

Topic 2: Addressing Illegal and Unregulated Fishing in International Waters

Topic Overview:

Illegal, Unreported, and Unregulated (IUU) Fishing is a term used to refer to a wide variety of harmful fishing activity. These activities widely violate national laws and international fisheries management measures. IUU fishing occurs both on the high seas (also known as international waters), which are parts of the ocean that are not under the jurisdiction of any single nation, and the jurisdictional waters of coastal nations. IUU fishing is particularly difficult in the high seas due to the lack of jurisdiction by any state, setting difficulties in monitoring and enforcement. IUU fishing concerns all aspects and stages of the capture and usage of fish, and some IUU fishing activities include fishing without authorization, reporting catches incorrectly, and operating in areas with no set management measures. The issue is aggravated due to the usage of “flags of convenience”, meaning that fishing vessels register under nations that have minimal surveillance to avoid accountability. The term IUU fishing is broken down into three different, yet interconnected, parts:

1. **Illegal fishing** refers to fishing activities that are done in direct violation of set laws and regulations, whether they are applied at a national, regional, or international level.
2. **Unreported fishing** encompasses fishing activities that are not reported completely or intentionally reported incorrectly to the corresponding authorities.
3. **Unregulated fishing** describes fishing activities that take place in areas or target stocks where no applicable conservation or regulation measures have been set. It also includes fishing activities that are done inconsistent with a certain nation’s duties in protecting living marine resources under international law.

According to the Food and Agriculture Organization (FAO), approximately 11 to 26 tonnes of fish are illegally caught annually, estimating an economic value (and thus loss) of \$10 to \$23 billion. International legal frameworks such as the United Nations Convention on the Laws of the Sea (UNCLOS) and FAO Port State Measures Agreement (PSMA) exist to combat the issue

by defining maritime zones and states' responsibilities, and allowing states to deny port access to vessels conducting IUU fishing. Regional Fisheries Management Organizations (RMFOs) put together conservation efforts for certain species and regions. Despite this, these mechanisms face difficulties in global adoption, enforcement, and transparency.

There is a wide range of consequences regarding IUU fishing. Environmentally, it supports the depletion of fish stocks and threatens the survival of endangered marine species, impacting biodiversity. Economically, it leads to a major economic loss due to the illegal collection of a significant quantity of fish, as well as destroying legal fisheries and coastal economies. Socially, it has been linked to organized crime, labor exploitation, human trafficking, and unsafe working conditions.

Addressing illegal and unregulated fishing in international waters requires global cooperation, improved monitoring and surveillance mechanisms, unified penalties, and support for states with limited resources. This issue lies at the core of environmental sustainability, maritime law, and global security, thus needing coordinated action from the international community.

Relevant Parties:

1. **International and Regional Governing Bodies:** The Food and Agriculture Organization (FAO) develops legally binding and voluntary international agreements that define and tackle the issue of IUU fishing, most prominent being the Port State Measures Agreement (PSMA), which legally binds nations to prevent IUU vessels from landing their catch. Regional Fisheries Management Organizations (RMFOs) manage high seas fisheries by setting maintenance and management measures and operating monitoring systems and high seas inspection programs that tackle IUU fishing.
2. **China and Taiwan:** China is a top perpetrator of IUU fishing, due to it being the world's largest distant-water fishing fleet and with many vessels involved in illegal activities, making it a central focus when tackling the issue. Taiwan is identified by bodies like NOAA Fisheries for IUU involvement, making it a major distant-water fishing player that is faced with international pressure to strengthen its supervision and enforcement.

3. **Flag of Convenience States:** Panama, Belize, Vanuatu, and Honduras are among countries with “open registries”, and enable illegal fishing. “Flag of Convenience” countries allow foreign vessels to register with minimal oversight, therefore providing anonymity that allows for the evasion of accountability and violation of international regulations.
4. **Countries Impacted by IUU Fishing:** Countries along the West African coast (Senegal, Mauritania, Guinea, etc.), Pacific Island nations (Fiji, the Phillipines, Papua New Guinea, etc.), and Somalia face challenges in economic losses, fish stocks, lack of resources for IUU patrol, and lack of enforcement.
5. **The United States:** The U.S. plays a major role in combating IUU fishing as an enforcer, using tools such as the Seafood Monitoring Program (SIMP) to block untraceable catch, while the Coast Guard and other diplomatic efforts strengthen international efforts.
6. **The European Union (EU):** The EU is the world’s largest seafood market, and therefore enforces a strict IUU Regulation with a “carding system” (by issuing warnings or bans on imports) that has pressured nations to improve fisheries management.

Key Terms:

IUU Fishing (Illegal, Unreported, and Unregulated Fishing): Fishing activities that break national or international laws and undermine the sustainability of fisheries and marine ecosystems.

Illegal Fishing: Fishing activities that are conducted in violation to international law, such as fishing without a license or in protected areas.

Unreported Fishing: Fishing activities that are misreported or unreported to relevant authorities.

Unregulated Fishing: Fishing conducted in areas or for species with no conservation or management measures, often in the high seas.

High Seas: Areas of the ocean that are not under the jurisdiction of any state, and no single state has authority over it.

Exclusive Economic Zone (EEZ): An area of the ocean extending 200 nautical miles (230 miles) beyond a nation's territorial sea, within which a coastal nation has jurisdiction over both living and nonliving resources.

Flag of Convenience: The act of registering a vessel in a country different from the owner's to avoid accountability and violate regulations, often done by IUU fishing operators.

Port States Measures Agreement (PSMA): A legally binding FAO treaty that requires port states to deny entry or services to vessels engaged in IUU fishing, thus preventing them from landing or selling their catch.

Regional Fisheries Management Organizations (RMFOs): International bodies made up of countries with fishing interests in a certain region, responsible for managing fish stocks and combating IUU fishing through agreed measures.

Transshipment: The transfer of fish from one vessel to another, often at sea, can be done legally but is also exploited for the conduct of IUU fishing.

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