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# Illegal, Unreported and Unregulated Fishing a Serious Threat

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ADITYA BHUSHAN<sup>1</sup>

## ABSTRACT

*Illegal fishing is a sort of fishing in which boats violate the regulations of a fishery that is controlled by a coastal state or on the international oceans. Unreported fishing is one type of IUU fishing, in which fishing is not reported to the appropriate authorities or is reported incorrectly. Another sort of fishing is unregulated fishing, which is typically carried out by boats without nationality or boats flying the flag of a nation that is not a member of the regional organisation that regulates that fishing area or species. Wherever such fishing occurs, whether it be in open sea or coastal waters, the international community uses the expression "IUU fishing" to denote an activity that does not conform with national, regional, or global commitments for fisheries conservation and management.*

**Keywords:** UNCLOS, IUU, International Law.

## I. INTRODUCTION

Illegal fishing is a sort of fishing in which boats violate the regulations of a fishery that is controlled by a coastal state or on the international oceans. Unreported fishing is one type of IUU fishing, in which fishing is not reported to the appropriate authorities or is reported incorrectly. Another sort of fishing is unregulated fishing, which is typically carried out by boats without nationality or boats flying the flag of a nation that is not a member of the regional organisation that regulates that fishing area or species. Wherever such fishing occurs, whether it be in open sea or coastal waters, the international community uses the expression "IUU fishing" to denote an activity that does not conform with national, regional, or global commitments for fisheries conservation and management.<sup>2</sup>

The following passages from the "2001 FAO International Plan of Action to Prevent, deter, and eliminate IUU Fishing" (IPOA-IUU) provide a more detailed definition of IUU fishing:<sup>3</sup>

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<sup>1</sup> Author is a Research Assistant at School of Integrated Coastal and Maritime Security Studies, Rashtriya Raksha University, India.

<sup>2</sup> Salahuddin G, "TRACEABLE AND TRANSPARENT FISHING IN THE INDIAN OCEAN ADDRESSING IUU" (2015) <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://commons.wmu.se/cgi/viewcontent.cgi?article=1494&context=all\_dissertations>

<sup>3</sup> of the United Nations F and AO, "International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing" (2001) <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.wto.org/english/tratop\_e/rulesneg\_e/fish\_e/2001\_ipoa\_iuu.pdf>

The term "illegal fishing" describes actions carried out by either foreign or domestic boats in the waters under the control of a State without that State's consent or in violation of its rules and regulations; or

Carried out by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in defiance of any conservation or management measures adopted by that organisation and by which the States are obligated, or pertinent provisions of applicable international law; or in defiance of national legislation or international responsibilities, such as the ones adhered to by cooperating Nation-states to a relevant regional fisheries management organisation.<sup>4</sup>

According to national laws and regulations, "unreported fishing" refers to fishing activities that have not been reported or have been reported incorrectly to the relevant national authority. It also refers to fishing activities that have been carried out in a region under the jurisdiction of a relevant regional fisheries management organisation but have not been reported or have been reported incorrectly in violation of that organization's reporting procedures.<sup>5</sup>

In the context of a relevant regional fisheries management organisation, "unregulated fishing" refers to fishing operations carried out by vessels without nationality, by those flying the flag of a State that is not a party to that organisation, or by a fishing entity in a way that is inconsistent with or in violation of that organization's conservation and management measures, or in regions or for fish stocks for which there are no applicable conservation and management measures.<sup>6</sup>

The United States Coast Guard identified illegal, unreported, and unregulated (IUU) fishing as the top maritime security threat as of 2020 due to the anticipated deterioration of vulnerable coastal States and increased tension among foreign-fishing Nations, which, if left unchecked, would endanger geopolitical stability globally.<sup>7</sup>

An annual loss of as much as \$23.5 billion is thought to result from illegal fishing worldwide. Southeast Asia is a common location for illegal fishing because there is less danger of being caught there, but the catch is sold all over the world. According to studies, up to 32% of the seafood imported into the United States is caught illegally.<sup>8</sup>

