement or the FAO Compliance Agreement (FA, 2013, p. 6). Despite this, the country had always been cooperating with important regional fisheries management organizations (RFMOs) to conserve and protect global fisheries resources since the beginning of the 21<sup>st</sup> century. According to the Fisheries Agency (2012, December 27) the country had signed agreements to become a member of two most important RFMOs, namely the Western & Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC), in December 2004 and August 2010, respectively. Furthermore, the country had also been actively participating in the work of the Indian Ocean Tuna Commission (IOTC) to preserve tuna stocks on a voluntary basis since the organization was founded in 1996 (FA, 2013, p. 6). Aside from being an active member of several RFMOs, the Fisheries Agency had also drawn up a National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU) in March 2013, two years before the country received the yellow card from the EC. This is different from the case of Thailand in which the government developed a plan of action only after the

yellow card was given to the country. Thus, it can be said that the government of Taiwan did not neglect the issue of IUU fishing and had prepared itself to a certain degree to combat IUU fishing when the EC started to be concerned about illegal fishing activities conducted by Taiwanese deep-sea fishing vessels.

Nevertheless, those attempts that the Taiwanese government had made before 2015 seemed not to be good enough for the EC. On October 1, 2015, the EC decided to issue a yellow card warning to Taiwan largely due to the incident in which a Taiwan-flagged vessel, the Shuen De Ching No. 888, was caught illegally harvesting shark fins near Papua New Guinea on September 18, 2015 (Taipei Times, 2015, November 16). In its press release, the EC stated that there were shortcomings in Taiwan's fisheries legal framework (European Commission, 2015, October 1). Aside from that, the EC also believed that Taiwan did not have an effective sanctioning system to deter fishermen from conducting illegal fishing activities in its territorial waters nor did the country have a well-established monitoring and surveillance system to control its distant water fleet (European Commission, 2015, October 1). Thus, the EC gave Taiwan a time period of six months to resolve the identified issues. Should Taiwan fail to address the shortcoming within six months, the EU could resort to banning fisheries imports from Taiwan (European Commission, 2015, October 1).

At that time, the Legislative Yuan (Taiwan's parliament) had been quite responsive to the warning from the EC. On November 16, 2015, one month after Taiwan received the yellow card from the EC, Fisheries Agency Deputy Director General Tsay Tzu-yaw publicly announced that the Fisheries Agency will revise the laws governing the Taiwanese fisheries sector in order to increase penalties for fishermen that violate the laws (Taipei Times, 2015, November 16). Later in July, 2016, the Legislative Yuan passed the amendments of two important laws that govern the fisheries sector, namely the Fisheries Act and the Ordinance to Govern Investment in the Operation of Foreign Fishing Vessels (Hsiao, 2016, July 6). Aside from that, in the same month, the Legislative Yuan also promulgated a new law called the "Act for Distant Water Fisheries" with an aim

to ensure the conservation of marine fisheries resources, strengthen distant water fisheries management and curb IUU fishing (FA, 2017, July 31). According to Liu & Wu (2016, July 5), the new act had tightened the regulations governing the fisheries sector by identifying 19 activities as major violations. Illegal activities listed in the act include (among others) engaging in deep-sea fishing without a license, failing to install a VMS system on board and entering territorial waters of other nations without prior approval. Violators of the Act for Distant Water Fisheries could be subject to a fine from 1 million NTD to 30 million NTD, depending on the size of the fishing vessel (Hsiao, 2016, July 6). The act then came into effect on January 20, 2017, six months after it was enacted (FA, 2017, July 31).

Aside from strengthening its illegal framework to combat illegal fishing, Taiwanese authorities also made several attempts in 2017 to improve their capability to monitor and control fishing activities conducted by vessels flying its flag in the high seas. First of all, the Fisheries Agency opened an operating center to record the sailing routes of 1,200 Taiwanese deep sea fishing vessels around the clock in February 2017 (Yang & Yeh, 2017, October 15). In addition to that, the Fisheries Agency also sent over 130 inspectors to 32 major harbors around the world to inspect Taiwanese fishing vessels as well (Yang & Yeh, 2017, October 15). Due to all these efforts, the Fisheries Agency was able to impose fines on 109 deep-sea fishing vessels that fish illegally in the first half of 2017 (Chen & Low, August 15). Among those 109 violators, 85 were found guilty of violating the newly amended Fisheries Act while the other 24 offenders were found guilty of violating the new Act for Distant Water Fisheries that came into effect in January 2017 (Chen & Low, August 15). By October 2017, ten months after the new Act for Distant Water Fisheries came into effect, the Fisheries Agency reported that it had levied a total of 30 million NTD in fines in 35 cases of violations of the act (Yang & Yeh, 2017, October 15).

At this point, it is important to note that forced labor had also been a major issue in Taiwan's fisheries sector since before 2015; the year when the country

got the yellow card from the EC. Like Thailand, the issue of forced labor in Taiwan was deeply intertwined with the issue of IUU fishing. In 2018, the issue of forced labor in Taiwan's fisheries sector started to resurface and attract a lot of attention from the public as non-governmental organizations began to heavily criticize the Taiwanese government regarding this matter. The Environmental Justice Foundation (EJF), for example, released an investigative video in March 2018 to unveil a story about the exploitation of Indonesian workers on Taiwanese vessels in the country's distant water fleet (EJF, 2018, March 1). In the 11-minute video, the EJF claimed that migrant workers on Taiwanese unregistered fishing vessels that operated in the high seas often had to experience and endure physical abuse and harsh working conditions. Moreover, these workers were often being underpaid and were forced by Taiwanese boat captains to conduct illegal fishing activities on the vessels as well (EJF, 2018, March 1). Aside from the EJF, Greenpeace (2018) had also published a report titled "Misery at Sea" on May 24, 2018, to criticize Taiwan for the mistreatment and abuse of migrant workers on Taiwanese distant water fishing vessels. In the report, Greenpeace (2018) found a clear link between fishing vessels that hired forced laborers from countries in Southeast Asia and Fong Chun Formosa Fishery Company (FCF), a major Taiwanese supplier of tuna and other fish to Thailand and Japan. According to the report, migrant workers from Indonesia, Vietnam, and the Philippines were found to have been often abused, both verbally and physically, by the captains of the fishing boats (Greenpeace, 2018, p. 37). Furthermore, the workers also had to withstand dire working conditions and were forced to use illegal fishing techniques that harm the ocean and the life in them as well (Greenpeace, 2018, p. 5). Since 2018, the EJF and Greenpeace have been constantly urging Taiwan to adopt the C188 ILO Work in Fishing Convention in a bid to protect foreign workers in its fisheries sector.

However, unlike in the case of Thailand, the United States has never put pressure on Taiwan to resolve the issue of forced labor in its fisheries sector. Even though the U.S. Department of State had mentioned about the existence of the issue of forced labor on Taiwanese vessels in the country's distant water fleet in

its 2015 Trafficking in Persons (TIP) report, it still ranked Taiwan as a Tier 1 country in that year, claiming that Taiwan authorities had been making an increased effort to prosecute and convict traffickers under Taiwan's law and they had at least fully complied with the minimum standards for the elimination of human trafficking (U.S. Department of State, 2015, p.326). In fact, Taiwan would then continue to stay on the Tier 1 list in the U.S. Department of State's TIP report for four more years until 2019 (U.S. Department of State, 2019, p. 445). It is also important to note that, unlike South Korea, the U.S. National Oceanic and Atmospheric Administration (NOAA) had also never put Taiwan on its watch list in its report to congress throughout the period of four years from 2015 to 2019 (NOAA, 2015; 2017; 2019). Thus, unlike the other three cases in this chapter, the United States had really little involvement in Taiwan's move to eliminate IUU fishing activities and forced labor from its fisheries sector during the four-year period from 2015-2019.

On the other hand, the EU was relatively more concerned about the issue of forced labor in Taiwan's fisheries sector. After the EJF and Greenpeace released their investigative report and video, the EU made several attempts to urge Taiwan to address the issue. First of all, Madeleine Majorenko, Head of the European Economic and Trade Office (EETO), noted in an interview with CNA on August 27, 2018, that even though the issue of forced labor in Taiwan's fisheries sector was not the main focus of the EU when it gave the yellow card to Taiwan, the EU would continue to debate with the Taiwanese government on the rights of migrant fishing crew members because they were part of the EU-Taiwan Human Rights Consultations (Hou & Shih, 2018, August 27). Majorenko also confirmed to CNA that the EU would definitely not "let the issue go" or "drop the issue" (Hou & Shih, 2018, August 27). In addition to that, inspectors from the EU also underlined the need for Taiwan to protect foreign fishermen's rights during their visit to the country to check up on the Taiwanese government's progress in fighting against IUU fishing in October 2018 (Yeh, 2018, October 19).

