

# IUU Fishing and Maritime Threat: A Rise in Transnational Maritime Non-Traditional Threat to Security with Particular Reference to the Indian Ocean

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**Abstract:** *The current situation is depressing even though IUU (Illegal, Unregulated, and Unreported) Fishing is the most significant maritime security danger. Non-traditional threats have been a burden on the current marine security framework. In addition, the region's security infrastructure is being undermined by increased unprincipled acts and forceful techniques in the Indian Ocean's waters. The strategic arena of different countries has undergone a tremendous transformation due to the intense competition to express power, with severe ramifications for the economy, security, and environment. The harsh security situation at the global level indicates maritime governance's ineffectiveness. Widespread illegal, unreported, and unregulated (IUU) fishing activities threaten maritime security on a global scale. Also, the insufficiency of RFMOs (Regional Fishery Management Organizations) has emerged as a critical geopolitical issue. The stresses on Indian Ocean fish populations have not been alleviated despite efforts by global and regional organizations to bridge their legallacunas. The paper will shed light on the concept of IUU fishing and also discuss why such a fishing technique is one of the significant threats to the Indian Ocean. The paper will also discuss the legal framework of India in combating IUU fishing.*

**Keywords:** marine, geopolitical, illegal, fishing, organizations, etc.

## 1. Introduction

Considering the current state of fisheries in the Indian Ocean Region (IOR), international and regional partnerships must be formed to promote sustainable fishing. There is evidence of persistently high levels of unregulated fishing in the Indian Ocean, even though several regional governments have developed and executed national programs to protect their interests. As a result of their association with corruption and poor management, existing restrictions and monitoring by international organizations have yet to achieve low to moderate success. The most effective way to counter this severe marine hazard is via legitimate Ocean Governance. To effectively unite against this marine threat, a worldwide strategy is essential. It is imperative that international organizations such as the "International Maritime Organization (IMO), the Food and Agriculture Organization (FAO), and the Indian Ocean Tuna Commission (IOTC)" update their guiding principles so that they can function efficiently and independently from the broader power competition.<sup>1</sup>

Maritime diplomacy and collaboration have significantly advanced due to the dynamic nature of the global geopolitical landscape. Efforts at multilateral diplomacy to ensure rule-breaker states face the consequences are urgently required. The essence of reformed multilateralism is inclusive solutions and result-oriented efforts, which is what is needed to reverse the climate catastrophe. EEZs can be protected from foreign fishing fleets, and endangered species fishing can be regulated by strengthening regional

multilateral fora like the "South Asian Association for Regional Cooperation (SAARC) and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)". In order to prevent the overfishing of local species, these groups should work with the IOTC to share data and intelligence. The Indian Ocean Rim Association (IORA) must revise its approach to fisheries management and its sustainable fishing pursuits to succeed. Collective efforts are required, as is harmonizing fisheries regulations across IORA member states and implementing more stringent remedies to combat IUU fishing. Regulatory gaps in IORA's fisheries management need to be filled. Maritime strategists emphasize the necessity for responsibility and stricter enforcement of anti-IUU fishing legislation. More stringent controls and penalties for violators are needed for the worldwide fishing industry. Countries like China, Russia, and Europe, which have benefited economically from unlawful operations, should be held financially responsible for them. IORA must also designate more marine protected zones by pinpointing particularly vulnerable regions. Finally, the association could support additional research and development initiatives to aid member states in capacity building by teaming up with other non-governmental and research organizations.<sup>2</sup>

IORA will need to devote more efforts to developing practical intelligence processes in light of the rise of AI and other technological developments. There has to be more money put into maritime domain awareness so that we can keep reliable statistics on fisheries and track the activities of

<sup>1</sup>Joachim A. Koops, Maritime Security Challenges in the Indian Ocean Region: A New Arena for the EU's Comprehensive Approach? (2011) 8(2) European Security 127.

<sup>2</sup>J. Samuel Barkin, *Environmental Cooperation in Southeast Asia: ASEAN's Regime for Transboundary Haze Pollution* 78-89 (Routledge, 2004).

undocumented boats. Joint technological efforts to combat illegal, unreported, and unregulated fishing will contribute to long-term economic security and maritime safety. In addition, marine professionals have recommended that IOTC broaden its focus to include high-tech vessel tracking. For the "Vessel Monitoring Systems (VMS)" to function effectively, there must be extensive coverage, uniformity in tracking, and information sharing among all participating nations. The oceans play a crucial role in the environment, and we must ensure their continued health by preserving marine life.<sup>3</sup>

### Research questions

- 1) What is IUU fishing, and how is it becoming a threat to the Indian Ocean?
- 2) What is the legal framework of India that prevents the Indian Ocean from various threats?
- 3) What should be done to strengthen India's IUU fishing and maritime threats prevention?