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<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> "5 Ways IUU Fishing Threatens National Security -" (*American Security Project*, July 26, 2021) <<https://www.americansecurityproject.org/5-ways-iuu-fishing-threatens-national-security/>> accessed May 18, 2023

<sup>8</sup> Ibid

## IUU a Threat to National Security:

### 1. Promotes International Organised Crime: -

Along with unlawful fishing methods, IUU fishing vessels frequently engage in other serious crimes. Numerous sizable IUU fishing fleets are involved in crimes like money laundering, corruption, forgeries, human trafficking, forced labour, and the smuggling of drugs and weapons, claims INTERPOL. To engage in nefarious operations at sea, transnational criminals take advantage of ineffective fisheries governance. Through legal lapses, such as shutting off their Automatic Identification Systems (AIS) or altering their flag state, and with the assistance of complicit entities, such as governments, port officials, and banks, these criminals can easily evade discovery and capture.<sup>9,10</sup>

### 2. A Centre for Violations of Human Rights: -

Alongside other criminal activity, human trafficking occurs, particularly in industries reliant on natural resources and requiring low-cost or free labour, such farming or fishing. Large-scale IUU fishing is associated with human trafficking, as well as with modern slavery, violations of human rights, and flagrant disregard for labour and safety laws once the fish are in the water.<sup>11</sup>

### 3. Creates Risks to Economic Security: -

Overcapacity due to high fishing subsidies is a significant factor in illegal, unreported, and unregulated (IUU) fishing. In 2014, there were 4.6 million active fishing boats globally, with 75% belonging to China's fishery fleet. China's distant-water fishing fleet, consisting of around 17,000 vessels (including those registered abroad), relies heavily on subsidies for revenue. These subsidies allow Chinese fleets to venture into more productive seas, as their domestic waters have depleted fish biomass. However, other nations also contribute to unsustainable fishing practices through subsidies, leading to an excess of boats chasing diminishing fish stocks and driving legal fishers toward IUU fishing.<sup>12,13</sup>

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<sup>9</sup> "5 Ways IUU Fishing Threatens National Security -" (*American Security Project*, July 26, 2021) <<https://www.americansecurityproject.org/5-ways-iuu-fishing-threatens-national-security/>> accessed May 18, 2023

<sup>10</sup> "Fighting Illegal, Unreported and Unregulated Fishing" <<https://www.interpol.int/News-and-Events/News/2020/Fighting-illegal-unreported-and-unregulated-fishing>> accessed May 18, 2023

<sup>11</sup> Lagon MP, "NETTING: PEOPLE: TREATIES REDUCING ILLICIT FISHING AND HUMAN TRAFFICKING" (*US DEPARTMENT OF STATE*, February 12, 2014) <[chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.foreign.senate.gov/imo/media/doc/Lagon\\_Testimony.pdf](chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.foreign.senate.gov/imo/media/doc/Lagon_Testimony.pdf)>

<sup>12</sup> "5 Ways IUU Fishing Threatens National Security -" (*American Security Project*, July 26, 2021) <<https://www.americansecurityproject.org/5-ways-iuu-fishing-threatens-national-security/#:~:text=As%20of%202020%2C%20the%20U.S.,threaten%20geopolitical%20stability%20around%20the>> accessed May 18, 2023

<sup>13</sup> Food and Agriculture Organization (FAO), *State of World Fisheries and Aquaculture: 2016* (Food & Agriculture

