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## IUU FISHING – THE FISHING WARS ARE COMING

Cdr Anand Kumar (Retd)

Indian Navy

[anandkv1@yahoo.co.in](mailto:anandkv1@yahoo.co.in)

Gujarat National Law University, Gandhinagar, Gujarat

### Abstract

Fisheries have been the most critical determinant of food security, nutritional well-being, and livelihood for coastal communities since prehistoric times and continue to be the mainstay of sustenance for vulnerable coastal populations in developing coastal states. The notion of wild fish being abundant is obsolete; most stocks are overexploited, and large predatory fish populations have almost collapsed due to industrial fishing. Illegal, Unreported, and Unregulated (IUU) fishing. Unsustainable fishing practices result in the loss of millions of tons annually, exacerbating ecological degradation, undermining coastal economies, compromising food security, and distorting fishery supply chains. Weak international and domestic legal regimes, combined with weak ocean governance, have created a classic tragedy of the commons that incentivises overexploitation and fuels economic inequality. Such exploitative pressures on the marine resources, particularly the fisheries, have translated into maritime tensions and interstate disputes, particularly in regions where fish remains one of the primary sources of food and the local economy. Globally, fisheries-related tensions led to numerous interstate disputes between 1993 and 2010. Interstate conflicts over diminishing fishery resources are becoming a growing maritime security threat. This paper analyses the environmental, economic, legal, and security dimensions to highlight the drivers of IUU fishing and its impact. It examines case studies of fisheries-related interstate confrontations and the likelihood of future fishery-related interstate flashpoints. The paper concludes that robust international cooperation, a strong legal framework, effective enforcement, and sustainable fishery management can avert further ecological degradation, reduce the risk of conflict over marine resources, and protect the oceans for our future generations.

**Keywords:** IUU Fishing, conflict, sustainable fisheries, food security, maritime security

### Introduction

The advent of hunter-gatherer activities propelled the human species to overcome the challenges of survival in the wild and elevate itself above other predators. Furthermore, the development of agriculture and the adoption of aquatic food habits, i.e., the capture of wild fish, ensured food security. For hundreds of millions of coastal communities, marine fisheries and aquaculture are indispensable sources of food, nutritional well-being, income, and livelihoods. In 2014, for the first time, the aquaculture sector surpassed wild-caught fish as the primary source of fish for human consumption. (FAO 2016) Fish stocks replenish themselves when exploited at sustainable levels but are not limitless. Therefore, fish stocks need to be sustainably managed to ensure continued nutritional well-being, economic benefits, and the overall well-being of the growing coastal population. IUU fishing significantly distorts the global seafood market by entering the supply chain and reaching overseas markets, thereby disrupting local food supplies. Illegal and unreported fish catch accounted for approximately 20-32% of US wild-capture food and 24-36% in Japan. In the EU, these imports total approximately 5,00,000 tonnes annually, valued at roughly €1.1 billion. (Irina n.d.)

It is challenging to quantify the exact scale of IUU fishing. A widely cited 2009 study estimates that illegal and unreported catches amount to 11-26 million tonnes annually, worth USD 10-23.5 billion. When compared with the reported global marine fish catch of 79.9 million tonnes, it represents approximately one-third of that total. The actual percentage may be significantly higher due to the non-availability or underreporting of actual data. (FAO 2024) Interstate conflicts over fishery rights, combined with the depletion of fishery resources and climate change, have raised the prospect of future fishing wars. Unsustainable fishing practices, coupled with the prevalence of IUU, create political issues and heightened media coverage, which may lead to interstate fishing wars. Between 1993 and 2010, fisheries-related conflict accounted for 11% of all Militarised Interstate Disputes. (One in 10 Interstate Disputes Are Fishy – And the Implications Stink | New Security Beat n.d.)

Climate change is altering marine environmental conditions, causing shifts in the distribution patterns of fisheries resources, reducing potential yields, and leading to a subsequent decline in revenue from traditional fishing grounds. Climate change is not only warming the oceans but also redistributing fish stocks. Such redistribution will overwhelm the governance framework, traditional fishing patterns will fracture, and competition over newly shared resources could escalate into diplomatic or militarised confrontations. (Miles-Board n.d.:3)

### 1. Fishing Wars – A Case Study

**Treaty of Medicine Creek.** The fishing wars are not a modern invention; the first fisheries-related conflict was the ‘Treaty of Medicine Creek’, which was signed between the United States and Nine tribes of Native Americans on 26 December 1854. The treaty granted about 2.5 million acres of ancestral territory in the Puget Sound region of Washington Territory to the United States in exchange for annuities of USD32,500 payable over 20 years, plus provisions for schools, agriculture, medical cover and recognition of traditional fishing and hunting rights to the native Indians. (Treaty of Medicine Creek, 1854 | GOIA n.d.) The Treaty resulted in the displacement of indigenous communities, confining them to inadequate compensation, undermining their sustenance and setting the stage for resistance, violent conflicts and decades of legal battles over fishing access and sovereignty.