Taiwan did not neglect the public criticism on the issue of forced labor in its fisheries sector. In fact, the country had taken few steps to better protect the rights and benefits of fishermen working on Taiwanese distant water fishing boats during the three-year period from 2017 to 2019. First of all, the Council of Agriculture promulgated and implemented a new law called the “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew” on January 20, 2017, to ensure good working conditions for fishermen that are hired by Taiwanese deep-sea fishing vessels (FA, 2018, March 16). Under the regulation, foreign crew members on Taiwanese deep-sea fishing vessels are entitled to at least 10 hours of rest per day and four days off per month (Yang & Kao, 2018, June 7). Additionally, the regulation also set a minimum monthly wage for foreign crew members on Taiwanese fishing vessels at 450 USD (Yang & Kao, 2018, June 7). The Council of Agriculture then amended the law in March 2019, possibly to respond to the criticisms from NGOs in 2018 and prepare for the EU’s final evaluation on the government’s efforts to combat illegal fishing in mid-2019. Aside from enacting a new law, the Taiwanese government also collaborated with the EU to hold the “EU-Taiwan Workshop on Working and Living Conditions for Fishers” on 6-7 May, 2019, in Kaohsiung (EEAS, 2019, May 14). The workshop was meant to allow representatives from Taiwan and the EU to exchange their views and experiences on how to promote the rights of fishermen working on Taiwanese deep-sea fishing vessels (Yeh, 2019, May 7). According to Taipei Times (2019, May 08), the workshop was held partially to mitigate the NGOs’ concerns over the issue of forced labor in Taiwan’s fisheries sector.

Finally, the Taiwanese government’s attempts to improve the situation in its fisheries sector yielded good results. On June 27, 2019, the EU decided to lift the yellow card it issued to Taiwan in October 2015 as it acknowledged the progress that Taiwan had made to combat illegal fishing (European Commission, 2019, June 27). In its press release, the EC (2019, June 27) attributed its final decision to delist Taiwan to the country’s considerable efforts to reform its fisheries legal framework, implement new tools to control fishing activities and

improve the traceability of its fisheries products. Additionally, the EC (2019, June 27) also noted that the EU will continue to work with Taiwan to address the issue of poor labor conditions in the country's fisheries sector as part of their human rights consultations. Overall, it took Taiwan three years and eight months to finally get its yellow card revoked. The duration of time that it was on the EU's list of yellow-carded countries was on par with that of Thailand, the other country in Asia that received a yellow card warning from the EC alongside Taiwan in 2015.

Even though the US did not get involved in Taiwan's case like in the case of Thailand, the country was still able to effectively improve the situation in its fisheries sector as it was already well-prepared to fight IUU fishing when it received the yellow card from the EC. The next question that needs to be answered is; was there any economic or political incentive that prompted Taiwan to comply with demands from the EC at the threat stage of the sanctions episode alongside three other countries that were mentioned in this chapter, namely the Philippines, South Korea and Thailand? First of all, I believe that Taiwan had a lot of political incentives to conform to the EC's requests. Taiwan is different from Thailand, Sri Lanka and Cambodia, but similar to the Philippines and South Korea in a sense that it is a highly democratic state. In 2015, when Taiwan received its yellow card from the EC, the country had a Polity score of +10 which was the highest among the scores of all Asian countries that were mentioned in this chapter (Center for Systemic Peace, 2018). In fact, the country has been able to maintain its Polity score at that level up until now. On the other hand, Thailand, the other Asian country that received a warning from the EC alongside Taiwan in 2015, only had a Polity Score of -3 throughout the entire period of four years from 2015-2018 (Center for Systemic Peace, 2018). Meanwhile, according to the Center for Systemic Peace (2018), the Philippines and South Korea both received a score of +8 during the threat stage of their sanction episodes (2013-2015), which was closer to Taiwan. As for the Political Rights score, Taiwan received a score of 1 in 2015, meaning that there was a high level of political freedom in Taiwan in that year (Freedom House, 2020). The Philippines and South Korea,



meanwhile, also received very good Political Rights scores of 3 and 2 in the same year.

However, despite having a high level of democracy and economic development, Taiwan isn't currently being considered by most countries in the world as a legitimate state. Since most countries follow the One-China policy, they cannot form official diplomatic relations with Taiwan. Due to this reason, Taiwan under President Tsai-ing Wen has always been seeking to build and maintain a good country reputation in order to be better recognized by the international community. According to Aspinwall (2020, January 7), President Tsai has made a clear goal to bring Taiwan away from its reliance on China and closer towards the rest of the world since she took office in 2016. An example of President Tsai's moves to foster closer ties with the international community is her New Southbound Policy, which is an initiative to enhance cooperation between Taiwan and countries in Southeast Asia. As for the western world, Taiwan has always seen the EU as a group of like-minded nations that shares the same political ideology and democratic value. By strengthening its ties with the EU, Taiwan will be able to receive strong support in the world stage for its participation in international fora. After Taiwan was able to resolve its issue regarding IUU fishing in 2019, the EU's support for Taiwan inclusion in intergovernmental organizations has been growing tremendously, even if it's for an observer status. For example, on April 12, 2020, CNA reported that 127 members of the European Parliament have expressed their support via an open letter for Taiwan to be able to participate in the decision making body of the WHO (Chen & Lim, 2020, April 12). If Taiwan had not taken serious actions against IUU fishing during the period of four years from 2015-2019, its relationship dynamic with the EU could have changed and the government would not have been able to maintain a good reputation in the international community. Thus, I believe that Taiwan, unlike Thailand, has a huge political incentive to comply with the EC's demands during the threat stage of the sanctions episode.

On the other hand, I believe that Taiwan did not have enough economic incentives to conform to requests from the EU. It may be true that the EU was the fifth largest trading partner of Taiwan in 2015; the year that it received its yellow card from the EC (EETO, 2016, p. 11). In addition to that, the EU was also the second largest provider of FDI to Taiwan in 2015, second only to the Caribbean Islands (EETO, 2016, p. 14). However, in terms of fish trade, Taiwan only exported 21 million EUR worth of fish to the EU market in 2015, which accounted for 0.1% of the country's total value of goods exports to the EU in that year (EETO, 2016, p. 10). It can be said that if the EU decided to ban fish imports from Taiwan, the ban would not take much toll on Taiwan's trade in goods and services with the EU. Aside from this, it should also be noted that Taiwan's value of fish exports to the EU was worth only 1.66% of its total value of fish exports to markets worldwide in 2015 (EETO, 2016, p. 10; FAO, 2017). In comparison, Thailand's value of fish exports to the EU accounted for 11.22% of the country's value of fish exports to the global market in the same year (Chatham House, 2018). Meanwhile, the numbers for South Korea and the Philippines in the same year were 5.06% and 7.93%. Thus, I believe that the sanctions that the EU threatened to impose on Taiwan can cause really limited damage to its fisheries sector.

All things being considered; I conclude that Taiwan decided to comply with the EC's demands during the threat stage of the sanctions episode largely due to its political concerns. The fear of ruining its reputation in the international community and losing the EU's support for its participation in intergovernmental organizations prompted the government to revise relevant laws governing the fisheries sector and ramped up its inspection on Taiwanese distant water fishing vessels in the latter half of the 2010s. Economic factors should not have contributed much to the EU's success in eliminating illegal fishing activities from Taiwan's fisheries sector because the EU was not an important fish trade partner of Taiwan.

Additionally, I also believe that Taiwan was able to get its yellow card revoked much slower than the Philippines and South Korea due to the absence of the United States' involvement in the sanctions episode. Unlike in the case of South Korea and the Philippines, the United States neither sent a warning to Taiwan regarding the issue of illegal fishing or provided the country with any support to address the issue. Throughout the period of four years from 2015 to 2019, the EU was the only superpower that threatened to ban seafood imports from Taiwan. Thus, there is a possibility that the Taiwanese government might have had less commitment to address the issue compared to the Philippines and South Korea as it was threatened to be sanctioned by only one party. Nonetheless, Taiwan was still able to successfully get its yellow card revoked before the ban was imposed as it was more prepared than Thailand, Cambodia and Sri Lanka to address the issue when it received the yellow card.

## **5.5 Conclusion**

In this chapter, the cases of South Korea, the Philippines and Taiwan demonstrate how democratic countries could handle the sanctions threats from the EC better than autocratic states. According to the findings, the three countries chose to comply with demands from the EC during the threat stage of the sanctions episode despite having limited economic incentives to do so because they all saw the EU as an important democratic ally and they also cared about their diplomatic relationship with the EU. Due to their democratic nature, the three countries were able to respond to the EC warning quite effectively as they were relatively more well-prepared than Cambodia and Sri Lanka to fight against the issue of IUU fishing in the years that they received their cards. Furthermore, the findings also indicate that in the cases of South Korea and the Philippines, the involvement of another superpower like the United States had prompted the two countries to resolve the issue in dispute with the EU even quicker than others.

On the other hand, the case of Thailand clearly supports my argument that an autocratic state can also choose to comply with demands from the sender during the threat stage of the sanctions episode if the economic cost that it is

expecting to bear from being sanctioned is huge and if there is an involvement of another superpower like the US in the sanctions episode. Thailand, despite having little political incentives to comply with demands from the EC, still chose to improve the situation within its fisheries sector as suggested by the EC because the EU was a very important export market for the country's fishery products. Aside from that, the United States was, at the same time, putting pressure on Thailand to increase the inspection on vessels flying its flag because of the issue of forced labor found in the country's fisheries sector. Failing to address all the shortcomings that both parties found could result in Thailand losing two export destinations at the same time and that would greatly hurt the country's economy. Thus, the threats that the EC used on Thailand became effective because the United States helped making the sanctions becoming more severe for Thailand than it initially was.