#### 4. Causes Environmental Degradation: -

Any effort to establish marine reserve boundaries and reasonable harvest limits is undermined by IUU fishing. Because the fish are more plentiful in certain 'protected' areas, illegal fishing vessels frequently disable their AIS in an effort to evade detection and prosecution. In some circumstances, they also purposely target marine reserves. Without rigorous oversight and enforcement, marine protected zones (MPAs) almost have no use. By causing habitat loss and damage, fish population decline, altered food webs, and pollution from overfishing and illegal fishing gear, IUU fishing also leads to marine degradation. Additionally, because to this destructive fishing, endangered, threatened, and protected species like turtles, sharks, albatrosses, and marine mammals are accidentally caught. Additionally, IUU fishing will make climate change's detrimental effects on marine productivity, biodiversity, and ecosystem resilience worse.<sup>14</sup>

#### 5. Increases the Risk of Food Insecurity: -

The marine ecosystem will get more worse as a result of IUU fishing and climate change. The demand for diets centred on meat and fish is rising, in addition to the effects of climate change and the expanding global population. As their main source of protein, seafood is consumed by almost 3 billion people worldwide. Threatened reduction in essential food supply is posed by climate change, population increase, and declining fish populations. As coastal communities and subsistence fishermen are marginalised, there is a danger to global food security. This potential for food poverty also highlights the disproportionate effect IUU fishing has on developing nations. Half of the world's catch, a large portion of which is taken from or close to the waterways of poor nations, is then processed into fishmeal to raise salmon and other fish, which is then traded and consumed in richer nations.<sup>15</sup>

## II. INITIATIVES TAKEN TO ADDRESS THE IUU

- UNCLOS (United Nations Law of The Sea): -

In accordance with the “United Nations Convention on the Law of the Sea (UNCLOS)”, coastal countries are in charge of handling IUU fishing problems within their respective EEZs. Under UNCLOS, regional fisheries management organisations like the “Indian Ocean Tuna Commission and Southern Indian Ocean Fisheries Agreement” keep an eye on IUU fishing in

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Organization 2016)

<sup>14</sup> Bale R, “Rachael Bale” *National Geographic* (August 15, 2017) <<https://www.nationalgeographic.com/animals/article/wildlife-watch-galapagos-illegal-shark-fishing>> accessed May 18, 2023

<sup>15</sup> “Sustainable Seafood” (*World Wildlife Fund*) <<https://www.worldwildlife.org/industries/sustainable-seafood>> accessed May 18, 2023

the high seas.<sup>16</sup>

- The Cape Town Agreement: -

The “Cape Town Agreement, 2012”, a legally binding agreement, establishes minimum standards for fishing vessels with a length of 24 metres or more or an equivalent gross tonnage, as well as for their construction, equipment, and inspection.<sup>17</sup>

“The agreement is not ratified by India.”

- Agreement on Port State Measures: -

Through the application of efficient port State measures, this Agreement aims to prevent, dissuade, and outlaw IUU fishing in order to ensure the long-term preservation and sustainable use of living marine resources and marine ecosystems.<sup>18</sup>

“The agreement is not ratified by India.”

- International Day for the Fight against IUU Fishing: -

At its seventy-second session in November 2017, the United Nations General Assembly (UNGA) proclaimed the fifth of June the “International Day for the Fight against IUU Fishing”.<sup>19</sup>

- Indo-Pacific Maritime Domain Awareness (IPMDA): -

The Quad members launched a significant regional effort in May 2022 under the umbrella of “Indo-Pacific Maritime Domain Awareness (IPMDA)”, recognising the impact of IUU fishing that can result in the depletion of fish populations and have an adverse impact on marine ecosystem. It seeks to give a more realistic marine image of "near-real-time" activity in the area. With regard to resolving IUU in the Indo-Pacific region, it (IPMDA) is anticipated to serve as a catalyst for India and the other Quad members.<sup>20</sup>

- IFC-IOR: -

The “Information Fusion Centre-Indian Ocean Region (IFC-IOR)” and “Information Management and Analysis Centre (IMAC)”-Gurugram of the Indian Navy both keep track of all ship movements on the open seas.