**The Cod Wars.** The Cod Wars were a series of Militarised Interstate disputes (MID) over fisheries rights between Iceland and the United Kingdom in the North Atlantic from 1958 to 1976. These confrontations occurred on four occasions, though none escalated into full-fledged war; they came at a high cost and political risk to Iceland, the UK, the USA, and NATO.(Steinsson 2016:1) These MID's involved diplomatic crises, ship ramming, and the use of 'grey zone' tactics such as net-cutting.

**Fact.** Iceland consistently expanded its exclusive fishery limits, which the UK refused to recognise.

**The Conflict.** A total of three Cod wars took place between Iceland and the United Kingdom. The details are appended in the following sub-paragraphs:

(a) **The Proto-Cod War (1952 – 1956).** The Proto Cod war was the first Anglo-Icelandic war after the Second World War, over fishing quotas. The dispute began in May 1952, when Iceland unilaterally extended its fishing limits from 3 to 4 Nm, and the British fishing trawlers disregarded the new regulations.

(b) **First Cod War (1958 – 1961).** The First Cod War began due to Iceland's unilateral extension of its fishery limits from 4 to 12 Nm in September 1958. In retaliation, the UK sent Royal Navy ships into the contested waters to protect its trawler fleet. This attracted significant media attention in both countries, with British media describing the dispute as a "Cod War". (Mitchell 1976:128)

(c) **Second Cod War (1972 – 1973).** Limits were further unilaterally extended to 50 Nm. Britain declared the decision to be a violation of international law. Britain took the issue to the International Court of Justice (ICJ), but Iceland refused to comply with the ICJ's judgment (which had ruled against Iceland).(Steinsson 2016:4)

(c) **Third Cod War (1975 – 1976).** Iceland further expanded its zone to 200 Nm. This resulted in clashes at sea between the Icelandic patrol ships, the British trawlers, and the Royal Navy ships.

#### Legal and Political Issues.

(a) **Economic Survival (Iceland).** Iceland's economy was heavily dependent on fish exports, and the extension of fishery limits was seen as legal to protect the imminent decline in fish stocks from overfishing.

(b) **Political Pressure.** Domestic pressure to preserve the local fishery contributed to Iceland extending its fishing limits unilaterally and making no concessions in negotiations with the British. The British decision-makers, too, were influenced by the British trawling industry, which contributed to Britain's unwillingness to accept Iceland's demands.(Steinsson 2016)

**Resolution.** Iceland achieved all its political goals, eventually establishing a 200 Nm Exclusive Economic Zone (EEZ) that became the global standard under the UN Convention on the Law of the Sea (UNCLOS).

**The 'Peanut Hole' Conflict (1991-2014),** a fisheries conflict in the Sea of Okhotsk.

**Facts.** The fisheries conflict in the Sea of Okhotsk primarily involves high-value stocks of pollock and salmon fish. Historically, the conflict is centred on an oblong high-seas enclave, shaped like a peanut, surrounded by the Russian EEZ, hence called the 'Peanut hole'.

**The Conflict.** Right after the collapse of the Soviet Union, distant-water fishing States, including Poland, South Korea, Japan and China, commenced excessive fishing in the peanut hole area and, at times, used it as a staging ground to enter the Russian EEZ illegally and harvest Pollock. Russia claimed these illegal overfishing were decimating the straddling stocks that moved between the Peanut hole zone and their EEZ. (Goltz n.d.)

**The Moratorium.** Russia imposed a unilateral moratorium on the Peanut Hole and backed it with naval exercises, but it did not yield the desired results. In April 1993, the Chinese Vessel Geng Hai was apprehended for alleged EEZ violations, fined, and had its gear confiscated.

**Resolution.** Russia claimed an extended continental shelf beyond its EEZ, supported by geological surveys. The conflict was permanently resolved in March 2014 when the UN Commission recognised the area (Peanut Hole) as part of Russia's continental shelf, effectively giving Russia complete control over the sea's resources.(Hanamatsu 2012)

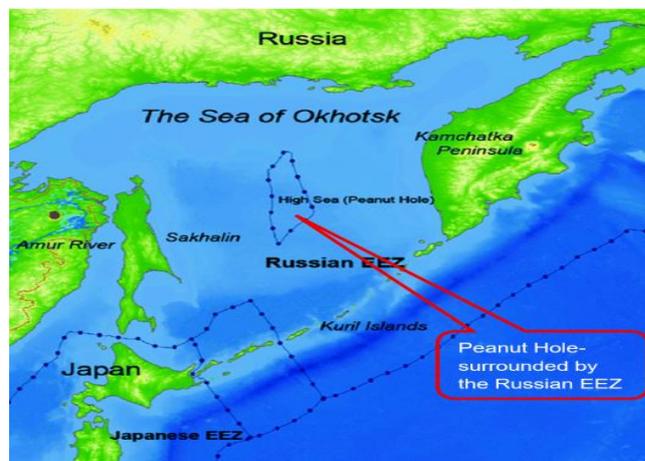


Fig.1: The Peanut Hole (map not to scale, for demonstration purposes only). Source(Hanamatsu 2012)

**The Turbot War (March-April 1995).** The Turbot war took place primarily between Canada and Spain over the alleged illegal and overfishing of Greenland Halibut (Turbot) fish on the Grand Banks, which is an area bordering Canada's EEZ. In addition, Portugal, the UK, and Ireland have been party to the conflict at various stages.(Teece n.d.:7)

**Facts.** Fishing trawler *Estai*, registered in Spain and manned by a Spanish crew, had been fishing for Turbot continuously in the Grand Bank Area for five months. On 09 Mar 1995, the Canadian Naval ships and the Coast Guard ships fired across the trawler's bow. The fishing trawler *Estai* was thereafter seized, and the crew were charged with illegal fishing under Canadian law.

