

THE INTERNATIONAL DAY FOR THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED FISHING

John J Vachaparambil

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In December 2017, the United Nations General Assembly in its annual resolution on sustainable fisheries declared 05 June as the ‘International Day for the Fight against Illegal, Unreported and Unregulated (IUU) Fishing’. The UN also declared 2022 as the ‘International Year of Artisanal Fisheries and Aquaculture’ (IYAFA) (**Fig 1**).¹ With disruptive, illegal, unreported and unregulated fishing practices affecting the livelihood of an estimated 20 million people who rely on the seas for their sustenance,² it is important to raise awareness about the ‘International Day’ so that India being a coastal State can fight against IUU fishing, and this short piece seeks to be a small step in this direction.



Fig 1: International Year of Artisanal Fisheries and Aquaculture
Source: Food and Agriculture Organisation of the United Nations
<https://www.fao.org/voluntary-guidelines-small-scale-fisheries/en/>

¹ United Nations General Assembly, “Resolution adopted by the General Assembly on 05 December 2017 – A/RES/72/72”, 19 January 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/421/83/PDF/N1742183.pdf?OpenElement>.

Artisanal Fisheries are traditional fisheries involving fishing households (as opposed to commercial companies), using relatively small amount of capital and energy, relatively small fishing vessels (if any), making short fishing trips, close to shore, mainly for local consumption. They are sometimes referred to as small-scale fisheries.

Aquaculture is the breeding, rearing and harvesting of fish, shellfish, algae, and other organisms in all types of water environments.

² UNDP India, “People and Seas – Coastal and Marine Biodiversity in Sindhudurg”, 22 May 2014, <https://undp-india.exposure.co/people-and-seas>.

The proceedings that led to the official declaration of the ‘International Day’ initially began in 2015 when the General Fisheries Commission for the Mediterranean (GFCM) proposed an initiative be launched to declare an ‘International Day for the Fight against IUU fishing’ during the thirty-ninth session of the FAO Conference.³ Subsequently, the GFCM submitted a proposal during the thirty-second session of the FAO Committee of Fisheries (COFI) held in Rome from 11-15 July 2016.⁴ In its proposal, the GFCM requested that 05 June be declared as the ‘International Day for the Fight against IUU Fishing’ and the same was endorsed by COFI in its April 2016 Report.⁵ In the fortieth session Report of the FAO Conference released in 2017, two resolutions were passed, the first for declaring 2022 as the ‘International Year of Artisanal Fisheries and Aquaculture’ and the latter for declaring 05 June as the ‘International Day for the Fight against IUU Fishing’, both addressed to the UN Secretary General.⁶

05 June is of importance as it was on this date, after a gap of seven years, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement) came into force. The PSM Agreement is the first international legally binding agreement devoted specifically to the fight against IUU fishing. The Agreement stipulates port state measures to prevent, deter and eliminate IUU fishing by preventing vessels engaged in such fishing activities from using ports and landing their catches. This helps in reducing the incentives provided to such vessels that would then prevent them from operating and thus reducing such fish products from reaching both national and international markets. The provisions of the PSM agreement applies to fishing vessels seeking entry into a designated port of a State that is different from their flag State.⁷

³ Food and Agriculture Organisation of the United Nations, “Declaring an International Day for the Fight against Illegal, Unreported and Unregulated fishing”, *General Fisheries Commission for the Mediterranean*, https://www.fao.org/fileadmin/user_upload/faoweb/GFCM/News/IUU-day-2016-cofi-w.pdf.

The **Food and Agriculture Organisation (FAO)** is a specialised agency of the UN that leads international efforts to defeat hunger, with a goal, i.e., to achieve food security for all and make sure that people have regular access to enough high-quality food to lead active and healthy lives.

The **General Fisheries Commission for the Mediterranean (GFCM)** was established under Article XIV of the FAO Constitution as a regional fisheries management organisation (RFMO) having a critical role in fisheries governance and the authority to make binding recommendations for fisheries conservation and management and for aquaculture development.

⁴ Food and Agriculture Organisation of the United Nations, “Report of the thirty-second session of the COFI”, *ISSN 2070-6987*, <https://www.fao.org/3/i6882e/i6882e.pdf>.

