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GEOPOLITICAL DIMENSIONS OF THE FIGHT AGAINST ILLEGAL UNREPORTED AND UNREGULATED (IUU) FISHING IN THE INDIAN OCEAN

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EXECUTIVE SUMMARY

This brief analyses how geopolitics affects the fight against illegal, unreported and unregulated (IUU) fishing in the Indian Ocean Region. It argues that besides raising environmental, socio-economic and security concerns, IUU fishing also reflects the tensions between states at different stages of their development for the appropriation of fisheries resources. Against a backdrop of post-colonial resentments, littoral states of the Indian Ocean accuse external powers—Europeans, Japanese, and Koreans, of plundering their waters. With the emergence of China as an Indian Ocean actor, their resentments are now being used for geopolitical purposes. Even the fight against IUU fishing has become a form of competitive cooperation, in which local stakeholders are becoming the prize in the ongoing struggle for influence in the Indo-Pacific. This phenomenon could be mitigated through greater transparency within the governance institutions. This would, in turn, make competitive narratives, irrelevant. From that perspective, fisheries governance in the Pacific offers an interesting model. It has been able to isolate itself better—even though imperfectly—from the geopolitical turbulences which affect the region. Hence the need to explore the possibility to replicate, fully or partially, some of its features in the Indian Ocean.

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DIMENSIONS OF IUU FISHING

This brief argues that IUU fishing related activities are increasingly part of great powers rivalry in the Indian Ocean. They have become part of competitive narratives which use post-colonial resentments, and asymmetric capacities associated with different stages of development, for geopolitical purposes. This weaponisation of the fisheries sector is turning the fight against IUU fishing into a form of race for influence through the increased cooperation of the great powers with local stakeholders. In the process, the lines between traditional and non-traditional threats are increasingly blurred, which is a phenomenon symptomatic of the evolution of the global strategic landscape.

Illegal fishing is not a new phenomenon. The plundering of fish resources by fishing vessels of neighbouring countries is a common activity of fishing communities all over the world. The concept of IUU fishing, however, is more recent. It crystallised progressively during a series of international conferences addressing conservation issues during the 1990s. The term itself was formally introduced for the first time in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, a document adopted by the United Nations Food and Agriculture Organisation (FAO) Council on 23 June 2001.^[i] Since then, IUU fishing has been addressed primarily as an eco-systemic issue with serious social consequences, particularly because it threatens the livelihoods and food security of the most deprived people in the region. This is the case in the Indian Ocean, a region where 25 of the 35 coastal states are developing countries.^[iii]

IUU fishing is increasingly seen as a multi-dimensional concept. It also constitutes a security concern, encompassing issues of corruption, fiscal evasion, and modern slavery. It involves actors of vastly different nature: from local fishers trying to improve their livelihood, to organised crime networks that often combine IUU fishing with other lucrative illicit activities such as people trafficking or drug smuggling.

Ultimately, IUU fishing is a geopolitical problem, a dimension that has dramatically grown in importance over the past ten years due to the emergence of China as an Indian Ocean actor. Both IUU fishing and the fight against related activities have become grey zones in which the whole set of competitive interactions which characterises international relations is taking place.

The problem could, however, be mitigated by increasing transparency as much as possible in order to re-establish a greater degree of trust among existing institutions established to fight IUU fishing. This would limit the possibilities for the coastal and island states of the Indian Ocean to play, and be played by, external actors; not by reducing the agency of independent states but by increasing the possibility of democratic control by civil societies. In this context the brief examines some possible ways of mitigating the problem, including by replicating some of the Pacific fisheries agencies mechanisms in the Indian Ocean.

IUU FISHING AS A GEOPOLITICAL ISSUE IN THE INDIAN OCEAN

Three main Indian Ocean hotspots have attracted considerable—if uneven—international attention, though more on account of the political and security problem IUU fishing creates than for its environmental or socio-economic consequences:

- The Palk Strait where Indian trawlers engaging in IUU fishing in the Sri Lankan waters are a regular source of tension between Colombo and New Delhi;
- The exclusive economic zones (EEZ) of the island states of the south western Indian Ocean which have limited naval resources to monitor their waters;
- The coast of Somalia where the collapse of the government in 1990, resulted in the plundering of Somali fish resources by vessels from the European Union (EU), Japan, Taiwan, India or Pakistan, and was largely responsible for the Somali piracy in the 2000s.