**The Conflict.** In the following six weeks, two more incidents between the Canadian Navy and Spanish fishing vessels resulted in a diplomatic crisis.(Teece n.d.:2) Both countries deployed naval forces, with Spain sending a missile cruiser towards the coast of Newfoundland.(Teece n.d.:8) The situation escalated to the extent that European countries got divided over who to support. Britain and Ireland took Canada's side, while the EU supported Spain, with Germany lending naval support to Spain.

#### Legal and Political Issues.

(a) **Legal Ambiguity.** The jurisdictional ambiguities over straddling fish stocks created the core legal question.

(b) **Multilateral Governance Limits.** Northwest Atlantic Fisheries Organisation (NAFO) rules existed, but enforcement depended on members' cooperation. Canada's unilateral actions questioned the legality of the coastal state's unilateral action to protect the shared stocks.

**Resolution.** The conflict became a full-blown diplomatic crisis that forced systemic change and long-term reforms in fisheries management.(Soroos 1997). The EU exerted pressure on Spain, and on 05 April 1995, a bilateral agreement with Canada secured Spain's withdrawal from the contested area and formal recognition of Canada's right to enforce its conservation claims.(Halle, Switzer, and International Institute for Sustainable Development 2002).

**Scallop Conflict.** The Scallop Conflict, often referred to as the "Great Scallop War" (*gurre de la coquille*), is a long-running dispute between British and French fishermen over scallop dredging rights in the English Channel.

**Fact.** The initial confrontation took place in October 2012 and continued into 2013. Since then, such incidents of violence between French and British fishermen have been occurring on a sporadic basis, with those in 2018 and 2020 being significant and made into national news in both countries.

#### The Conflict.

(a) On 08 October 2012, about 12 British fishing boats were dredging for scallops in the Bay of Seine. Approximately 40 French boats confronted the British trawlers. The French Navy intervened and de-escalated the situation. British newspapers described the atmosphere as an "uneasy ceasefire".(Scallop wars: an uneasy ceasefire as fishermen await the next salvo n.d.)

(b) In late August 2018, the issue flared up again. This time, five British fishing boats were confronted by a much larger number of French vessels. Negotiations produced a temporary agreement but no durable resolution, and disputes resurface later.

(c) The British and the French fishermen once again clashed in October 2020, with the British vessels *Gril Macey* and *Golden Promise* being surrounded by as many as twenty French vessels. The French crew threw rocks, oil, frying pans and flares at the British boats.

**Legal and Political Issues.** Under the Common Fisheries Policy (CPF), EU member States can fish inside each other's EEZ. Still, each country has exclusive rights to their respective 12 Nm territorial sea along its coast, with no other fishermen allowed to fish within that zone. The Scallop conflict erupted when French fishermen accused British trawlers of dredging inside France's twelve-mile territorial zone in the Bay of Seine.

**Resolution.** Both governments have reached a compromise involving reasonable compensation for British fishermen for not fishing during the French closed season, but it has not resolved the issue permanently.

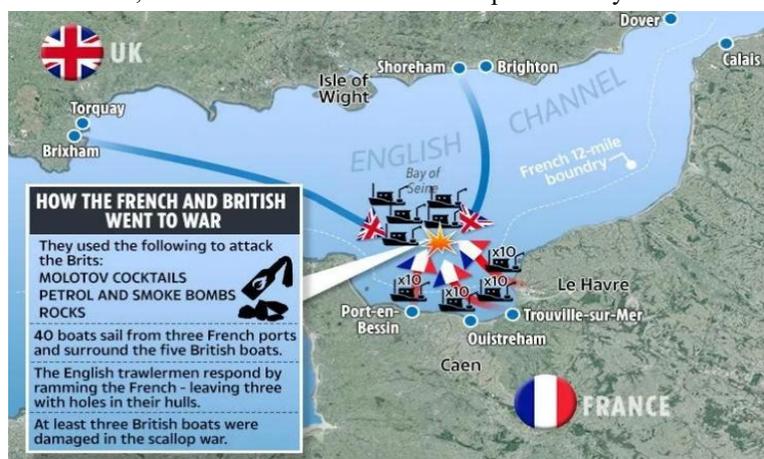


Fig 2. The Scallop War (map not to scale, for demonstration purposes only). Source(French trawlermen threaten more clashes with English scallop rivals... after Channel sea battle left Brits demanding Royal Navy protection n.d.)

## 2. Ongoing Fisheries Disputes

### China – Philippines

**The Scarborough Shoal Dispute.** The Scarborough Shoal (also known as the Scarborough reef) in the South China Sea remains a critical flashpoint between China and the Philippines. The dispute involves overlapping territorial and fisheries claims between China and the Philippines.