### Research objectives

- 1) To study the concept of IUU fishing and how it is becoming a threat to the Indian Ocean.
- 2) To understand different laws and regulations that deal with IUU fishing and maritime threats to the Indian Ocean.

### Research Methodology

The researcher has employed a doctrinal research technique to gather information in this study. Using a doctrinal research approach, the researcher has acquired documents from libraries, corporate shipping merchant finance law files, and other sources to conduct the study. While putting up the proposal, the researcher consulted books, diaries, and articles to gather knowledge and awareness of the subject matter.

## 2. IUU fishing and Maritime Threat

### 2.1 Concern about fishing in the Indian Ocean

Over 14% of all wild-caught fish is caught in the Indian Ocean, where some of the world's most important fisheries are located. There is no monitoring group. Therefore squid fishing in the Indian Ocean is not governed by any rules. Trygg Mat Tracking discovered a six-fold increase in squid boats since 2016. Large nets these vessels use the result in the unintentional capture of by-catch, most notably tuna. The yellowfin tuna population in the Indian Ocean is the most endangered fishery in the world. The IOTC has raised concerns over the species' alarming population numbers.<sup>4</sup>

The security of international waters is put in a precarious position by illegal, unreported, and unregulated fishing. Human trafficking, drug smuggling, and the smuggling of guns in fishing vessels all weaken the authority of the

international ocean administration. Many local fishers are driven to piracy due to illegal fishing, further endangering port security. This often helps finance terrorist activities and provides a haven for maritime terrorism.

Furthermore, there are severe ecological consequences to unreported fishing. When trawlers utilize their vast nets, they accidentally catch other marine animals, including sea turtles, sharks, and even killer whales. Disrupting these essential food systems is how overfishing and illegal fishing contribute to ecological imbalances. Humanity still relies heavily on seafood for protein, but environmental pollution has rendered many species unsafe for human consumption. Furthermore, several seafood species are in danger of extinction due to the rising demand for them worldwide. Because of broken supply chains and the loss of income for local fishermen, many developing countries face food insecurity. Moreover, there are extreme biological results to unreported fishing. At the point when fishing vessels use their huge nets, they coincidentally get other marine creatures, including ocean turtles, sharks, and even executioner whales. Upsetting these fundamental food frameworks is the way overfishing and unlawful fishing add to natural lopsided characteristics. Mankind actually depends vigorously on fish for protein, however natural contamination has delivered numerous species hazardous for human utilization. Besides, a few fish animal varieties are at risk for eradication because of the rising interest for them around the world. Due to broken supply chains and the deficiency of pay for nearby anglers, many non-industrial nations face food frailty. The loss of millions of small-scale fisheries and fishermen is a significant economic setback for the littoral states that rely on the fishing industry for their livelihood.<sup>5</sup>

The GDP is poorly impacted, and the market value of lawful fish stocks is reduced. Moreover, because of the impact on national budgets, the decline in revenue has on ports and vessel maintenance. Furthermore, the alarm raised by poorer littoral governments has been subverted and silenced due to the pervasive predatory behaviour of wealthy countries playing tactically in the geopolitical power game. This results in abusing the rights of people living in economically depressed coastal areas that rely on fish exports for their livelihood. Additionally, private firms continue to fish unrestricted amounts of stocks, posing a threat to the existence of smaller fishing enterprises.<sup>6</sup>

### 2.2 Role of critical actors in maritime politics

The major players in maritime geopolitics have changed in recent years. Foreign and non-state entities' presence and the intense struggle for dominance have been a burden on the Indian Ocean Region (IOR). China stands out as a major player because of the many maritime infrastructure and economic development projects it has undertaken. China's expanding influence in the IOR raises concerns about the

<sup>3</sup>Kasey Jacobs, Fisheries Management and Maritime Security in the Western Indian Ocean: An Intersectional Analysis (2019) 42(1) Journal of International Wildlife Law and Policy 12.

<sup>4</sup>Mark J. Valencia, Jon M. Van Dyke, and Noel A. Ludwig, eds., *Sharing the Resources of the South China Sea* 114-126 (MartinusNijhoff Publishers 1997).

<sup>5</sup>Ernie Regehr, Climate Change and the Militarization of the Arctic (2016) 3(2) Journal of Military and Strategic Studies 1.