## Chapter 6: Conclusion

At the beginning of the 21<sup>st</sup> century, the EU became quite concerned about the issue of IUU fishing in the global community. The commission thus created the so-called carding system in a bid to prompt the world's major fishing countries to take part in the international fight against IUU fishing. During the period of nine years from 2010-2019, the EU had threatened to boycott fishery products from seven countries in Asia for their lack of commitment in addressing the issue of IUU fishing via the carding system. Those seven countries were Cambodia, Sri Lanka, South Korea, the Philippines, Thailand, Taiwan and Vietnam.

Among these seven, two countries (Cambodia and Sri Lanka) decided to neglect the EC's warning and chose to not comply with demands from the EC during the threat stage of their sanctions episodes. Four countries (South Korea, the Philippines, Thailand and Taiwan) decided to comply. One country (Vietnam) is still caught in the threat stage of its sanctions episode. The main goal of this thesis is to find the factors that contributed to the success and failure of the sanction threats that the EC made against these seven Asian countries.

In the third chapter of this thesis, I conducted a comparative study on six cases among the seven and found that the target state's regime type was a major factor that contributed to the result in each case. Among the four countries that complied with demands from the EC during the threat stage of the sanctions episode, three of them were democracies. On the other hand, the two countries that chose to not comply with demands during the threat stage were autocracies. I thus made a first hypothesis based on this finding that democratic states are quicker to respond to sanctions threats and they are more likely to comply with demands from the sender during the threat stage of the sanctions episode.

Aside from this, I also found that in case if the country is an autocracy, the sanctions cost that the country is expecting to bear and the involvement of another superpower in the sanctions episode are the two important factors that could

determine the success and failure of the sanctions threat. Based on this finding, I made another hypothesis that autocratic states will be more likely to comply with the sender's demands if these two conditions are met; 1) the country's economy depends a lot on the sender and 2) there is another superpower who choose to intervene in the sanctions episode by putting more pressure on the target to resolve the issue in dispute.

Later in the fourth chapter and the fifth chapter of this thesis, I conducted an in-depth case study on each country to find out how each of them deals with the sanctions threat and how all the aforementioned factors, including the country's regime type, the cost of expected sanctions, and the involvement of another superpower, affected the country's decision to comply or not comply with demands from the EU when it received the warning. I provide summaries of my findings from my study of the six cases below.

## **Cambodia**

Cambodia had neither political or economic incentives to comply with the EC's demands during the threat stage of its sanctions episode. Throughout the 80s, the country's fisheries sector was being heavily controlled by a military regime. The fishermen in the country, at that time, were unable to fish for commercial purposes nor were they able to export their fish to other countries. In the 90s, even after the military regime collapsed, Cambodia's fish export market was still being monopolized by a state-owned enterprise. The limitation of fish trade in the last two decades of the 20th century left the fisheries sector and the seafood industry of the country underdeveloped. In the early 2000s, even though fish traders in the country were allowed to export their products to the international market, only few countries agreed to buy fish products from Cambodia due to the country's lack of fish processing facilities that meet international standards. The EU was one of the markets which refused to import fish products from Cambodia. In the year that Cambodia received the warning from the EC (2012), Cambodia value of fish exports to the EU market was near zero. Furthermore, at that time, the country was still an autocracy and it had only

a small political relation with the EU. All these being considered; Cambodia was expecting to receive a really little impact from the imposed sanction. Thus, the government of the country decided to ignore the EC's threat and later received a red card for its lack of commitment in the EU's international fight against IUU fishing.

## **Sri Lanka**

Sri Lanka had a huge political incentive to conform to demands from the EC during the threat stage of its sanctions episode. Sri Lanka did not only have the EU as its most important trade partner for fishery products, but the fisheries sector also contributed a lot to the country's economy. Thus, Sri Lanka should have done everything in its power to address the issue of IUU fishing in the year that the yellow card was received. However, in reality, according to the results of my research, the Rajapaksa government did really little to improve the situation in the country's fisheries sector. The Rajapaksa government was being viewed by many as an authoritarian leader, and thus it had little political incentives to comply with the EU's demands. Furthermore, there was no other superpower that got involved in Sri Lanka's sanctions episode at the time and Sri Lanka wasn't actually well-prepared to address the issue. The country did not have an NPOA-IUU in place before it received the yellow card from the EC, unlike South Korea, the Philippines and Taiwan. Because of that, Sri Lanka's had been making slow progress in eliminating IUU fishing activities during the period of three years from 2013-2015 and the EC thus decided to issue a red card to the country.

It was not until the Sirisena government took power after the election in 2015 that Sri Lanka started to seriously address the issue of IUU fishing. After the Sirisena government came into power, the degree of democracy in Sri Lanka significantly increased and the country started to view the EU as a more important democratic ally. The Sirisena government drafted a new NPOA-IUU to give a better effect for international fisheries laws that the country had ratified. Due to this improvement, the EU decided to lift the red card from Sri Lanka in 2016, only one year after Sirisena took office. Thus, the case of Sri Lanka clearly

demonstrates that a state will be more willing to comply with the sender's demands and concede to the threat when it becomes more democratic.

## **South Korea**

South Korea was one of the two fastest countries to get their yellow cards revoked. Compared to other countries, South Korea saw the EU as a less significant market for its fish exports. Thus, South Korea had little economic incentives to comply with the EC's demands during the threat stage of the sanctions episode. However, South Korea, according to my study, had a lot of political incentives to comply with the EC's demands. The degree of democracy in South Korea was very high in 2013 and the Park Geun-hye government was very keen on establishing strong diplomatic ties with the western world at that time. Furthermore, the country was in the progress of signing and ratifying three important agreements with the EU; the FTA, the Framework Agreement and the Crisis Management Participation Agreement. To not comply with the EC's requests would negatively affect the ongoing negotiations that South Korea had with the EU in regards to the ratification of these three agreements.

Aside from having a political incentive to comply with the EC's requests, it should also be noted that the country had actually made several preparations to address the issue of IUU fishing before the year that it received the yellow card from the EC (2013). South Korea had already drafted several versions of its NPOA-IUU and it had also ratified two important international fisheries agreements, the UN Fish Stock Agreement and the FAO Compliance Agreement, before 2013. Moreover, there was also an involvement of the United States in South Korea's sanctions episode. The United States' NOAA had warned South Korea about the issue of IUU fishing in its fisheries sector even before the EC took notice of the issue and this actually pressured South Korea into taking a more intensive action to improve the situation in its fisheries sector. All things being considered, I conclude South Korea was able to promptly respond to the EC's requests because it had viewed the issue of IUU fishing as highly significant since before the yellow card was issued and the involvement of the United States



helped speed up the country's progress in eliminating IUU fishing activities from its territorial waters.

## **The Philippines**

The Philippines was the fastest among the six countries to resolve the issue in dispute with the EU. The most important factor that caused the Philippines to respond quickly to the EU's warning was the involvement of the United States in the Philippines' fight against IUU fishing. Long before the Philippines received its yellow card from the EC, the United States, the Philippines' most important political ally, had been providing the Filipino government with support through USAID programs to help the country eliminate IUU fishing activities from its territorial waters. The Philippines also perceived the issue of IUU fishing as highly salient and gladly accepted the help from the United States as the country was concerned about the intrusion of Chinese illegal fishing boats in its territorial water. Due to this reason, the Philippines had drafted its NPOA-IUU with the help from the United States before it received the yellow card from the EC in 2014. It can be said that the country was very well prepared to resolve the dispute with the EU when it received the card.

Aside from this, it should also be noted that the Philippines had some economic incentives to comply with the EU's demands as well (but not as much as in the case of Thailand and Sri Lanka). Even though the EU was not as important as the US to the Philippines in terms of fish trade, it cannot be denied that the EU was still the biggest buyer of tuna from the Philippines and the fishery sector still contributed a lot to the prosperity of the Philippines' economy. Furthermore, at the time when it was threatened to be sanctioned by the EC, the Philippines was in the middle of negotiating with the EU for a GSP+ status. To be ignorant of the issue of IUU fishing in its fishery sector would definitely affect the EU's decision to grant such privilege to the Philippines. The Filipino government thus felt the need to ramp up its action to eliminate IUU fishing in order to prove itself to the EU that the country was worthy of receiving the GSP+ status and become a major trade partner of the EU.

## Thailand

Thailand was a black sheep among the four countries which chose to comply with demands from the EU during the threat stage of their sanction episodes. Unlike the other three countries, Thailand was an undemocratic state when it received the yellow card from the EC. It had a really low degree of democracy due to the coup which was conducted by the Thai military in 2014. Under the governance of the military junta, Thailand had really little political incentives to conform to demands from the EU during the threat stage of its sanctions episode. The Thai military government, at that time, was being harshly criticized by the western world for coming into power via illegitimate means. The EC had even vowed to stop its FTA negotiation with Thailand unless Thailand holds a new election. Thus, Thailand's government at that time was more keen on developing stronger diplomatic ties with undemocratic superpowers such as China. Due to this reason, the country would gain really limited political benefits from conforming to the EC's requests.

