

Fishing the Line: Why China's Fleet off Peru Is a Governance Problem

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Andrea Kuoman Jiménez



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Why China's Distant-Water Fleet off Peru Is a Governance Problem, Not Only an Illegal-Fishing Issue

Introduction: A Line on the Water

On clear nights, satellite images show a strip of light off Peru bright enough to light up a city: the lamps of hundreds of squid-fishing vessels, most flying the flag of the People's Republic of China, gathered some 200 to 230 nautical miles offshore, just outside Peru's Exclusive Economic Zone. For artisanal fishers who rely on the same squid stock, the fleet is an existential threat, described locally as a pillage of national waters.

That framing of illegality, incursion and violated sovereignty shapes public debate. It is instinctive and sometimes true, but incomplete, and a wrong diagnosis leads to the wrong policy. This article poses one research

question: Is the Chinese distant-water fleet off Peru best viewed as a problem of illegal fishing and violated sovereignty or as a symptom of a structural gap in the international law of the sea, and does the answer change what effective policy looks like?

The fleet's defining behaviour (fishing just outside the EEZ) is not an accident but the organising logic of the operation: Peru faces a commons problem over a shared, mobile resource, and the target of policy shifts from the coastline to the high-seas regime that leaves the stock unmanaged.

The Magnitude of the Phenomenon

China has the world's largest distant-water fishing fleet: officially around 2,700 vessels, though the Overseas Development Institute put the real number near 17,000 including support vessels (Gutiérrez et al., 2020) and a 2026 U.S. congressional report notes some 16,000 (Diálogo Américas, 2026). Several hundred ply the southeastern Pacific each season, targeting above all the jumbo flying squid (*Dosidicus gigas*, locally known as *pota*). In 2017, Ecuador caught the Chinese carrier *Fu Yuan Yu Leng 999* near the Galápagos with thousands of sharks onboard, a case that still defines the fleet's reputation (Ellis, 2020).

China's annual squid landings jumped 65 percent over the prior decade, to more than 400,000 metric tons in 2020–2024, bumping Peru as the world's top producer; in 2019–2023, Peru accounted for 51 percent of landings, China 41 percent and Chile 7 percent (SeafoodSource, 2026). The costs fall on squid, Peru's second largest fishery and the most important for artisanal fishers: over 11,000 fishers, some 3,000 vessels and exports historically worth some USD 860 million a year (Sustainable Fisheries Partnership, 2021). Associations claim one industrial vessel can catch in a day what a local fisher lands in a year, linking falling catches and rising domestic prices to the foreign fleet (Diálogo Américas, 2024). The problem is social as much as ecological and geopolitical, which is why the language of “plunder” resonates.

The Legality Paradox

Under the United Nations Convention on the Law of the Sea (Arts. 55–57), the coastal state has sovereign rights over the living resources of its EEZ out to 200 nautical miles. Beyond this is the high seas, where under Article 87 all states have a guaranteed freedom to fish, subject only to general duties of conservation (Arts. 116–119) (United Nations, 1982). A vessel fishing at 220 or 230 nautical miles is thus exercising a recognised legal freedom: neither illegal fishing nor a violation of Peru's sovereignty.

The fleet's position just outside the EEZ is the business's legal architecture. The squid, however, is a straddling stock crossing the 200-mile line, so squid caught legally at 210 miles are the same squid that would otherwise migrate inshore to artisanal grounds: legally separate, ecolog-

ically identical. Calling the whole phenomenon “illegal fishing” is thus a category error that leads policy astray.

There are well-documented violations at the margins: EEZ incursions, port entries without required tracking devices, AIS switch-offs, and forced-labour complaints (Mongabay Latam, 2023). But these are by-products of an activity that remains legal high-seas fishing. The real scandal is not what breaks the rules, but what the rules allow.