**Fact.** The Scarborough Shoal is a triangular cluster of reefs and rocks situated approximately 124 Nm west of Luzon, Philippines and over 472 Nm from the coast of China. The surrounding waters are rich in fish and marine life, and have long been exploited by both countries. It lies within the Philippines' EEZ from its central archipelago. (Shaw-fawn 2014:158) However, China claims sovereignty based on its “nine-dash line” claim, citing usage dating back to the 13th-century Yuan Dynasty.



Fig. 3 The Scarborough Shoal Dispute (map not to scale, for demonstration purposes only). Source: Author and India Today (Scarborough Shoal |ForumIAS n.d.)

### The Conflict.

- (a) A two-month confrontation erupted between the Philippines and China on 08 April 2012 when the Philippine Navy dispatched a frigate to investigate a Chinese fishing vessel near the Scarborough Shoal. Two days later, two Chinese Marine surveillance ships arrived in the area, positioning themselves between the Philippine navy frigate and the Chinese fishing vessels (Shaw-fawn 2014:158). China has maintained de facto control and maintains a permanent Coast Guard presence since then. (The Political Geography of the South China Sea Disputes: A RAND Research Primer 2022:18)
- (b) The Permanent Court of Arbitration (PCA) (in 2016) ruled that Chinese actions, preventing Philippine fishing activities, damaging the marine environment and operating law-enforcement vessels off Scarborough Shoal, have violated the provisions of UNLOS and violated the Philippines' sovereign rights. (Universitas Muhammadiyah Yogyakarta et al. 2022:67) However, China vehemently rejected the ruling, citing its non-participation in the arbitration.
- (c) **Harassment of fishing boats (2026).** On 12-13 January 2026, the Philippines Coast Guard reported the year's first harassment incident where Chinese ships used sirens and blocking manoeuvres against a Filipino boat.

**Legal and Political Issues.** The core issue involves the Chinese territorial claims and overfishing in the Philippines' EEZ by the Chinese fishing boats.

**Resolution.** The fishery dispute is ongoing, with both China and the Philippines accusing each other of violating international norms.

### India – Sri Lanka

**The Palk Bay and Katchatheevu Dispute.** The India-Sri Lanka fisheries dispute is an ongoing issue, centred around the Palk Bay and Katchatheevu Island. The dispute results from illegal bottom trawling by the Indian fishermen despite the ban on bottom trawling and underscores the domestic and national political undertone.

**Fact.** Katchatheevu Island is a barren island in the Palk Bay, about 15 nm North-east of Rameshwaram (Indian side) and about 14 nm South-West of Delft Island (Sri Lankan side). The island is uninhabited and has only a Roman Catholic Church, administered by the Bishop of Jaffna as part of his Diocese. The issue of Indian Tamil fishermen crossing the IMBL in large numbers and fishing in and around Katchatheevu Islets is a constant source of Diplomatic tension between India and Sri Lanka. As per the 1974 agreement (demarcating the IMBL between the two countries), Indian fishermen are not allowed to cross the IMBL for fishing activities.

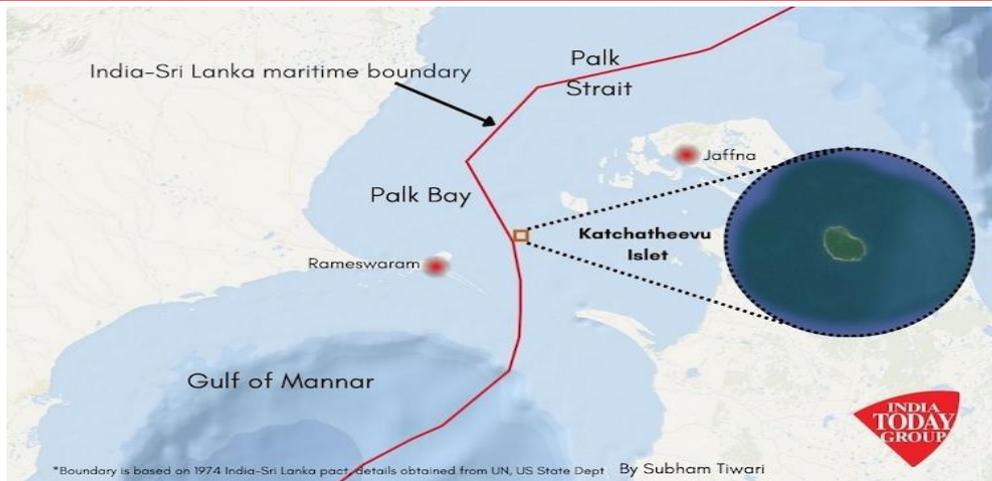


Fig. 6  
island (map

Katchatheevu  
not to scale, for

demonstration purposes only). Source: India Today(Can Katchatheevu’s retrieval solve India’s fishing conundrum? - India Today n.d.)

**The Conflict.** Continued fishing (particularly bottom trawling) by Tamil fishermen off Katchatheevu Island has caused severe environmental damage and overfishing. Every year, a large number of Indian fishermen are apprehended by the Sri Lankan authorities. According to Indian Government sources, the total number of fishermen arrested by the Sri Lankan Authorities was 268, 240, 560, and 147 in 2022, 2023, 2024, and 2025, respectively. However, most of them have been released through bilateral mechanisms.(QUESTION NO. 288 INDIAN FISHERMEN BEHIND BARS IN SRI LANKA n.d.)