As for its preparation to fight against IUU fishing, Thailand had actually never ratified any international fisheries agreement before it received the yellow card in 2015. The country neither had a draft of an NPOA-IUU before that year. Thailand only started to develop its NPOA-IUU after it got the warning from the EC. Thus, it can be said that the country wasn't ready to address the issue of IUU fishing in 2015 and this contributed to the government's tardiness in eliminating IUU fishing activities throughout its entire sanctions episode.

However, even though Thailand had a relatively bad diplomatic relation with the EU during that time, it still chose to conform to the EC's request at the end of the day as the country's fisheries sector depended a lot on the EU market. Furthermore, the country's fisheries sector also contributed a lot to its GDP in the year that it received the card. Thus it can be said that the country had a relatively huge economic incentive to address the issue of IUU fishing as requested by the EC.

Another factor that prompted Thailand to take a serious action to eliminate illegal fishing activities from its fisheries sector was the involvement of the United States in the sanctions episode. At the time when the country was on the EC's list of yellow-carded countries, the United States was also pressuring Thailand to develop a better monitoring system for its fishing vessels in order to eliminate the use of forced labor in the country's fisheries sector. This benefited the EU in its quest to eliminate illegal fishing activities from Thailand's territorial waters as the issue of forced labor in Thailand was heavily intertwined with the issue of illegal fishing. By improving its vessels monitoring system, Thailand was able to track down vessels that use forced labor to fish illegally for them more easily. In conclusion, Thailand chose to comply with the EC's demands despite being an autocratic state because the country was afraid to bear a severe cost from the economic sanctions and there was an involvement of another superpower (the US) in the sanctions episode.

## **Taiwan**

Taiwan, unlike Thailand, did not have a lot of economic incentives to comply with demands from the EU. Also, the US did not get involved in Taiwan's sanctions episode, unlike in the cases of South Korea, the Philippines and Thailand. However, I believe that Taiwan had a huge political incentive to conform to the EC's demands. Taiwan is a highly democratic state and it has always seen the EU as a group of like-minded nations that shares the same political ideology. Despite this, Taiwan is not recognized by most members of the UN as a legitimate state. Due to this particular reason, President Tsai Ing-wen, since she took office in 2016, has always sought to forge strong diplomatic ties with foreign countries in a bid to improve Taiwan's reputation in the world stage. Failing to address the issue of IUU fishing in its territorial waters would ruin Taiwan's image as a responsible member of the international community. Aside from this, Taiwan also cares a lot about its credibility with the EU. The EU could provide support for Taiwan's participation in international organization. Thus, it

can be said that Taiwan would gain a lot of political benefits if it chose to comply with the EC's demands.

From all the case studies, it is clear that the target state's regime type is the dominant factor which determines the effectiveness of the EC's sanctions threat. Democratic states like South Korea, the Philippines and Taiwan chose to comply with demands from the sender during the threat stage of the sanctions episode (even if they would receive little economic benefits from doing so) because democracies generally value the diplomatic ties between democratic allies. Furthermore, the three democratic states also view global issues like the issue of IUU fishing as highly significant and they thus become more prepared than autocratic states when it comes to addressing the issue in dispute with the EC. However, the case of Thailand shows that an autocratic state could also be more willing to comply with demands from the sender during the threat stage if the country is expecting to receive a lot of damage to its economy from the sanctions and if there is an involvement of another superpower who helps increase the damage in the sanctions episode. I thus, would like to conclude that the findings from all the cases support my initial argument, which states as follow;

If the target states are democracies, they are more likely to comply with demands from the sender during the threat stage of the sanctions episode. Instead, if they are autocracies, two preconditions must be met in order for them to comply; 1) the country's economy must depend a lot on the sender's market and 2) there is an involvement of another super power in the sanctions episode.

### **Vietnam: An On-Going Case that can further test my argument**

Vietnam is the only country among the seven that is still caught in the threat stage of its sanctions episode. The EC decided to issue Vietnam a yellow card on October 23, 2017, largely due to the illegal fishing activities conducted by Vietnamese-flagged vessels in the EEZs of neighboring countries and in the archipelagic waters of small islands in the Central and Western Pacific areas during the period of three years from 2015 to 2017 (European Commission, 2017,

p .2). As of the day that I finished writing this thesis (June 10, 2020), the EC is still inspecting Vietnam on its progress in fighting against the issue of IUU fishing and the EC has yet to decide to issue a red card to the country. Since there is still no outcome for the case of Vietnam, I have intentionally left the country out of the study in the previous three chapters. In the last section of this last chapter, I would like to make a prediction on the possible outcome for the case of Vietnam based on the hypothesis that I have constructed and the information that I have collected thus far.

According to my assumption, Vietnam should not be able to resolve its dispute with the EU regarding the issue of IUU fishing within its territorial waters as easily as South Korea, the Philippines, Thailand and Taiwan. Furthermore, there is a high possibility that the country will not be able to get its yellow card revoked at all and might eventually get sanctioned by the EU. I made this prediction because of three main reasons. First of all, Vietnam had made really little preparations to fight against the issue of IUU fishing before it received the yellow card from the EC in 2017. The country did not have a national plan of action in place and it had never ratified any one of the three important international fisheries agreements, namely the FAO compliance Agreement, the UN Fish Stock Agreement and the Agreement on Port State Measures, prior to the year that it received the card. This made it rather difficult for Vietnam to immediately and effectively address the shortcomings identified by the EC, unlike South Korea and the Philippines who were more well-prepared to fight against IUU fishing in the year that they received the cards.

Secondly, the United States had never gotten involved in Vietnam's case during the period of three years from 2017-2019. The United States' NOAA did not list Vietnam as one of the countries whose vessels were engaged in IUU fishing in its 2017 and 2019 report to congress (NOAA 2017; 2019). The US also did not provide any aid to Vietnam to help it eliminate IUU fishing activities like in the case of the Philippines. Furthermore, after Vietnam got its yellow card, Vietnam's total value of fish exports to the US did not drop but actually increased

from 840 million in 2017 to 1.1 billion in 2018 (Chatham House, 2018). Thus, it can be said that Vietnam received really little pressure from the US regarding the issue of IUU fishing since it got the yellow card from the EC in 2017.

Lastly, Vietnam is still considered by many as an autocratic state. Unlike most countries which complied with demands from the EC during the threat stage of their sanctions episodes, Vietnam had a really low Polity score of -7 in the year that it received the yellow card from the EC (Center for Systemic Peace, 2018). Vietnam's Polity score was actually the lowest among those of seven countries that are examined in this thesis. Furthermore, the country also received a really high Political Rights score of 7 from Freedom House throughout the period of three years from 2017-2019, which means that country provided really little political freedom for its citizens (Freedom House, 2020). Vietnam's Political Rights score in 2017 was even higher than that of Cambodia, the country that responded really weakly to the warning from the EC and is still on the EC's list of red-carded countries up until now. Due to the country's undemocratic nature, Vietnam has not been considering the EU as an important political ally and the diplomatic ties between the two parties are really weak. In fact, Vietnam was only able to form an official diplomatic relation with the EU in 1996, making it the last country in Southeastern Asia to do so (Delegation of the European Union to Vietnam, p. 12). Vietnam's relation with the EU actually focuses more on trade than politics. Thus, I assume that Vietnam has really limited political incentives to comply with demands from the EC during the threat stage of its sanctions episode.

However, there is no perfect theory in the field of political study. Even though I strongly believe that Vietnam will not get its yellow card revoked due to all the reasons given above, there is still a possibility that Vietnam will comply with demands from the EU at the end of its sanctions episode as the country's economy depends a lot on fish exports. In the year that Vietnam received its yellow card (2017), the country's total value of fish exports was worth 2.59% of its GDP (Chatham House, 2018; United Nations Statistics Division, 2018). The number is higher than that of any country in this study. Furthermore, the EU is

also a really important fish market for Vietnam fish exporters. According to data from Chatham House (2018), Vietnam shipped approximately 1 billion USD worth of fish products to the EU in 2018, making the EU the largest buyer of Vietnam's fish products in that year. Thus, Vietnam had a really huge economic incentive to comply with the EC's demands, and this dependency on the EU fish market might prompt the government to finally conform to EU's requests at the end of the day.

In fact, the Vietnamese government had already taken some actions to increase its credibility for EU consumers. First of all, on November 21, 2017, about a month after the yellow card was received, Vietnam took the recommendations of the EU into account and amended its Fisheries Law of 2003 to better deter fishermen from conducting illegal fishing activities (Ojamaa, 2018, p.30). Furthermore, the Vietnamese government also decided to ratify the UN Fish Stocks Agreement and the FAO Agreement on Port State Measures, the two important international fisheries laws, in December 2018 and January 2019, respectively (United Nations, 2020; FAO, 2020). Thus, I still do not want to rule out the possibility that Vietnam will be able to get its yellow card revoked.