<sup>6</sup>Martin Tsamenyi and William Edeson, eds., *The Regulation of International Trade in Fisheries: Perspectives from the Southern Hemisphere* 96-104 (Edward Elgar Publishing, 2003).

safety of coastal governments' ports. Although China is a party to the "United Nations Convention on the Law of the Sea (UNCLOS)", Chinese fishing boats and scientific vessels have been caught violating EEZs in the Indian Ocean and elsewhere. There is a concern about regional maritime security due to the "People's Liberation Army's (PLA) use of research vessels in unlawful deployments for deep-sea mining and ISR (Intelligence, Surveillance, and Reconnaissance)" operations, as stated by the Indian Navy.<sup>7</sup>

China ranks first on the Illegal, Unregulated, and Unreported Fishing Index for 2019 and 2021. The government subsidizes the industry, making it profitable for the country to operate the world's most giant trawlers and venture into international waters. Furthermore, these often carry out surveillance and espionage operations on behalf of the PLA. China's maritime breaches significantly taint the western region of the Indian Ocean. As fish stocks in the South and East China Seas decline, Chinese fishing vessels increasingly venture illegally into Africa's eastern waters. Furthermore, indications suggest that Chinese vessels with a history of engaging in unlawful activities have possibly entered the EEZs of Oman and Yemen. Many Chinese-backed companies have recently fished ashore in Madagascar and Somalia, demonstrating the blatant exploitation of these countries' waterways. As fish stocks in the South and East China Oceans decline, Chinese fishing vessels progressively adventure illicitly into Africa's eastern waters. Moreover, signs propose that Chinese vessels with a background marked by taking part in unlawful exercises have perhaps entered the EEZs of Oman and Yemen. Numerous Chinese-supported organizations have as of late fished aground in Madagascar and Somalia, showing the unmitigated double-dealing of these nations streams.

Despite claims to restrict squid fishing on the high seas, Beijing has actively engaged in illegal fishing. In addition, China illegally transports vast quantities of tuna caught inadvertently when trawling for squid. While the European Union (EU) has a policy and plan to combat illegal fishing, it actively pursues tuna in deep-sea locations. The EU has been called hypocritical and accused of neocolonial behavior by the coastal governments of the Indian Ocean for its role in the overfishing of yellowfin tuna, which made headlines worldwide. In 2019, EU members France and Spain caught more yellowfin than any other resident state, at 70,000 metric tons. EU ships effortlessly collect large amounts using fish-aggregating devices (FADs), leaving minor IOR nations high and dry. Therefore, it is feared that the yellowfin tuna population in the Indian Ocean is about to crash.<sup>8</sup>

<sup>7</sup>Erik Franckx and Tom Vander Beken, *The Globalization of Maritime Insecurity: Trends and Challenges* (2015) 17(3) International Journal of Maritime Crime and Security 257.

<sup>8</sup>Benedict Kingsbury et al., eds., *The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law* 67-78 (Cambridge University Press, 2015).

### 2.3 India's Legal Regime Concerning IUU Fishing

The length of the Indian coastline is 7,517 kilometres, and it is bordered by nine coastal areas and four union territories. Coastal states include "Tamil Nadu, Andhra Pradesh, Gujarat, Karnataka, Kerala, Odisha, Maharashtra, Goa, and West Bengal". The Indian government has administrative and legal authority over the high seas within a 12-nautical-mile exclusion zone around its territorial waters. India has taken numerous steps to safeguard its EEZ, including enforcing strict rules and fostering better relations between the federal government and its states.<sup>9</sup>

The Indian government has recently improved communication with these areas and arranged frequent meetings to discuss conservation suggestions. "The Regulation of Foreign Vessels Act, 1981" authorizes and acknowledges "Indian Coast Guards" in international waters and is just one example of the legislative actions implemented by the Indian government. Additionally, it strictly forbids any foreign steamers from fishing in Indian seas. Parliament has frequently revised the Marine Fishing Regulation Act 1983 to improve coastal surveillance, supervision, and monitoring in India and the Union Territories. The introduction of ReALCraft (ReALCraft.com) to facilitate the mandatory licensing of Indian vessels was a complement to the Merchant Shipping Act of 1958. The federal government also gives its blessing to biometric identification cards for sailors. However, registration rates have declined over time. The National Policy on Marine Fisheries 2017 proposes regulations to prevent, punish, and end illegal, unreported, and unregulated (IUU) fishing in Indian territorial seas.