**Legal and Political Issues.** A long-term settlement appears unlikely given conflicting local and national political agendas, ground realities and backing from regional political parties. The prospect of Tamil fishermen mobilising a mass protest could pose a serious law-and-order challenge for state authorities, given strong regional sentiment among the fisherfolk and the political realities of Tamil Nadu.

**Present Status.** The fisheries conflict has remained unresolved primarily because of bottom trawling by Indian Fishermen, which is banned by the Sri Lankan government.(A. Trivedi 2025:5)

#### India – Pakistan (Sir Creek Area)

The Sir Creek area, a 100-nautical-mile strip of water between Gujarat, India, and Sindh, Pakistan, has been a long-standing boundary dispute between India and Pakistan. This issue gains momentum when the boundary dispute and ground tension escalate among the neighbours.

**Fact.** Both the Pakistani and Indian fishermen cross into each other’s EEZ in search of good-quality fish. Indian fishermen cross over in search of the highly prized Red Snapper, while Pakistani fishermen enter the Indian EEZ to fish for lobsters, prawns/shrimps, and pomfret.

**The Conflict.** Indian and Pakistani fishermen often enter the disputed and unidentified maritime boundary off Sir Creek in search of a good fish harvest. They are arrested, and boats get confiscated by the respective security forces (the Navy and the Coast Guard). They languish in jail for years, most without being tried, some of them even jailed under the pretext of illegal crossing of international borders and charges of spying. sometimes even after completing their jail term. Most of the time, these fishermen are used as political pawns, and the governments release them on different occasions as a goodwill gesture without any legal process.(Ali n.d.:2) As per the Ministry of External Affairs, Government of India press brief on 01 July 2025, a total of 2,661 Indian fishermen have been repatriated from Pakistan since 2014.(Exchange of list of prisoners between India and Pakistan n.d.)

**Resolution.** The arrests started sometime in 1987 and continue to date.(Charu\_Gupta\_and\_Mukul\_Sharma\_Blurred\_bor n.d.). Without any resolution to the issue, coupled with the strained relations between India and Pakistan, such arrests and the seizure of their boats may lead to an inter-state dispute in the foreseeable future.



Fig. 7 The India-Pakistan fisheries dispute, the area off Sir Creek (map not to scale, for demonstration purposes only).

Source:(Pawns in border clash, India and Pakistan fishermen desperate for change - Nikkei Asia n.d.)

**India – Bangladesh (North Bay of Bengal)**

The case of transgressions by fishermen into each other’s EEZs has been a contentious issue since 1971 (the year Bangladesh gained independence). The Permanent Court of Arbitration (PCA) at Hague delineated the maritime boundary between Indian and Bangladesh in July 2014. However, the issue of fishermen crossing into each other’s EEZ for fishing has not come to an end.(Finding Solutions To Fishermen Transgressions In The India Bangladesh Maritime Space - Research | ORF n.d.:5)

**Fact.** India and Bangladesh share more than 50 transboundary rivers and an adjacent maritime boundary (EEZ) in the Bay of Bengal. Fishermen from both countries cross into each other’s maritime zones. These transgressions involve Illegal fishing, which is classified under the umbrella term Illegal, Unreported and Unregulated (IUU) fishing. These fishermen are arrested and often imprisoned by the respective security authorities (the Navy and the Coast Guard).

**Current Situation.** There has been a steady increase in the arrests of fishermen by both the States’ security forces. In early January 2025, 90 Bangladeshi fishermen and two fishing vessels were repatriated to Bangladesh, and in exchange, Bangladesh released 95 Indian fishermen and 06 fishing vessels.(FOUNDATION n.d.) The Indian Coast Guard arrested 75 crew members and seized three Bangladeshi fishing vessels for illegal fishing (S. Trivedi 2025).

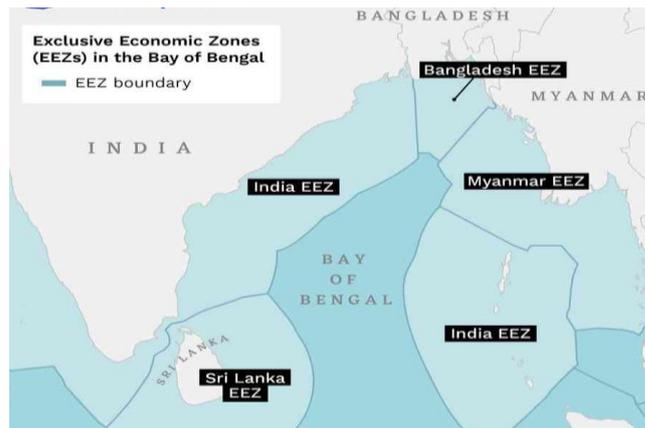


Fig. 8 The India-Bangladesh fisheries dispute, illegal fishing inside each other’s EEZ (map not to scale, for demonstration purposes only). Source(Arju 2020)