No matter what the outcome of the case of Vietnam may be, it cannot be denied that the EU had been finding great success during the past decades in coercing countries in Asia to take more actions against IUU fishing via its economic sanctions threats. Out of 7 countries in Asia that received the yellow card warning from the EC, 4 decided to comply with the EC's demands during the threat stage of their sanctions episodes and one decided to comply during the imposition stage. I thus would like to finally conclude that economic sanctions could be used as effective tools of economic statecraft, as long as the country is a democracy like the sender. If not, there must be an involvement of another superpower in the sanctions episode and the target state's economy must be highly dependent on the sender's market to make the sanctions work.





## Bibliography

- Allen, S. H. (2005). The Determinants of Economic Sanctions Success and Failure. *International Interactions*, 31(2), 117–138.
- Ang, A. U.-J., & Peksen, D. (2007). When Do Economic Sanctions Work? *Political Research Quarterly*, 60(1), 135–145.
- Asia Sentinel. (2015, August 18). Opinion: Is the Thai-US Alliance About to End?. *Asia Sentinel*. Retrieved June 20, 2020, from: <https://www.asiasentinel.com/p/opinion-thailand-us-alliance>
- Aspinwall, N. (2020, January 7). Taiwan: The Tsai Doctrine. *The Diplomat*. Retrieved June 20, 2020, from: <https://thediplomat.com/2020/01/taiwan-the-tsai-doctrine/>
- Associated Press. (2015, March 26). US Renew Call for Thai Crackdown on Fishing Abuses. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/509264/us-renews-call-for-thai-crackdown-on-fishing-abuses>
- Baldwin, D. A. (1985). *Economic statecraft*. Princeton: Princeton University Press.
- Bangkok Post. (2014, June 21). Aid Cuts Loom in Wake of Slavery List Shaming. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/politics/416533/aid-cuts-loom-in-wake-of-slavery-list-shaming>
- Bangkok Post. (2014, June 22). Downgrade Threatens Ties with US. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/416665/downgrade-threatens-ties-with-us>
- Bangkok Post. (2015, April 23). Prayut Orders Vows No Complacency in Fight Against EU Fish Ban. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/539067/prayut-orders-vows-no-complacency-in-fight-against-eu-fish-ban>
- Bangkok Post. (2015, April 30). PM uses S44 to Set Up Fishery Command Centre. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/546799/pm-uses-s44-to-set-up-fishery-command-centre>
- Bangkok Post. (2017, September 21). Fishermen Rise Against EU Demands for Tighter Controls. *Bangkok Post*. Retrieved June 20, 2020, from:

<https://www.bangkokpost.com/thailand/general/1328535/fishermen-rise-against-eu-demands-for-tighter-controls>

Bapat, N. A., Heinrich, T., Kobayashi, Y., & Morgan, T. C. (2013). Determinants of Sanctions Effectiveness: Sensitivity Analysis Using New Data. *International Interactions*, 39(1), 79–98.

BFAR. (2013a). *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: Republic of the Philippines*. Quezon: Bureau of Fisheries and Aquatic Resources.

BFAR. (2013b). *Philippines Fisheries Profile 2013*. Quezon: Bureau of Fisheries and Aquatic Resources.

BOBLME. (2015). *Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries in Asia*. London: MRAG

Burke, J. & Perara, A. (2015, January 10). Sri Lanka Wakes Up to New Era Under President Sirisena. *The Guardian*. Retrieved June 20, 2020, from: <https://www.theguardian.com/world/2015/jan/10/sri-lanka-new-era-president-maithripala-sirisena>

Center for Systemic Peace. (2018). *Polity IV Project, Political Regime Characteristics and Transitions, 1800-2018* [Data Set]. Retrieved June 20, 2020, from: <http://www.systemicpeace.org/inscrdata.html>

Chachavalpongpun, P. (2018, October 30). Thailand's Post-Coup Foreign Policy. *East Asia Forum*. Retrieved June 20, 2020, from: <https://www.eastasiaforum.org/2018/10/30/thailands-post-coup-foreign-policy/>

Chan, S. (2017, September 13). Milestones for Fisheries Project. *Khmer Times*. Retrieved June 20, 2020, from: <https://www.khmertimeskh.com/82630/milestones-fisheries-project/>

Chandrasekara, G. (2015, June 22). Sri Lanka to Recover GSP+ After Human Rights Council Sessions in Geneva: PM. *Lanka Business Online*. Retrieved June 20, 2020, from: <https://www.lankabusinessonline.com/sri-lanka-to-recover-gsp-after-human-rights-council-sessions-in-geneva-pm/>

Charoensuthipan, P. (2018, November 30). Thailand First in Asia to Ratify Fishing Pact. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/business/1584742/thailand-first-in-asia-to-ratify-fishing-pact>

Chatham House. (2018). *'resourcetrade.earth'* [Online Database]. Retrieved June 20, 2020, from: <http://resourcetrade.earth/>

Chen, C. & Low, Y. F. (2017, August 15). Fines Imposed in 109 Cases of Illegal Fishing as of End-July. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/business/201708150020>

Chen, Y. & Lim, E. (2020, April 12). 127 European Parliamentarians Support Taiwan's WHA Bid. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/politics/202004120001>

Chuensuksawadi, P., Jikkham, P. & Nathalang, J. (2015, March 27). Slave Boat Owners in Govt Sights. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/509583/slave-boat-owners-in-govt-sights>

Delegation of the European Union to Vietnam. (2019). *Guide to the EU-Vietnam Trade and Investment Agreements*. Hanoi: Delegation of the European Union to Vietnam.

DFAR. (2013). *Sri Lanka National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2013*. Colombo: Department of Fisheries and Aquatic Resources.

DFAR. (2015). *Sri Lanka National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Colombo: Department of Fisheries and Aquatic Resources.

DOF. (2015). *Thailand National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Thailand NPOA-IUU) 2015-2019*. Bangkok: Department of Fisheries.

Domingo, R. W. (2014, November 24). Bill Threatens PH Commercial Fishing Sector. *Inquirer.net*. Retrieved June 20, 2020, from: <https://business.inquirer.net/182534/bill-threatens-ph-commercial-fishing-sector>

Drezner, D. W. (1999). *The Sanctions Paradox: Economic Statecraft and International Relations*. Cambridge: Cambridge University Press.

Drezner, D. W. (2003). The Hidden Hand of Economic Coercion. *International Organization*, 57(3), 643–659.

Drury, A. C., & Li, Y. (2006). U.S. Economic Sanction Threats Against China: Failing to Leverage Better Human Rights. *Foreign Policy Analysis*, 2(4), 307–324.

Economy Next. (2015, August 21). Sri Lanka Seafood Exports Dive 36-pct in First Half After EU Ban. *Economy Next*. Retrieved June 20, 2020, from: <https://economynext.com/sri-lanka-seafood-exports-dive-36-pct-in-first-half-after-eu-ban-2364/>

EEAS. (2019, May 14). *Taiwan and the European Union Hold 2<sup>nd</sup> Human Rights Consultations* [Press Release]. Retrieved June 20, 2020, from: [https://eeas.europa.eu/delegations/liberia/62602/taiwan-and-european-union-hold-2nd-human-rights-consultations\\_en](https://eeas.europa.eu/delegations/liberia/62602/taiwan-and-european-union-hold-2nd-human-rights-consultations_en)

EETO. (2016). *EU-Taiwan Fact File 2016*. Taipei: European Economic and Trade Office.

EJF, Oceana, The Pew Charitable Trusts, WWF. (2015, October). *EU Regulation to Combat Illegal Fishing: Third Country Carding Process: Success for South Korea and the Philippines* (Case Study No.2). Retrieved June 20, 2020, from: [www.iuuwatch.eu/wp-content/uploads/2015/06/Case-Study2.FINAL\\_EN.pdf](http://www.iuuwatch.eu/wp-content/uploads/2015/06/Case-Study2.FINAL_EN.pdf)

EJF, Oceana, The Pew Charitable Trusts, WWF. (2016, April). *The EU IUU Regulation Carding Process: A Review of European Commission Carding Decisions* (Issue Brief – April 2016). Retrieved June 20, 2020, from: [www.iuuwatch.eu/wp-content/uploads/2015/06/3rdCountryCardingGuidelinesReport\\_FINAL.LOW.pdf](http://www.iuuwatch.eu/wp-content/uploads/2015/06/3rdCountryCardingGuidelinesReport_FINAL.LOW.pdf)

EJF. (2015). *Thailand's Seafood Slaves: Human Trafficking, Slavery and Murder in Kantang's Fishing Industry*. London: Environmental Justice Foundation.

EJF. (2018, March 1). *Exploitation and Lawlessness: The Dark Side of Taiwan's Fishing Fleet* [Video File]. Retrieved June 20, 2020, from: <https://vimeo.com/258117796>

Esplanada, J. E. (2012, January 11). Philippines Ready to Validate Claim to Spratlys in UN Forum. *Inquirer.net*. Retrieved June 20, 2020, from: <https://globalnation.inquirer.net/22595/philippines-to-china-un-should-resolve-territorial-row>

European Commission. (2006). Commission Decision of 6 November 2006 Establishing the Lists of Third Countries and Territories from Which Imports of Bivalve Molluscs, Echinoderms, Tunicates, Marine Gastropods and Fishery Products Are Permitted. *Official Journal of the European Union*, L320/5.