To improve maritime safety and security, including initiatives to monitor IUU, IFC-IOR has

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<sup>16</sup> “Rising Illegal, Unreported and Unregulated (IUU) Fishing” (*Drishti IAS*) <<https://www.drishtias.com/daily-updates/daily-news-analysis/rising-illegal-unreported-and-unregulated-iuu-fishing>> accessed May 19, 2023

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

been working with other regional monitoring centres across the world.<sup>21</sup>

### III. INDIA'S ACTIONS TO PROMOTE FISHING

The second-largest producer of fish in the world, India accounts for 7.56% of worldwide production, 1.24% of the nation's Gross Value Added (GVA), and more than 7.28% of its agricultural GVA. India wants to produce 22 million metric tonnes of fish between 2024 and 2025. The industry is acknowledged as a potent force behind giving 14.5 million people jobs and ensuring the livelihood of the nation's 28 million fisherman. Three significant changes have occurred in the fishing industry over the past few years:<sup>22</sup>

- The expansion of freshwater aquaculture in inland waters.
- The mechanisation of fishing for catch.
- The start of brackish water prawn aquaculture with success.

Initiative by the Government: -

i. Fishing Harbours: -

The transformation of five important fishing ports—Kochi, Chennai, Visakhapatnam, Paradip, and Petuaghat—into economic centres.

ii. Seaweed Park: -

Tamil Nadu's multipurpose seaweed park would serve as the hub and spoke production system for high-quality seaweed-based goods.

iii. Pradhan Mantri Matsya Sampada Yojana: -

It aspires to provide roughly three times as many indirect employment opportunities as it does direct employment for 15 lakh fishing communities, fish farmers, etc. By 2024, it also hopes to treble the earnings of fishermen, fish farmers, and fish workers.<sup>23</sup>

iv. Palk Bay Scheme: -

In 2017, the Centrally Sponsored Scheme “Diversification of Trawl Fishing Boats from Palk Straits into Deep Sea Fishing Boats” was introduced. It was introduced under the broad Blue

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<sup>21</sup> Ibid

<sup>22</sup> “Rising Illegal, Unreported and Unregulated (IUU) Fishing” (*Drishti IAS*) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/rising-illegal-unreported-and-unregulated-iuu-fishing>> accessed May 19, 2023

<sup>23</sup> “Press Information Bureau” <<https://pib.gov.in/PressReleaseDetail.aspx?PRID=1786303>> accessed May 19, 2023

Revolution Scheme.<sup>24</sup>

v. Marine Fisheries Bill, 2021: -

A bill to support the livelihood and financial security of conventional and small- and medium fishers, to ensure the accountable using of the fishing industry in the oceans by Indian fishing vessels, and to cater for the long-term sustainable growth of fisheries resources within India's exclusive economic zone, and for matters related to or incidental to the foregoing.<sup>25</sup>

#### IV. CONCLUSION

In order to address the problems that have been recognised in the fight against IUU fishing, it is necessary to analyse clear thinking about the techniques that should be chosen. No matter what level they occur at, potential programming bottlenecks and barriers must be openly addressed in regional policies. The selection of effective strategies, such as joint programmes, financial solicitation, collaborative approaches, etc., is the next step of consideration. It is necessary to determine national strategies, policies, and the means through which they will be put into practise.

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<sup>24</sup> Ramakrishnan T, "Palk Bay Scheme to Get a Phillip: Murugan" (*The Hindu*, October 8, 2021) <<https://www.thehindu.com/news/national/tamil-nadu/palk-bay-scheme-to-get-a-fillip-murugan/article36901746.ece>> accessed May 19, 2023

<sup>25</sup> "'The Draft Indian Marine Fisheries Bill, 2021' - the Latest Version after Stakeholders' Consultations [Previously Named as Marine Fisheries (Regulation and Management) Bill, 2019]." (*Department of Fisheries, GoI*) <<https://dof.gov.in/documents/office-orders/draft-indian-marine-fisheries-bill-2021-latest-version-after-stakeholders>> accessed May 19, 2023