**3. Discussion**

**Examining the patterns of the above fisheries disputes (past and ongoing)**

A detailed analysis of the above-mentioned fishing disputes (both past and ongoing) suggests that both the character of the conflicts and the countries involved have changed over the past 150 years. Many of the conflicts involved countries having large fishing industries and deep-sea fishing vessels. The analysis reveals that earlier (1854 – 1995) fisheries conflicts were among countries in North America and Europe; however, there has been a shift towards Asia, involving Asian countries.(Spijkers n.d.:29) Some countries with Distant-Water Fishing (DWF) fleets have been expanding their geographical presence and engaging in illegal, unreported, and unregulated (IUU) fishing, including certain European countries and China.(Spijkers n.d.:104). Further, a set pattern of underlying issues emerges, which can be categorised under the following heads:

- (a) **Overfishing.** Overfishing as well as Illegal fishing happens not only in the respective State’s EEZ but also in the adjoining high seas of the straddling fish species.
- (b) **Unresolved Maritime Boundary.** Unresolved maritime boundaries among neighbouring States are another critical issue which often results in fishery disputes.
- (c) **Declining Fish Stock.** Declining fish stocks due to overfishing and climate change have been among the most common drivers of shifting fishing grounds (in search of less-exploited areas) in others’ backyards.
- (d) **Political Considerations.** Local political considerations affecting local fishermen often become rallying points, exacerbating fisheries disputes. Raising questions of nationalism, the livelihood of poor fishermen, and exaggerated claims over territorial fishing rights.

Fishery Disputes	Countries	Timeline	Primary Cause	Intensity
Treaty of Medicine Creek	The United States of America and the native Indian Tribe	1854	Treaty to resolve the fishery rights of the native Indians by the US Government.	Military action caused the death of crew members.
The Cod Wars	Iceland and the UK	1958-1976	Unilateral expansion of Iceland’s EEZ and its non-recognition by the UK	Military action, such as attacks on foreign vessels and crew members, but no deaths..
The Peanut Hole Conflict	Russia, Japan, South Korea,	1991-2014	Illegal fishing in the Peanut Hole area surrounding the Russian EEZ	Diplomatic and economic hostile actions.

Fishery Disputes	Countries	Timeline	Primary Cause	Intensity
	Poland, and China			
The Turbot war	Canada, Spain, Portugal, the UK, Ireland, and the EU	March 1995-April 1995	Illegal fishing on the Grand Banks (area bordering Canada's EEZ)	Bilateral agreement between Canada and Spain
Scallop Conflict	Britain and France	2012, 2018, and 2020	Illegal fishing in the English Channel	The States reached a compromise on reasonable compensation for British fishermen; however, the issue remains unresolved.
Scarborough Shoal Dispute	China and the Philippines	Ongoing since 2012	Illegal fishing in the Philippine EEZ	No resolution
Palk Bay and Katchatheevu	India and Sri Lanka	Since 1976	Illegal fishing in respective EEZ	No resolution
Sir Creek area	India and Pakistan	Since 1947	Illegal fishing in each other's EEZ	No resolution
Bay of Bengal fishery dispute	India and Bangladesh	1972 onwards	Illegal fishing in each other's EEZ	No resolution

Table 1. Major fisheries conflict (past and ongoing) and its drivers. Source: Author, consolidated from multiple sources

#### 4. Definition of IUU Fishing

A wide variety of fishing activities, including fishing in contravention of the existing fishing laws of respective states' domestic laws by the domestic fishers as well as the foreign entities, overfishing, non-reporting or underreporting and use of banned fishing gears, unregulated fishing have been collectively termed as Illegal Unreported and Unregulated (IUU) fishing by the Food and Agriculture Organisation of the United Nations (UNFAO).

**Illegal Fishing.** Fishing activities (by the domestic and foreign fishing vessels) against the domestic fishery laws within the jurisdiction of the State are termed illegal fishing. Fishing violating the domestic fishery laws and international obligations also falls within the scope of illegal fishing.

**Unreported Fishing.** Any fishing activity, including the quantum of fish catch by the domestic or foreign fishing vessels, which is not reported, under-reported, or misreported, is considered unreported fishing.

**Unregulated Fishing.** Any fishing activity conducted by fishing vessels that lack nationality (not registered with any state) or flying the Flags of a non-party state, when carried out inconsistently with or in contravention of the conservation and management measures, is grouped under the term unregulated fishing.

#### 5. Why is IUU Fishing an Enigma?

IUU fishing severely depletes Coastal, regional, and high-seas fish stocks. It affects not only the conservation and maintenance of sustainable fishery stocks in the area but also threatens the very livelihoods of the coastal population. A situation which in turn threatens the economic security of the affected nations and risks escalation into major armed conflict in the future.