The three problems remained however largely below the radars until the 2000s. It is only with the rise of China, that IUU fishing took a new dimension and became a strategic issue. The engagement of China in IUU fishing deserves to be examined in this context. It was the paradoxical outcome of China's reform of its fisheries sector in the late 1990s combined with Beijing's new assertiveness in the early phase of Xi Jinping era. In 1996, China started incorporating international environmental regulations into its own legislation, following the collapse in the populations of some of its own fish stocks. The implementation of very restrictive policies for the protection and restoration of China's coastal resources was compensated by the promotion of distant water fishing through a vast program of subsidies, which reached its peak in 2013.

Moreover, Chinese trawlers were allowed to sell part of their catch in foreign markets. The policy introduced a dichotomy between seas under Chinese sovereignty and distant waters. Chinese fishers, poorly informed regarding IUU fishing, and suddenly exposed to a new environment but unable to communicate to foreign authorities, were sometimes considered the main cause of China IUU fishing operations, of which about 8% were committed in the Indian Ocean.^[i] The parallel arrival of Chinese warships in the Indian Ocean to participate in anti-piracy operations and the opening of a base in Djibouti changed the perception of the problem in the region. Rightly or wrongly depending on the circumstances, this new optics fed the suspicion that China may actually have ulterior motives of a geopolitical nature, and, consequently, introduced a new dimension into the fight against IUU fishing. The following example illustrates the dynamics triggered by this process:

On September 5th, 2018, during the Forum on China-Africa cooperation organized in Beijing, Madagascar signed a framework agreement for the cooperation on Blue economy. Concluded for 10 years for an amount of USD 2.7 billion, the agreement included five pillars: the construction of naval shipyards in Madagascar, development of fisheries, creation of aquaculture farms, creation of maritime training centres and control of IUU fishing. In line with Malagasy practices, the agreement was never published but some of its clauses were made public thanks to fishing unions and NGOs. USD 700 million were supposed to be spent over three years on the exploitation of Malagasy fisheries. 303 Chinese fishing vessels were supposed to be allowed for annual catches unofficially estimated at almost twice the annual captures of Madagascar fisheries at the time.

The impact on fish stocks as well as on the local populations of Madagascar, are a major concern (as only 15% of the captures would have been sold on the local market). However, the move was also suspected to be part of a longer-term Chinese strategy to take control of the channel of Mozambique, as Malagasy trawlers would have been pushed towards the adjacent French EEZ around the Scattered Islands. The manipulation of IUU fishing went both ways. It was as much a manipulation of the Chinese fishers by Madagascar as of the Malagasy by China. Chinese trawlers operating on licenses allegedly sold by Madagascar had been identified in parts of the French EEZ claimed by Antananarivo.

The agreement, which included a clause about a Chinese-Malagasy cooperation against IUU fishing, was never implemented as a new president was elected in Madagascar two days after the signature. The episode illustrates the political context of the fight against IUU fishing, which takes place against a backdrop of asymmetric capacities, but also post-colonial resentments, which are not limited to the former colonial power, France. Because it uses its development aid and technical assistance as leverage in the negotiations regarding the allocation of fish quotas, the EU has been accused by the governments of coastal and island states of acting “in a colonial manner”, although it is often unclear whether they blame the EU for IUU fishing or overfishing.^[iv] These tensions feed, in turn, China’s narrative and help Beijing conclude fishing agreements with individual coastal and island states, even if the EU is a much greater contributor to the fights against IUU fishing, including through the funding of fuels for the monitoring patrols of the Indian Ocean Commission.