European Commission. (2012). Commission Decision of 15 November 2012 on Notifying the Third Countries that the Commission Considers as Possible of Being Identified as Non-Cooperating Third Countries Pursuant to Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C354/1.

European Commission. (2013a). Commission Decision of 26 November 2013 on Notifying the third Countries that the Commission Considers as Possible of Being Identified as Non-Cooperating Third Countries Pursuant to Council Regulation

(EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C346/26.

European Commission. (2013b). Commission Implementing Decision of 26 November 2013 Identifying the third Countries that the Commission Considers as a Non-Cooperating Third Country Pursuant to Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C346/2.

European Commission. (2014a). Council Implementing Decision of 24 March 2014 Establishing a List of Non-Cooperating Third Countries in Fighting IUU Fishing Pursuant to Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, L91/43

European Commission. (2014b). Commission Decision of 10 June 2014 on Notifying a Third Country That the Commission Considers as Possible of Being Identified as Non-Cooperating Third Countries Pursuant to Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C185/03.

European Commission. (2014c). Commission Implementing Decision of 14 October 2014 Identifying a Third Country that the Commission Considers as a Non-Cooperating Third Country Pursuant to Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, L297/13.

European Commission. (2015). Commission Decision of 1 October 2015 on Notifying a Third Country of the Possibility of Being Identified as a Non-Cooperating Third Country in Fighting Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C324/17.

European Commission. (2015, April 21). *EU Acts on Illegal Fishing: Yellow Card Issued to Thailand while South Korea and Philippines are Cleared* [Press Release]. Retrieved June 20, 2020, from: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_15\\_4806](https://ec.europa.eu/commission/presscorner/detail/en/IP_15_4806)

European Commission. (2015, October 1). *Fighting Illegal Fishing: Commission Warns Taiwan and Comoros with Yellow Cards and Welcomes Reforms in Ghana and Papua New Guinea* [Press Release]. Retrieved June 20, 2020, from: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_15\\_5736](https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5736)

European Commission. (2015b). Commission Decision of 21 April 2015 on Notifying a Third Country of the Possibility of Being Identified as a Non-Cooperating Third Country in Fighting Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C142/7

European Commission. (2017a). Commission Decision of 23 October 2017 Notifying the Socialist Republic of Vietnam of the Possibility of Being Identified as a Non-Cooperating Third Country in Fighting Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, C364/3.

European Commission. (2017b). Commission Implementing Decision (EU) 2017/1949 of 25 October 2017 Repealing Implementing Decision 2014/715/EU Identifying Sri Lanka as a Third Country that the Commission Considers as a Non-Cooperating Third Country Pursuant to Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *Official Journal of the European Union*, L276/62

European Commission. (2018). *Annex 1 of the Commission Implementing Decision on the Financing of the Annual Action Programme in Favour of Cambodia for 2018 and 2019 part 1*. Retrieved June 20, 2020, from: <https://ec.europa.eu/transparency/regdoc/rep/3/2018/EN/C-2018-8706-F1-EN-ANNEX-1-PART-1.PDF>

European Commission. (2019). *Client and Supplier Countries of the EU28 in Merchandise Trade (value %) (2018, excluding intra-EU trade)*. Retrieved June 20, 2020, from: [https://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\\_122530.pdf](https://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122530.pdf)

European Commission. (2019, January 8). *Commission Lifts “Yellow Card” from Thailand for Its Actions Against Illegal Fishing* [Press Release]. Retrieved June 20, 2020, from: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_61](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_61)

European Commission. (2019, June 27). *Illegal Fishing: EU Lifts Taiwan’s Yellow Card Following Reforms* [Press Release]. Retrieved June 20, 2020, from: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_3397](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_3397)

FA. (2012, December 27). Taiwan Becomes a Member of the “South Pacific Regional Fisheries Management Organization”; Fishing Rights on South Pacific Ocean Secured [Press Release]. Retrieved June 20, 2020, from: <https://www.fa.gov.tw/en/Announcement/content.aspx?id=21&chk=7103b05f-345c-4ed3-bad8-b4d160e863c7>

FA. (2013). *National Plan of Action of the Republic of China (Taiwan) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing*. Taipei: Fisheries Agency of Council of Agriculture of Executive Yuan.

- FA. (2017, July 31). *Act for Distant Water Fisheries*. Kaohsiung: Fisheries Agency. Retrieved June 20, 2020, from: <https://www.fa.gov.tw/en/LegalsActs/content.aspx?id=5&chk=ba23e604-1d7f-40fd-8a8b-8d125f16001d#:~:text=This%20Act%20is%20enacted%20to,promote%20the%20sustainable%20operation%20of>
- FA. (2018, March 16). *Taiwan Has Continuously Taken Actions to Enhance Protection of Rights and Benefits of Foreign Crew Members Engaging in the Distant Water Fisheries* [Press Release]. Retrieved June 20, 2020, from: <https://www.fa.gov.tw/en/Announcement/content.aspx?id=51&chk=fbd8d967-153d-491d-8269-ec671cac9c85&param=>
- FA. (2019). *Fisheries of the Republic of China*. Kaohsiung: Fisheries Agency.
- FAO. (2001). *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome: FAO.
- FAO. (2006). *Fishery Country Profile – Sri Lanka*. Retrieved from: [http://www.fao.org/fishery/docs/DOCUMENT/fcp/en/FI\\_CP\\_LK.pdf](http://www.fao.org/fishery/docs/DOCUMENT/fcp/en/FI_CP_LK.pdf)
- FAO. (2017). *Fishery Commodities Global Production and Trade* [Online Database]. Retrieved June 20, 2020, from: <http://www.fao.org/fishery/statistics/global-commodities-production/query/en>
- FAO. (2018). *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Sea*. Retrieved June 20, 2020, from: [http://www.fao.org/fileadmin/user\\_upload/legal/docs/012s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/012s-e.pdf)
- FAO. (2018b). *The State of World Fisheries and Aquaculture 2018 – Meeting the Sustainable Development Goals*. Rome: Food and Agriculture Organization of the United States.
- FAO. (2019a). *Fishery and Aquaculture Country Profiles – The Kingdom of Cambodia*. Retrieved June 20, 2020, from: <http://www.fao.org/fishery/facp/KHM/en>
- FAO. (2019b). *Fishery and Aquaculture Country Profiles – The Republic of Korea*. Retrieved June 20, 2020, from: <http://www.fao.org/fishery/facp/KOR/en>
- FAO. (2019c). *Fishery and Aquaculture Country Profiles – The Republic of the Philippines*. Retrieved June 20, 2020, from: <http://www.fao.org/fishery/facp/PHL/en>
- FAO. (2019d). *Fishery and Aquaculture Country Profiles – Thailand*. Retrieved June 20, 2020, from: <http://www.fao.org/fishery/facp/THA/en>

FAO. (2020). *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*. Retrieved June 20, 2020, from: <http://www.fao.org/treaties/results/details/en/c/TRE-000003/>

Freedom House. (2018). *Freedom in the World 2018 Methodology*. Retrieved June 20, 2020, from: [https://freedomhouse.org/sites/default/files/2020-02/Methodology\\_FIW\\_2018\\_for\\_website.pdf](https://freedomhouse.org/sites/default/files/2020-02/Methodology_FIW_2018_for_website.pdf)

Freedom House. (2020). *Freedom in the World 2013-2020* [Data Set]. Retrieved June 20, 2020, from: [https://freedomhouse.org/report/freedom-world?fbclid=IwAR2r4\\_eCDTDm6r1hl20DejjHOA0hF0DNhC2n1cy8c8HZ\\_3urAT3dTti95ew](https://freedomhouse.org/report/freedom-world?fbclid=IwAR2r4_eCDTDm6r1hl20DejjHOA0hF0DNhC2n1cy8c8HZ_3urAT3dTti95ew)

George, A. L., & Bennett, A. (2005). *Case Studies and Theory Development in the Social Sciences*. Cambridge: MIT Press.

Greenpeace. (2013). *South Korean Distant Water Fisheries: Illegal, Unreported, Unregulated – and Tarnished by Human Rights Abuses*. Amsterdam: Greenpeace International.

Greenpeace. (2016, December 15). *Thai Fishing Fleet Moving to Indian Ocean to Avoid Regulation, Finds Greenpeace Investigation* [Press Release]. Retrieved June 20, 2020, from: <https://wayback.archive-it.org/9650/20200401020254/http://p3-raw.greenpeace.org/international/en/press/releases/2016/Thai-fishing-fleet-moving-to-Indian-ocean-to-avoid-regulation-finds-Greenpeace-investigation/>

Greenpeace. (2018). *Misery at Sea: Human Suffering in Taiwan's Distant Water Fishing Fleet*. Taipei: Greenpeace East Asia. Retrieved June 20, 2020, from: <https://www.greenpeace.org/new-zealand/publication/misery-at-sea/>

Guillen, J., Natale, F., Carvalho, N., Casey, J., Hofherr, J., Druon, J., et al. (2019). Global Seafood Consumption Footprint. *Ambio*. 48(2). 111-122.