There are numerous binding and non-binding laws, regulations, and international agreements ('hard' and 'soft' law) that form the basis of international law for promoting legal and sustainable development and preventing IUU fishing. However, there are loopholes and weaknesses in the existing system, which have resulted in IUU fishing becoming an enigma and a difficult task to curb. A few of the most important ones are as follows:-

- (a) **Flag of Convenience.** Flags of convenience or open registries allow operators to circumvent regulation and evade enforcement measures. of their activities. They frequently violate the provisions of UNCLOS, the FAO guidelines, and the rules set by the Regional Fisheries Management Organisations (RFMOs).
- (b) **Shifting Fishing Grounds.** These IUU fishing perpetrators keep shifting their hunting grounds based on their convenience. The moment one country or region starts taking adequate measures to deter IUU fishing, they shift their activities to other places where the legal regime may not be as willing, or to areas where the respective governments do not have sufficient capacity to monitor or enforce the regulation.
- (c) **Whitening of Fishes.** To avoid penalties and law enforcement, at times, vessels engaged in IUU fishing do not enter a port with their illegal catch; instead, they tranship it to smaller, compliant vessels. This transhipment of illegally caught fish to smaller fishing vessels serves to whitewash the illegal catch.
- (d) **Lack of Resources.** Many of the Coastal States (particularly developing countries) lack sufficient infrastructure and capacity for Monitoring, Control, and Surveillance (MCS) of their respective EEZs and High Seas to ensure that perpetrators of IUU fishing are brought to book.
- (e) **Economic and Political Considerations.** Most of the Coastal States (developed and developing) are at times guilty of ignoring the problem of overfishing and thereby encouraging IUU fishing. The reasons are varied; at times, it takes the form of fishing subsidies, while at other times the issue is diluted by portraying these practices as the sole source of livelihood for extremely poor fishermen.

- (f) **Lack of Effective Deterrence within Existing Legal Framework.** The existing legal framework lacks enough teeth and deterrence to prevent IUU. The terms and conditions for arresting personnel engaged in IUU fishing are very complex; most of the time, they get off with low bonds and fines.

#### **The Law Enforcement Regime within Coastal State Jurisdiction.**

- (a) **Territorial Seas.** The coastal states' sovereignty over the territorial seas is subject to the right of innocent passage of foreign-flagged vessels. If a foreign-flagged vessel violates this right, the coastal state may only take steps to prevent that passage.
- (b) **Contiguous Zone.** Article 33 of UNCLOS provides coastal states with powers relevant to maritime security and sovereign jurisdiction to regulate infringement of their Customs, Immigration, Fiscal, and Sanitary laws and regulations within 24 Nm from their baseline. However, the coastal state is severely limited in its ability to enforce a deterrent law enforcement regime against IUU fishing by foreign-flagged vessels.(United Nations Convention on the Law of the Sea 1982:Article 33)
- (c) **Exclusive Economic Zone (EEZ).** The Exclusive Economic Zone (EEZ) extends up to 200 Nm from the respective baseline.(United Nations Convention on the Law of the Sea 1982:Article 57) In the EEZ, the coastal state has sovereign rights to explore and exploit, conserve, and manage natural resources, including fisheries. The coastal state has enforcement powers, including the right to visit and the right of hot pursuit, as well as specific enforcement powers to address unlawful fishing and to protect and preserve the marine environment.

**Freedom of High Seas.** UNCLOS recognises the freedom to fish on the high seas; however, it is subject to conservation and management obligations, as outlined in Articles 117-120. This lack of enforcement rights on the high seas has led to the concept of the Flag of Convenience (FOC), in which FOCs and open registries make IUU fishing immune from law enforcement by coastal states.

#### **6. IUU Fishing – a Maritime Security Threat**

There have been differing opinions as to whether IUU fishing should be regarded as a maritime security threat. The possibility of involvement of organised crime and terrorist networks in IUU fishing cannot be ruled out. Also, the aggressiveness with which some states have sought to protect their fish resources, and the economic, social, and environmental consequences faced by coastal communities due to depleted fish stocks (Somali piracy has at times been justified on this pretext). There is a strong case for arguing that IUU fishing threatens the maritime security of states. This approach is also evident in the broad understanding of human security, which focuses on individuals' security needs.

#### **7. Global Initiatives**

The Food and Agriculture Organisation (FAO) of the United Nations, along with various regional fisheries bodies, has taken specific measures to combat the menace of IUU fishing. However, they have failed to effectively combat the threat of IUU fishing owing to the lack of willingness across the board. The measures recommended to be undertaken by the coastal states are enumerated in the succeeding paragraphs.

**The 1995 Fish Stock Agreement.** It obliges States to cooperate in efforts to conserve and promote the optimum utilisation of fisheries resources, both within and beyond the EEZ. The agreement addresses overfishing, monitoring, and control, permits high-seas boarding and inspection, and empowers port State authorities to inspect and prohibit landing and transhipment where appropriate.

**FAO Code of Conduct for Responsible Fishing.** The Code of Conduct has been adopted by 170 member countries. The code is voluntary or 'Soft Law'. It applies to every stage of the fishery sector, including wild catch, post-harvest processing, and aquaculture in domestic and international trade. It governs fishing operations and the gears used, requires robust fisheries research, data collection, and stock assessment, and mandates integrating fisheries management into coastal zone and marine spatial planning to ensure ecosystem-based, precautionary, and participatory decision-making.(Code Of Conduct For Responsible Fisheries n.d.)

**IPOA-IUU.** Adopted in 2001, the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated (IUU) Fishing is a voluntary instrument that requires all States, entities, and fishers to take steps towards achieving sustainable fishing.