⁵ FAO, “Committee on Fisheries – Thirty-second session”, April 2016, *COFI/2016/5*, 11-15 July 2016, <https://www.fao.org/3/mq655e/MQ655E.pdf>.

⁶ Food and Agriculture Organisation of the United Nations, “Report of the Conference of FAO – C 2017/REP”, 03-08 July 2018, <https://www.fao.org/3/mu208e/mu208e.pdf>.

Appendix G – Resolution 6/2017 – 2022 International Year for Artisanal Fisheries and Aquaculture.

Appendix J – Resolution 9/2017 – 05 June as International Day for the Fight against IUU Fishing.

⁷ Food and Agriculture Organisation of the United Nations, “Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”, <https://www.fao.org/3/i5469t/I5469T.pdf>.

Flag State is a country where a company registers its commercial and merchant ships.

The ‘International Day’ was for the first time observed on 05 June 2018.⁸ The United Nations mention that ‘International Days’ are occasions to educate the general public on issues of concern, to mobilise political will and resources to address global problems, and to celebrate and reinforce achievements of humanity.⁹ In this regard, the purpose of observing the ‘International Day for the Fight against IUU fishing’ is (a) to promote awareness about the threats posed by IUU fishing and its impact on sustainable fisheries and (b) to urge the international community to effectively regulate harvesting and end IUU fishing activities.¹⁰ Considering the impact of IUU fishing on the marine environment and marine biodiversity, it is befitting that the United Nations have asked the nations to commemorate the ‘World Environment Day’ on 05 June every year,¹¹ and theme for 2022 is ‘Only One Earth’, focusing on living sustainably in harmony with nature.¹²

The gravity of IUU fishing, also referred to as ‘pirate fishing’,¹³ as a global threat was initially highlighted by the COFI.¹⁴ According to the FAO, ‘IUU fishing’ is a very broad term that captures a wide variety of fishing activities, in all types and dimensions of fisheries, occurring both on the high seas and in areas within national jurisdiction. The FAO also opined that IUU fishing also covers all aspects and stages of the capture and utilisation of fish, and it may sometimes be associated with organised crime (including drug trafficking, contraband trafficking, human trafficking, etc).¹⁵ The FAO further mention that IUU fishing activities not just violate both international and national regulations but also impact national and regional efforts for conservation and management of fish stocks and as result reduce the scope of achieving sustainability long-term.¹⁶ Available data on IUU fishing shows that such fishing activities are responsible for the loss of 11-26 tons of fish each year, corresponding to an economic value of US\$10-23 billion.¹⁷

Being a coastal State India has about 8118 km of coastline, nearly 2 million sq.km of exclusive economic zone (EEZ) and half a million sq.km of continental shelf, bringing the estimated fisheries potential from these areas to around 4.41 million tons. Total combined potential derived from 3.15 million hectares of reservoirs, 2.5 million hectares of ponds and tanks, 1.25 million hectares of

⁸ CareOurEarth, “International Day against Illegal Fishing 2022”, 24 April 2022, <https://www.careourearth.com/international-day-against-illegal-fishing/>.

⁹ United Nations, “United Nations Observances”, <https://www.un.org/en/observances>.

¹⁰ *Ibid.*, CareOurEarth, “International Day against Illegal Fishing 2022”.

¹¹ Chime Youdon, “World Environment Day”, 05 June 2020, <https://maritimeindia.org/world-environment-day/>.

¹² UNEP, “World Environment Day 2022”, <https://www.unep.org/events/un-day/world-environment-day-2022>.

¹³ Vijay Sakhuja, “Six steps to combating IUU fishing”, 29 February 2016, <https://maritimeindia.org/six-steps-to-combatting-iuu-fishing/>.

¹⁴ Food and Agriculture Organisation of the United Nations, “Illegal, Unreported and Unregulated (IUU) fishing”, <https://www.fao.org/iuu-fishing/international-framework/ipoa-iuu/en/>.

The **Committee of Fisheries (COFI)** is a subsidiary body of the FAO Council and was established by the FAO Conference in 1963. It is the only inter-governmental global forum where FAO Members meet to review and consider the issues and challenges related to fisheries and aquaculture.