Gunasekara, S. S. & Rajapaksha, J. (2016). *Coupling Logbooks and Vessel Monitoring System for Investigations of Large Pelagic Fishing Activities by Sri Lanka*. Colombo: National Aquatic Resources Research and Development Agency.

Haward, M., & Bergin, A. (2000). Taiwan's distant water tuna fisheries. *Marine Policy*, 24, 33–43.

Hodal, K., Lawrence, F., & Kelly, C. (2014, June 10). *Revealed: Asian Slave Labour Producing Prawns for Supermarkets in US, UK*. Retrieved June 20, 2020, from <https://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>.



Hou, E. & Shih, H. (2018, August 27). EU at Final Stage of Reviewing Taiwan's IUU Compliance. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/society/201808270008>

Hsiao, A. (2016, July 6). Legislature Passes Act on Illegal Fishing. *Taipei Times*. Retrieved June 20, 2020, from: <https://www.taipeitimes.com/News/front/archives/2016/07/06/2003650445>

Hufbauer, G. C., Schott, J. J., & Elliott, K. A. (1990). *Economic Sanctions Reconsidered*. Washington, D.C.: Institute for International Economics.

Jayatilleke, C. (2015, April 07). Sri Lanka to Install VMS. *World Fishing & Aquaculture*. Retrieved June 20, 2020, from: <https://www.worldfishing.net/news101/products/electronics/vessel-monitoring-systems/sri-lanka-to-install-vms>

Jikkham, P. (2014, December 13). Tier 3 TIP Rank 'To Be Upgraded Next Year'. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/449342/tier-3-tip-rank-to-be-upgraded-next-year>

Jikkham, P. (2015, April 24). PM to Invoke Section 44 on Fishing Dispute. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/539315/pm-to-invoke-section-44-on-fishing-dispute>

Kurien, J. (2017). *Community Fisheries and Organizations of Cambodia: Sharing Processes, Results and Lessons Learned in the Context of the Implementation of the SSF Guideline*. Rome: Food and Agriculture Organization of the United Nations.

Kusakabe, K. (2004). Women and Men's Perceptions of Borders and States: The case of Fish Trade on the Thai-Cambodian Border. *Journal of GMS Development studies*, 1(1): 45-66.

Kusakabe, K. (2016). Chapter 16 Coping Capacity of Small-Scale Border Fish Traders in Cambodia. In C. Brun, P. Blaikie & M. Jones (Eds), *Alternative Development: Unravelling Marginalization, Voicing Change*. Routledge.

Lee, J. (2015, December 25). [Lee Jae-min] Korea and Illegal Fishing. *The Korea Herald*. Retrieved June 20, 2020, from: [http://www.koreaherald.com/view.php?ud=20131225000228&ACE\\_SEARCH=1](http://www.koreaherald.com/view.php?ud=20131225000228&ACE_SEARCH=1)

Lee, J. J. (2015, October 23). The Truth About South Korea's TPP Shift. *The Diplomat*. Retrieved June 20, 2020, from: <https://thediplomat.com/2015/10/the-truth-about-south-koreas-tpp-shift/>

- Lindsay, J. M. (1986). Trade Sanctions as Policy Instruments: A Re-Examination. *International Studies Quarterly*, 30(2), 153–173.
- Liu, K. & Wu, L. (2016, July 5). Taiwan to Impose Steep Penalties for Deep-Sea Fishing Violations. *Focus Taiwan*. Retrieved from: <https://focustaiwan.tw/society/201607050025>
- Lobach, T. (2015). *Analysis of IOTC Agreement*. Retrieved June 20, 2020, from: [https://www.iotc.org/sites/default/files/documents/2016/02/IOTC-2015-PR10TC02-1-04\\_-\\_Analysis\\_of\\_IOTC\\_Agreement.pdf](https://www.iotc.org/sites/default/files/documents/2016/02/IOTC-2015-PR10TC02-1-04_-_Analysis_of_IOTC_Agreement.pdf)
- Marshall, M.G., & Elzinga-Marshall, G. (2017). *Global Report 2017: Conflict, Governance and State Fragility*. Vienna, Virginia: Center for Systemic Peace.
- McDowell, R., Mason, M. & Mendoza, M. (2015, March 25). AP Investigation: Slaves May Have Caught the Fish You Bought. *Associated Press*. Retrieved June 20, 2020, from: <https://www.ap.org/explore/seafood-from-slaves/ap-investigation-slaves-may-have-caught-the-fish-you-bought.html>
- Midani, A. R. & Lee, S. (2016). Confronting Illegal, Unreported and Unregulated (IUU) Fishing with Proper Port and Flagged States Policies: The Case of South Korea and European Union. *Journal of Fisheries Sciences.com*, 10(3), 43-51
- Miers, A., & Morgan, T. (2002). Multilateral Sanctions and Foreign Policy Success: Can Too Many Cooks Spoil the Broth? *International Interactions*, 28(2), 117–136.
- Ministry of Foreign Affairs of the Kingdom of Thailand. (2016, May 11). *Thailand accedes to the FAO Agreement on Port State Measures* [Press Release]. Retrieved June 20, 2020, from: <http://www.mfa.go.th/main/en/media-center/14/66730-Thailand-accedes-to-the-FAO-Agreement-on-Port-Stat.html>
- Ministry of Foreign Affairs of the Kingdom of Thailand. (2017, May 3). *Thailand's Accession to the United Nations Fish Stock Agreement (UNFSA)* [Press Release]. Retrieved June 20, 2020, from: <http://www.mfa.go.th/main/en/news3/6886/77299-Thailand%E2%80%99s-Accession-to-the-United-Nations-Fish-St.html>
- MOF. (2014). *National Plan of Action of the Republic of Korea to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Sejong: Ministry of Oceans and Fisheries of the Republic of Korea.
- Morgan, T. C., & Schwebach, V. L. (1997). Fools Suffer Gladly: The Use of Economic Sanctions in International Crises. *International Studies Quarterly*, 41(1), 27–50.
- Mundy, V. (2018). *The Impact of the EU IUU Regulation on Seafood Trade Flows: Identification of Intra-EU Shifts in Import Trends Related to the Catch*

- Certification Scheme and Third Country Carding Process*. Belgium, Brussels: Environmental Justice Foundation, Oceana, The Pew Charitable Trusts, WWF.
- Murphy, S. (2015, March 26). AP: TUF Dumps Fish Supplier Accused of Human Slavery Ties. *Seafood Source*. Retrieved June 20, 2020, from: <https://www.seafoodsource.com/news/environment-sustainability/ap-tuf-dumps-fish-supplier-accused-of-human-slavery-ties>
- Nanuam, W. (2016, January 22). Prawit: EU Pleased with Thai IUU Efforts. *Bangkok Post*. Retrieved June 20, 2020, from: <https://www.bangkokpost.com/thailand/general/836048/prawit-eu-pleased-with-thai-iuu-efforts>
- NARA. (2018). *Fisheries Industry Outlook – 2017*. Colombo: National Aquatic Resources Research and Development Agency.
- Ngamprasertkit, S. (2018, August 5). *Thailand Seafood Report (GAIN Report Number: TH8067)*. Bangkok: USDA Foreign Agricultural Service.
- NOAA. (2013). *Improving International Fisheries Management: January 2013 Report to Congress*. Washington, D.C.: U.S Department of Commerce.
- NOAA. (2015). *Improving International Fisheries Management: February 2015 Report to Congress*. Washington, D.C.: US Department of Commerce.
- NOAA. (2017). *Improving International Fisheries Management: January 2017 Report to Congress*. Washington, D.C.: US Department of Commerce.
- NOAA. (2019). *Improving International Fisheries Management: 2019 Report to Congress*. Washington, D.C.: US Department of Commerce.
- Oceana. (2015, April 16). Amended Fisheries Code Sets Higher Penalties, Tightens Rules on Commercial Fishing [Press Release]. *Oceana*. Retrieved June 20, 2020, from: <https://oceana.org/press-center/press-releases/amended-fisheries-code-sets-higher-penalties-tightens-rules-commercial>
- Ojamaa, P. (2018). *Research for PECH Committee - Fisheries in Vietnam*. European Parliament's Committee on Fisheries.
- Pape, R. A. (1997). Why Economic Sanctions Do Not Work. *International Security*, 22(2), 90–136.
- Pardo, R. P., Desmaele, L., Ernst, M. (2018). *EU-ROK Relations: Putting the Strategic Partnership to Work*. Brussel: KF-VUB Korea Chair
- Park, H. (2013, November 26). S.Korea Displeased with Illegal Fishing Nation Designation by the EU. *The Korea Herald*. Retrieved June 20, 2020, from: <http://www.koreaherald.com/view.php?ud=20131126001089>

Parliament of the Democratic Socialist Republic of Sri Lanka. (2013). *Fisheries and Aquatic Resources (Amendment) Act, No. 35 of 2013*.