The end of IUU fishing is bolstered by regulations that provide safety and security for vessels operating in Indian Exclusive Economic Zones (EEZs). India is working to improve its high sea security forces for several reasons, not the least of which is the increased risk posed by smuggling, trafficking, drug trading, and other forms of organized crime. In order to strengthen national marine security, the National Fisheries Policy 2020 emphasizes reducing illegal, unreported, and unregulated (IUU) fishing. Existing fisheries banks have been revitalized, and inter-state cooperation in these marine zones has been strengthened. This approach also considered the importance of the tourism industry to the economies of coastal areas. Despite several legal and legislative measures, reducing illegal, unreported, and unregulated (IUU) fishing has proven challenging. The Indian government has also tried to install transponders and communication devices that can pinpoint the whereabouts of its ships. Government officials have stated again that they "will establish a sound mechanism to ensure that the Indian fishing fleet does not engage in IUU fishing."<sup>10</sup>

When it comes to keeping an eye out for these kinds of illicit activity, the coastal police and Indian coast guards are

<sup>9</sup>David L. VanderZwaag, ed., *Sustainable Ocean Governance: A Geographical Perspective* 145-159 (Brill, 2014).

<sup>10</sup>Jérôme Drevillon, *IUU Fishing as a Maritime Security Threat: The Case of West Africa* (2015) 17(1) International Journal of Maritime Crime and Security 23.



invaluable resources. The National Fisheries Policy acknowledges their importance and signals an intention to reap the benefits of the resources found in international waters while upholding international norms and agreements. The most tangible aspect of this approach is its acknowledgement of the connection between IUU fishing concerns and maritime security systems. All three emphasize the necessity of countering IUU fishing and agree that it is a non-traditional security danger that must be addressed. They strengthen ties between nations and band together to protect maritime borders. During their areas of expertise range from species conservation to vessel monitoring, they all agree that Indian seas should be safeguarded to ensure domestic fisheries' safety.<sup>11</sup>

In 1995, India ratified the "United Nations Convention on the Law of the Sea", and since their inception in 1997, 1996, and 1994, respectively, the "International Seabed Authority, the Commission on the Limits of the Continental Shelf, and the International Tribunal for the Law of the Seas (ITLOS)" have all had nearly continuous representation from India. When dealing with marine catastrophes, the structure provided by UNCLOS and ITLOS is invaluable. They also promote resource management in international waters by providing guidelines and concepts. Because they care about the long-term health of the environment, they put measures in place to encourage the sparing use of supplies. Despite adopting governance laws in EEZs, they support the idea of a liberal market on the high seas. India has struggled to fully address the problem of IUU fishing, which is generally given less attention than other types of marine crime. However, this does nothing to mitigate the grave danger IUU fishing poses. While managing marine disasters, the design given by UNCLOS and ITLOS is important. They additionally advance asset the board in worldwide waters by giving rules and ideas. Since they care about the drawn-out soundness of the climate, they set up measures to empower the saving utilization of provisions. Notwithstanding taking on administration regulations in EEZs, they support the possibility of a liberal market on the high oceans. India has attempted to completely resolve the issue of IUU fishing, which is for the most part offered less consideration than different kinds of marine wrongdoing. Be that as it may, this never really mitigates the grave peril IUU fishing presents.

### 3. Conclusion and Suggestions

As a result of globalization, there is now a significant overseas market for fish merchandise, necessitating trade between nations. Since this endeavour is crucial to the country's growth, increased vigilance is called for, as is the systematic gathering of data that can point to and aid in tracking down IUU fishing channels. When there is a lack of information about a particular species, fishery managers should take a more cautious, ecosystem-based approach.

The ocean ecosystem may benefit from this, making for a healthier sea. Data on fishing activities can be better monitored, and illegal fishing practices avoided with

electronic monitoring and observer coverage. Before substantial fisheries activities can be established, it is necessary to conduct environmental impact assessments of all fisheries and ensure adequate biological indicators are in place. Despite the persistent efforts of international and national organizations to develop effective methods for combating IUU fishing, the issue needs to be more represented in international covenants. If appropriate measures are not taken promptly to monitor and restrict IUU fishing, it poses a severe threat that could result in widespread extinction.

Some suggestions are-

- All coastal governments should ratify the "FAO Agreement on Port State Measures (PSMA) to prevent, deter, and eliminate IUU Fishing.
- Sharing information in real-time and having access to worldwide data on fishing vessels and their actions on the high seas is crucial to reducing IUU fishing. It helps locate boats that have gone into default. This calls for a high level of technological sophistication in the form of maritime domain awareness.
- One way to reduce illegal, unreported, and unregulated fishing is through fish traceability.
- Port states can play a crucial role by preventing vessels engaged in IUU fishing from using their ports and landing their catches;
- Civil society organizations can play an essential role as watchdogs and complement "international, regional, and State" efforts to reduce IUU fishing.

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