¹⁵ Food and Agriculture Organisation of the United Nations, “What is IUU fishing?”, <https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>.

¹⁶ *Ibid.*

¹⁷ United Nations, “International Day for the Fight against Illegal, Unreported and Unregulated Fishing”, <https://www.un.org/en/observances/end-illegal-fishing-day>.

brackish water area, cold water resources of hilly states and all other inland fishery resources, is 15 million tons.¹⁸ The nation also have 131 Marine Protected Areas (MPAs) covering a total area of 1864.84 sq.km and these include sanctuaries, national parks, and community reserves.¹⁹ Even with such diverse environments, as per the IUCN Red List most species of fish in India are categorised as either vulnerable, endangered or critically endangered.²⁰ This could also be the reason for the fall in the production of fish from inland sectors which stood at a mere 7.77 million tons during 2016-17.²¹ Also there is a stark contrast between the definition of the term ‘fish’ as per the provisions of the Maritime Zones of India Act 1981 and the Indian Marine Fisheries Bill 2021. While the term ‘fish’ as per the MZI Act 1981 means ‘any aquatic animal, whether piscine or not, and includes shellfish crustaceans, molluscs, turtle (*chelonia*), aquatic mammal (the young, fry, eggs, and spawn thereof), *holothurians*, coelenterates, seaweed, coral (*porifera*), and any other aquatic life,²² the definition of the term ‘fish’ under the 2021 Bill excludes marine mammals, reptiles and sea birds.²³ Another issue of concern is that even though India became a member of the FAO on 16 October 1945,²⁴ the nation till date, have not ratified the PSM Agreement.²⁵ Most of the Indian laws, regulations, policies and plans to curb IUU fishing are based on the FAO non-binding soft law instruments which include:

1. 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).²⁶
2. 2007 Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.²⁷
3. 2014 Voluntary Guidelines for Flag State Performance.²⁸

¹⁸ Department of Fisheries, Government of India, “Marine Fisheries”, <https://dof.gov.in/marine-fisheries>.

¹⁹ Captain Himadri Das, “Biodiversity Conservation in India: The Security Dimension”, 07 March 2022, <https://maritimeindia.org/biodiversity-conservation-in-india-the-security-dimension/>.

²⁰ AGK Menon, “Threatened Fishes of India and their conservation”, January 2004, *Zoological Survey of India*, <http://faunaofindia.nic.in/PDFVolumes/spb/032/index.pdf>.

²¹ *Ibid.*18, Department of Fisheries, “Marine Fisheries”.

²² Section 2(b), The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, <https://www.indiacode.nic.in/bitstream/123456789/1817/1/198142.pdf>.

Piscine means of, relating to, or resembling a fish.

Holothurians are marine animals with a leathery skin and an elongated body containing a single, branched gonad (Example: Sea cucumber).

Coelenterates includes invertebrates, having a saclike body with a single opening (mouth), which occurs in polyp and medusa forms (Example: Jellyfish).

²³ Section 2(d), The Indian Marine Fisheries Bill, 2021, https://dof.gov.in/sites/default/files/2021-10/Draft_Indian_Marine_Fisheries_Bill_2021.pdf.

²⁴ Food and Agriculture Organization of the United Nations, “Membership of FAO – Member Nations”, <https://www.fao.org/legal-services/membership-of-fao/en/>.

²⁵ *Ibid.*7, FAO, “PSM Agreement”.

²⁶ Food and Agriculture Organization of the United Nations, “IPOA-IUU”, <https://www.fao.org/3/y1224e/Y1224E.pdf>.

²⁷ Food and Agriculture Organization of the United Nations, “Model Scheme on port State measures to combat illegal, unreported and unregulated fishing”, <https://www.fao.org/3/a0985t/A0985T.pdf>.

²⁸ Food and Agriculture Organization of the United Nations, “Voluntary Guidelines for Flag State Performance”, <https://www.fao.org/3/i4577t/i4577t.pdf>.