Today, suspicion is the norm. The littoral states of the Indian Ocean accuse each other of IUU fishing practices in their respective waters. Fishing vessels of Madagascar, the Comoros or Sri Lanka are regularly apprehended in the waters of the Seychelles. India, European countries and littoral states alike accuse China of being the main culprit of IUU fishing globally, including in the Indian Ocean; Indian commentators insist on characterising Chinese fishing vessels as frontline assets for grey-zone operations in the Indian Ocean Region. Littoral states also accuse EU member states of cheating on IUU regulations while Indian vessels have been caught fishing illegally in the Chagos islands waters and other parts of the Indian Ocean. Vessels from neighbouring coastal states which are part of the same coalition against IUU Fishing in the Indian Ocean Commission, fish in each other’s waters, sometimes for the benefit of a third party (Malagasy fishers have, for example, been caught in the waters of the Seychelles, fishing sea cucumbers for the sole benefit of the Chinese market).

MECHANISMS TO COMBAT IUU FISHING

International norms and regulations about IUU fishing have substantially progressed over the past three decades and most states have enacted fisheries legislations with Measures of Surveillance and Control (MSC)-related provisions.

The United Nations Food and Agriculture Organisation Port State Measures Agreement entered into force in 2016 while IUU fishing has been included in the Djibouti code of conduct through the 2017 Jeddah amendment to name only two examples. Even if norms and regulations are unevenly integrated within national legislations, efforts have been taken to spread the knowledge and understanding of this normative evolution.

Instruments to combat IUU fishing, on the other hand, have experienced uneven development. Maritime domain awareness has improved substantially over the past decade, through the creation of the Information Fusion Centre–Indian Ocean region (IFC-IOR) based in Gurgaon, India, and the Regional Maritime Fusion Centre (RMIFC) in Madagascar, while the training is currently extended to the Bay of Bengal thanks to Critical Maritime Routes (CRIMARIO) II, a training program funded by the EU. Similarly, satellite monitoring is now used on a larger scale. However, acquisition of assets to act upon this intelligence have progressed unevenly. Some states, like India, have substantially increased the size of their navy, coast guard as well as aerial and space surveillance systems. However, India's, as well as the capacities of most states, to intervene at sea remain notoriously insufficient. Mutualisation though is showing signs of progress thanks to the coordination undertaken within the Indian Ocean Commission and extended to several East African coastal states including Mozambique, Tanzania, Kenya and Somalia. The mandate of the European Union Naval Force Operation ATALANTA (EUNAVFOR ATALANTA), launched in 2008 to help coastal states fight piracy, has been extended to include IUU fishing.

Enabling factors of IUU fishing, such as fragmentation of the Indian Ocean governance framework, the uneven adherence to and compliance with regional and international arrangements, sustained by the weak governance and corruption of a number of individual states, persist, but efforts to limit them are a reality. However, if the normative and operational instruments to combat IUU fishing have evolved significantly since the 1990s, the geopolitical stakes have also dramatically increased in the Indian Ocean, adding a significant layer of complexity to the issue. The fight against IUU fishing in the Indian Ocean is thus an uphill battle.

A PACIFIC TYPE REGIONALISM IN THE INDIAN OCEAN?

It is often argued that the slow pace of the development of the fight against IUU fishing is partly

linked to the insufficient development of regionalism observed in the Indian Ocean as compared with the Pacific. Unlike the situation prevailing in the Pacific, the lack of unity between coastal states could be responsible for the lack of “harmonised minimum terms and conditions for fisheries access to coastal states EEZ that help to prevent one island country being played off against another by major fishing states”.^[v] However, this argument is debatable and no evidence decisively supports it. Instead, economic considerations play a role in this situation. A number of Indian Ocean coastal states generate substantial parts of their revenues from fishing access agreement with China, EU member states or even Japan and South Korea^[vi], even when they simultaneously suspect them of violating the rules regarding IUU fishing operations in their waters.

The membership of the Indian Ocean Regional Fisheries Management Organizations (RFMOs) could play a unifying role among coastal states. However, so far it has been insufficient to generate uniform behaviour vis-à-vis IUU fishing. Indian Ocean coastal states do not share identical interests for fisheries and the perspective of a Pacific-like regionalism, structured around maritime issues, to control external powers access to their waters is unlikely. At the same time, it seems urgent to re-establish some degree of trust of the coastal states in the institutions of the Indian Ocean, by limiting, as much as possible, their actual and potential conflicts of interests with external powers. The adaptation of some of the principles on which Pacific fisheries agencies operate could be useful.