**Port State Control.** Brokered by the UNFAO in 2009 and in force from 11 June 2016, the first binding international agreement to prevent, deter, and eliminate IUU fishing. It empowers port States to deny port access, transhipment, economic activities, and other port facilities to vessels suspected of IUU fishing. It enables the port State to take all appropriate measures to deter, arrest, or detain IUU vessels if they enter its ports.

**Elimination of the Prevalence of Flag of Convenience.** One of the best ways to stop IUU fishing is to close the legal loopholes that allow States to register vessels without a genuine link, and to close the Flag of Convenience (FOC) loophole. States must, consistent with the Law of the Sea, take all measures and hold the Flag State accountable for effective control of IUU fishing, and impose port control and enforce sanctions on non-cooperating States. This will require full use of all existing treaties, tools, new regional agreements, enhanced vessel registries, transparency requirements, and robust monitoring, control and surveillance measures to ensure that no vessels can hide behind a convenient flag to evade conservation and enforcement obligations.

**Market Measures.** States need to enact and enforce laws requiring mandatory due diligence and documentation from importers, exporters, distributors, and retailers involved in the fishery and related trade. The legislation should include mandatory requirements of a valid catch certificate, vessel identity, flag (registry) information, transhipment records and ship logs.

**State Legislation.** States must enact and enforce laws that prohibit the sale, distribution, import and export of fish and fisheries-related products which have been or are suspected to have been involved in IUU fishing. State legislations must empower customs, Navy, Coast Guard, and other fisheries officers to inspect fishing vessels, seize illegal catch, and punish offenders engaged in IUU fishing, including monetary penalties and imprisonment.

**Enhancement in MSC.** States should strengthen and create a robust, efficient Monitoring, Control, and Surveillance (MCS) system that tracks fishing activity from the issuance of licenses through going out to sea for fishing, landing, and final market entry.

## 8. Recommendations

### Global Perspective

To deter and prevent IUU fishing so that it no longer threatens food security, coastal livelihoods, and sustainable fisheries, States and regional bodies need to act decisively by providing clear, stringent and binding legal and law-enforcement powers.

**Strong Regional Fishery Management Enforcement Regulations.** It is recommended that fisheries laws be harmonised among neighbouring States, that IUU fishing be declared a criminal offence, and that Flag States be held accountable for fisheries-related violations. The enforcement mandate of the fishery authorities, including the Coast Guard, needs to be enhanced through the provision of cross-border hot pursuit, joint boarding operations, and data sharing among participating States.

**Legally Binding International Treaties.** The existing international need to be consolidated into a legally binding international instrument with clear timelines, action plans, and accountability mechanisms. There should be graduated sanctions for persistent violators and an objective review mechanism.

**Sustainable and Science-based Fisheries Management.** Ecosystem-based fisheries management, assessment of sustainable catch limits, and joint quota for the highly migratory fish species, and adaptive management to overcome climate change-induced fish stock migration.

**Infrastructure and MCS development for the Poor and Developing Coastal States.** Investment in infrastructure development and in the capacity and capability building of the poor and developing coastal States.

### Indian Perspective

**Creation of RFMO in IOR.** India could take the lead in developing Regional Fisheries Management Organisations (RFMOs), forging bilateral/multilateral treaties with neighbouring countries and countries within the IOR to combat IUU fishing, and drafting mutually binding fisheries treaties to deter and eliminate IUU fishing and prevent likely conflicts arising from it.

**Effective Implementation of the MZI Act 1981.** The MZI Act 1981 (regulation of fishing by foreign vessels) governs fishing by foreign vessels in India's Maritime zones. As per the provisions, Indian Navy Officers and Coast Guard Officers are authorised with 'Law enforcement powers' to address IUU fishing within the EEZ.

**Role enhancement of the Indian Navy.** It is recommended that the Government of India declare IUU catch within the EEZ as contraband. This will provide sufficient grounds for the *IN* vessels to conduct Visit and Boarding operations within the EEZ in accordance with Article 73 of UNCLOS.

## 9. Conclusion

Marine fisheries represent a critical source of food and nutrients, livelihoods, culture and well-being to billions of people worldwide. Given that food security is a major global challenge, IUU fishing poses a significant threat to international peace and security. At present, comparing and predicting a scenario akin to the 'Water Wars' may seem far-fetched; nevertheless, it requires just a bit of foresight to realise that the 'Fishing Wars' are coming.

The situation may well become like the problems caused by water shortages, as seen in recent examples such as Cape Town, which was on the verge of running out of potable water in 2018 and had to resort to strict water rationing and other drastic water-saving measures. Such a resource crunch will lead to extreme competition among the nations. It may result in nations exerting excessive rights over the fishing grounds, leading to local unrest and political turmoil, which in turn may take the form of diplomatic and political muscle-flexing by the strong nations and may escalate into a war-like situation.

Evidence shows that fisheries managed with clear objectives to maximise benefits and avoid the risk of overfishing maintained their stocks consistently close to levels leading to Maximum Sustainable Yield (MSY), allowing long-term fishing without depleting the stock. (FAO 2025)

It is, therefore, in the fitness of the situation, that nations take up the issue of eliminating IUU fishing in the right earnest and develop strong Bilateral, Multilateral or Regional Bodies (based on equality and the justness of law) to prevent future flashpoints and ensure sustainable fishing practices for generations to come.

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