Parliament of the Democratic Socialist Republic of Sri Lanka. (2015). *Fisheries and Aquatic Resources (Amendment) Act, No.2 of 2015*.

Prasertpolkrung, J. (2016, January 12). Prawit Positive on IUU Fishing Clampdown. *The Nation*. Retrieved June 20, 2020, from: [https://www.nationthailand.com/news/30276741?utm\\_source=category&utm\\_medium=internal\\_referral](https://www.nationthailand.com/news/30276741?utm_source=category&utm_medium=internal_referral)

Ramakrishna, T. (2016, April 22). EU Lifts Ban on Sri Lanka's Fisheries Exports. *The Hindu*. Retrieved June 20, 2020, from: <https://www.thehindu.com/business/Economy/eu-lifts-ban-on-sri-lankas-fish-exports/article8510181.ece>

Ranada, P. (2014, September 17). Small Fishers Hit 'Rushed' Revision of Fisheries Law. *Rappler*. Retrieved June 20, 2020, from: <https://www.rappler.com/nation/69371-philippines-fisheries-code-eu>

Ranada, P. (2015, April 13). Talks Begin on How to Implement 'Revolutionary' Fisheries Law. *Rappler*. Retrieved June 20, 2020, from: <https://www.rappler.com/nation/89764-irr-new-philippine-fisheries-law-ra-10654>

Ranada, P. (2015, February 17). EU Extends PH Warning Card VS Illegal Fishing. *Rappler*. Retrieved June 20, 2020, from: <https://www.rappler.com/nation/84181-eu-warning-philippines-fisheries>

Rappler. (2014, November 41). PH Convicts Chinese Poachers Despite Beijing's Warning. *Rappler*. Retrieved June 20, 2020, from: <https://www.rappler.com/nation/75954-philippines-convicts-chinese-poachers-palawan>

Romero, A. (2013, December 15). Phl Adopts Action Plan VS Illegal Fishing. *The Philippine Star*. Retrieved June 20, 2020, from: <https://www.philstar.com/headlines/2013/12/15/1268195/phl-adopts-action-plan-vs-illegal-fishing>

Russell, M. (2017). *EU-Philippines Relations Beyond Trade and Aid?*. Brussels: European Parliamentary Research Service.

Samiento, B. S. (2014, October 4). PHL Adopts Universal Fishing Treaty. *Minda News*. Retrieved June 20, 2020, from: <https://www.mindanews.com/top-stories/2014/10/phl-adopts-universal-fishing-treaty/>

Sea Around Us (2019). *Catches by Reporting Status in the Waters of Sri Lanka*. Retrieved June 20, 2020, from:

<http://www.searoundus.org/data/#/eez/144?chart=catch-chart&dimension=reporting-status&measure=tonnage&limit=10>

Seafood Trade Intelligence Portal. (2018). *Tuna in the Philippines*. Retrieved June 20, 2020, from: <https://seafood-tip.com/sourcing-intelligence/countries/philippines/tuna/>

Senwong, J. (2016, January 23). EU Gives Six More Months to Tackle IUU Fishing Woes. *The Nation*. Retrieved June 20, 2020, from: [https://www.nationthailand.com/news/30277548?utm\\_source=category&utm\\_medium=internal\\_referral](https://www.nationthailand.com/news/30277548?utm_source=category&utm_medium=internal_referral)

Szep, J., Spetalnick, M. & Marshall, A. R. C. (2016, June 29). Exclusive: U.S. to Upgrade Thailand in Annual Human Trafficking Report – Sources. *Reuters*. Retrieved June 20, 2020, from: <https://www.reuters.com/article/us-humantrafficking-thailand-idUSKCN0ZE2NH>

Taipei Times. (2015, November 16). Fisheries Agency to Push Hard Against Illegal Fishing. *Taipei Times*. Retrieved June 20, 2020, from: <https://www.taipeitimes.com/News/taiwan/archives/2015/11/16/2003632588>

Taipei Times. (2019, May 8). Taiwan and EU Discuss Fishers' Rights Protection. *Taipei Times*. Retrieved June 20, 2020, from: <https://www.taipeitimes.com/News/taiwan/archives/2019/05/08/2003714761>

Tempest, M. (2015, November 23). 'Zero Chance' of Thailand FTA Under Junta, Commission Official Says. *EURACTIV*. Retrieved June 20, 2020, from: <https://www.euractiv.com/section/global-europe/news/zero-chance-of-thailand-fta-under-junta-commission-official-says/>

The Maritime Executive. (2019, December 21). South Korea's Fisheries Laws Improve. *The Maritime Executive*. Retrieved June 20, 2020, from: <https://www.maritime-executive.com/article/south-korea-s-fisheries-laws-improve>

Trading Economics. (2019). *Taiwan GDP* [Online Database]. Retrieved June 20, 2020, from: <https://tradingeconomics.com/taiwan/gdp>

UNCTAD. (2017). *Fishery Exports and the Economic Development of Least Developed Countries: Bangladesh, Cambodia, the Comoros, Mozambique, Myanmar and Uganda*. Geneva: United Nations.

United Nations Statistics Division. (2018). *GDP and its breakdown at current prices in US Dollars* [Data Set]. Retrieved June 20, 2020, from: <https://unstats.un.org/unsd/snaama/Downloads>

United Nations. (2020). *Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements*. Retrieved June 20, 2020, from:

[https://www.un.org/depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm#Agreement%20for%20the%20implementation%20of%20the%20provisions%20of%20the%20Convention%20of%2010%20December%201982%20relating%20to%20the%20conservation%20and%20management%20of%20straddling%20fish%20stocks%20and%20highly%20migratory%20fish%20stocks](https://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm#Agreement%20for%20the%20implementation%20of%20the%20provisions%20of%20the%20Convention%20of%2010%20December%201982%20relating%20to%20the%20conservation%20and%20management%20of%20straddling%20fish%20stocks%20and%20highly%20migratory%20fish%20stocks)

United States Department of State. (2014). *2014 Trafficking in Persons Report*. Washington, D.C.: U.S. Government Printing Office.

United States Department of State. (2015). *2015 Trafficking in Persons Report*. Washington, D.C.: U.S. Government Printing Office.

United States Department of State. (2016). *2016 Trafficking in Persons Report*. Washington, D.C.: U.S. Government Printing Office.

United States Department of State. (2019). *2019 Trafficking in Persons Report*. Washington, D.C.: U.S. Government Printing Office.

Urbina, I. (2015, July 27). 'Sea Slaves': *The Human Misery That Feeds Pets and Livestock*. Retrieved June 20, 2020, from <https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html>.

USAID. (2016, December 7). *Illegal, Unreported and Unregulated Fishing in the Philippines*. Retrieved June 20, 2020, from: <https://rmportal.net/biodiversityconservation-gateway/projects/spotlight-on-mission-projects/illegal-unreported-and-unregulated-iuu>

Whiting, A. (2015, February 25). *Overfishing Drives Thai Boats to Use More Slave Labour, Sail Further*. Retrieved June 20, 2020, from <https://uk.reuters.com/article/uk-thailand-slavery/overfishing-drives-thai-boats-to-use-more-slave-labour-sail-further-idUKKBN0LT20B20150225>.

Xinhua. (2013, November 27). *EU's Fish Import Ban Not Harming Cambodia's Export: Official*. Retrieved June 20, 2020, from: <https://opendevelopmentcambodia.net/news/eus-fish-import-ban-not-harming-cambodias-export-official/>

Yang, S. & Kao, E. (2018, June 7). 30% of Fishing Boats Allegedly Breach Migrant Employment Rules. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/society/201806070017>

Yang, S. M. & Yeh, J. (2017, October 15). Taiwan Confident EU Will Lift 'Yellow Card' Against Illegal Fishing. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/politics/201710150009>

Yeh, J. (2018, October 19). Taiwan' 'Yellow Card' Could be Lifted Soon: EU Rep. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/politics/201810190016>

Yeh, J. (2019, May 7). EU, Taiwan Discuss Views on Protecting Fishermen's Rights. *Focus Taiwan*. Retrieved June 20, 2020, from: <https://focustaiwan.tw/politics/201905070014>

Yonhap News Agency. (2013, June 4). Gov't Moves to Strengthen Penalties for Illegal Deep-Sea Fishing. *Yonhap News Agency*. Retrieved June 20, 2020, from: <https://en.yna.co.kr/view/AEN20130604000900320?section=search>

Yonhap News Agency. (2014, July 23). EU Delay Decision on Designating S.Korea as Illegal Fisher. *Yonhap News Agency*. Retrieved June 20, 2020, from: <https://en.yna.co.kr/view/AEN20140723010000320?section=search>

Yonhap News Agency. (2014, June 13). U.S. Official Says S.Korean Steps to Fight Illegal Fishing Commendable. *Yonhap News Agency*. Retrieved June 20, 2020, from: <https://en.yna.co.kr/view/AEN20140613005200320?section=search>

Yonhap News Agency. (2014, March 27). S.Korea to Begin Real-time Vessel Tracking Against Illegal Fishing. *Yonhap News Agency*. Retrieved June 20, 2020, from: <https://en.yna.co.kr/view/AEN20140327002100320?section=search>