The creation of an independent scientific body — modelled on the Noumea-based Pacific Community organization and capable of providing quantitative studies of IUU fishing in the Indian Ocean—could be one such example. Currently, the Indian Ocean Tuna Commission (IOTC) concentrates both the evaluation and the decision-making processes. It is simultaneously the forum where quotas are allocated and the scientific assessment mechanism that evaluates IUU fishing and provides the data upon which these allocations are decided. The creation of an independent body would separate the evaluation from the decision process, help assuage the mistrust between the various actors and help to depoliticise the fight against IUU fishing.

The creation of an Indian Ocean version of the Pacific Quad—a coordination mechanism composed of Australia, France, New Zealand and the US,

which monitors, controls and survey the South Pacific – would be difficult if not impossible due to the paucity of Indian Ocean states with actual naval capacities. Moreover, the geography is different. All EEZs of the Pacific Island states are adjacent, whereas the maritime space in the Indian Ocean, where much of the IUU fishing activities take place in international waters. The further enlargement of the existing Regional Coordination of Operations Centre membership to include states with more operational capacities could, however, be considered. India, which has recently demonstrated its capabilities in the matter by participating in EEZ monitoring operations in the western Indian Ocean, could be one such state.

It is important to rationalise the use of the limited capacities existing in the area. A similar mechanism could be replicated in other subregions of the Indian Ocean where countries like Australia could also contribute. The mechanism will obviously remain imperfect, but the participation of the coastal and island states is an essential component of the trust building mechanism.

It remains essential to enlist coastal and island states of the Indian Ocean to the Port States Measures Agreement, particularly India—the most significant among them in terms of EEZ size, fleet capacity and population. While this is no absolute guarantee of compliance, it would nevertheless help reduce the phenomenon. In this regard, the current context offers new incentives. The recent adhesion of China to the PSMA is a positive development, though there is little doubt that Beijing will seek to use it as a political instrument in its rivalry with India. Ultimately, all initiatives contributing to a greater transparency of the fisheries activities should be encouraged. Opacity only facilitates IUU fishing. The work of NGOs such as Transparency Fisheries Initiatives should therefore be publicized and encouraged.

CONCLUSION

Combatting IUU fishing cannot be separated from its political dimension. Whatever mechanisms are set up in the future, they should be framed in a way that limits the possibilities of political instrumentalisation. The objective should be to limit the strategic space in which

the states operating behind IUU actors can operate. Without such consideration, the current instruments deployed to combat IUU fishing will not only be insufficient, but they will, in certain circumstances, be counterproductive.

[i] Mary Anne Palman, Martin Tsumenyi, William Edeson, *Promoting Sustainable Fisheries: The International Legal and Policy Framework to Combat Illegal, Unreported and Unregulated Fishing*, Leiden/Boston, Nijhoff Publishers, 2010, p. 25

[ii] The percentage of biologically unsustainable fishery stock was estimated by the FAO at 36.5% for the eastern Indian Ocean and 37.7% for the western Indian Ocean. FAO, *The state of World Fisheries and Aquaculture: Blue Transformation in Action*, Rome, 2024, p. 44.

[iii] According to a report written for the PECH Committee of the European Parliament, the unreported catch of Chinese distant water fleets subject to illicit trade, for the period 1980–2019 is, on average, 65% of the unreported distant water fleets and 17% of the total distant water fleets catch. Daniel Pauly, *Role and impact on world fisheries and aquaculture*, Policy Department for Structural and Cohesion Policies, Directorate-General for Internal Policies, European Union, December 2022.

[iv] S. Vedha Valli, “Illegal, Unreported and Unregulated Fishing in Indian Ocean Region”, *Indian Journal of Integrated Research in Law*, Vol III, Issue IV, pp. 1–8.

[v] Anthony Bergin, *Bringing the Indian and Pacific Oceans together o IUU Fishing*, *Raisina Debates*, Observer Research Foundation, 14 December 2021

[vi] Hussain Sinan, Midaly Andriamahefazafy, Kerrie Robertson, “David against Goliath? The rise of coastal states at the Indian Ocean Tuna commission”, *Frontiers*, 15 December 2022

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