4. 2014 Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the context of Food Security and Poverty Eradication (SSF Guidelines).²⁹
5. 2014 Global Record of Fishing Vessels, Refrigerated Transport and Supply Vessels.³⁰
6. 2017 Voluntary Guidelines on Catch Documentation Schemes.³¹
7. 2018 Voluntary Guidelines on Marking of Fishing Gear.³²

Also, based on the data retrieved from the IUCN Red List, especially on selected crustaceans, sharks and rays, there is an urgent need to protect marine biodiversity and end IUU fishing activities globally (**Fig 2**).³³

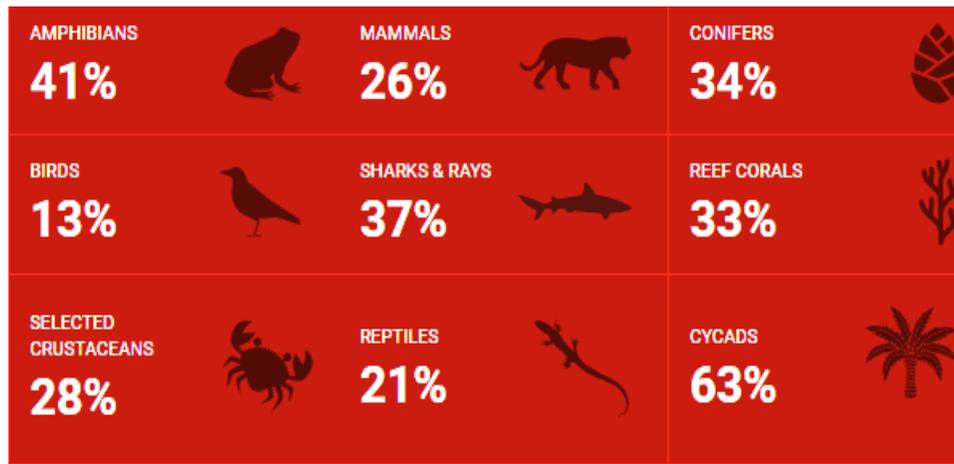


Fig 2: IUCN Red List of Threatened Species

Source: IUCN Website

<https://www.iucnredlist.org/>

As India is trying its best to achieve SDG 14 by 2030 with the aim of (a) increasing the benefits to small island developing states and to the least developed countries from sustainable use of marine resources, including, through sustainable management of fisheries, aquaculture and tourism, and (b) enhancing the conservation and sustainable use of the oceans and their resources by implementing international law as reflected in the 1982 UNCLOS, which provides the legal framework for the

²⁹ Food and Agriculture Organization of the United Nations, “Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication”, 2014, <https://www.fao.org/3/i4356en/i4356en.pdf>.

³⁰ Food and Agriculture Organization of the United Nations, “The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels”, 2014, <https://www.fao.org/3/i7337e/i7337e.pdf>.

³¹ Food and Agriculture Organization of the United Nations, “Voluntary Guidelines on Catch Documentation Schemes”, 2017, <https://www.fao.org/3/I8076EN/i8076en.pdf>.

³² Food and Agriculture Organization of the United Nations, “Voluntary Guidelines on the Marking of Fishing Gear”, 2018, <https://www.fao.org/3/ca3546t/ca3546t.pdf>.

³³ IUCN Red List, <https://www.iucnredlist.org/>.

conservation and sustainable use of the oceans and their resources,³⁴ the National Maritime Foundation (NMF) being India's first and only think-tank that conduct independent and policy-relevant research on all 'matters-maritime' should play a vital role in not only helping the nation achieve SDG 14 but also in creating awareness about the threat of IUU fishing on the 'International Day' via scholarly research, collaborations, discussions and dialogues with relevant stake holders (national and international), which could also include the IFC-IOR (Information Fusion Centre-Indian Ocean Region), the BOBP-IGO (Bay of Bengal Programme Inter-Governmental Organisation), among others.

About the Author

John J Vachaparambil is an Associate Fellow with the Public International Maritime Law (PIML) Cluster at the National Maritime Foundation. His current research focuses on the legal aspects of IUU fishing in India. He may be contacted at law5.nmf@gmail.com.

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³⁴ Goal 14, "Target 14.7 and Target 14.7.b", 07 April 2016, <https://unstats.un.org/sdgs/files/metadata-compilation/Metadata-Goal-14.pdf>.

Also see: United Nations in India, "SDG 14: Life Below Water – Targets", <https://in.one.un.org/page/sustainable-development-goals/sdg-14/>.