The body meant to bridge this gap, the South Pacific Regional Fisheries Management Organisation (SPRFMO), is part of the problem. It adopted its first squid measure only in 2020 (Sustainable Fisheries Partnership, 2021), and the current version caps participation at 766 jigging vessels, 671 of them Chinese, without a science-based limit on total catch (SPRFMO, 2023). CALAMASUR, a regional industry coalition, argues the organisation failed its purpose for over a decade: China took an estimated five million tons of squid without scientific quotas, while coastal artisanal fishers were stuck with such quotas at home (SeafoodSource, 2026). That asymmetry is the crux: the high-seas fleet is unrationed while the coastal fleet is rationed, an inequity born of the governance gap, not any single act of poaching.

Peru’s Legal Response and Its Unintended Consequences

Peru has developed a serious enforcement-based response. As of 2020, foreign squid vessels entering Peruvian ports must carry an additional satellite tracking device (Mongabay Latam, 2024). Supreme Decree No. 014-2024-PRODUCE went further: any foreign-flagged vessel entering Peru for any reason must activate the national SISESAT system, via the Foreign Trade Single Window (VUCE), and be absent from international IUU lists (Ministerio de la Producción, 2024). Weeks later, the government authorized the armed forces to use force against illegal maritime activity (Diálogo Américas, 2025): on paper, a sensible tightening of coastal state control.

Two problems vitiate it. First, enforcement in the EEZ cannot affect the activity that counts, which takes place legally outside it. Implementation has been weak, too: Mongabay Latam (2023) documented dozens of Chinese vessels arriving without the required device, via crew-change exemptions lawyers deemed contrary to the regulation. A July 2026 audit by the Comptroller General (Contraloría) confirmed these weaknesses: the Production Ministry’s Monitoring Centre has no protocols for when a foreign vessel switches off its signal, supervision only during office hours, and no coordination with the Navy for effective control at the edge of Peru’s 200 miles (Estrada, 2026). A fleet fishing around the clock is watched on a business schedule.

The second problem is more revealing: the measures displaced rather than restrained the fleet. Rather than accept monitoring, vessels stayed at sea for up to two years, worsening forced-labour risks, and even used

a hospital ship to avoid medical port calls, reported the consultancy Artisonal (Mongabay Latam, 2024). After the 2024 decree, Chinese port calls in Peru fell to almost nil, switching to Chilean ports such as Iquique (SeafoodSource, 2025); by late 2025, analysts reported no Chinese entries into Peruvian waters (UPI, 2025). The policy succeeded by its own coast's standards but changed little for the stock: the fleet fishes on, one line further out and one country further south. The hallmark of a misdiagnosed problem, a competent intervention aimed at the wrong target.

What Beijing Says and Why their Rhetoric Works

The official Chinese position fits the legality paradox to the letter. Since 2020, officials have announced “zero tolerance” for illegal fishing, characterized China as a responsible fishing country, emphasized voluntary high seas moratoria, and maintained that the conduct of individual vessels cannot be attributed to the state or used to brand a whole country an illegal-fishing actor (NBC News, 2023).

From the sovereignty frame this looks like evasion. From the governance frame it is largely and inconveniently true: the difference between individual vessels' conduct and the fleet's lawful activity is exactly the difference the law of the sea makes. But every restriction Beijing cites is voluntary, self-policed and revocable. China is not defending illegality; it is defending a freedom the law grants and a void the law has not filled, a position far harder to oppose than open lawbreaking, and exactly why the sovereignty frame keeps losing.

Lawful Does Not Mean Legitimate

A substantial body of expert opinion rejects the “legal fleet” reading's more generous implications. Ellis (2020) contends that the fleet's activities do breach Latin America's sovereign waters and exterminate entire species, and that Beijing's passivity toward ships under its flag erodes regional trust in Chinese firms. Pedrozo (2022) goes further: IUU fishing is the world's biggest maritime security threat, and Chinese vessels that change names and turn off their tracking should be treated as stateless, subject to the jurisdiction of all states.

A second school denies the fleet is a normal commercial actor at all. Some 20 percent of global fisheries subsidies, or USD 7.2 billion, come from China (Pedrozo, 2022, p. 328), and much distant-water fishing would be unprofitable without state support for fuel, hulls, even security and medical ships (The Outlaw Ocean Project, 2021). Urbina (2020) shows how this subsidized expansion depletes oceans and fuels geopolitical tension, and analysts note that parts of the fleet double as a maritime militia, a gray-zone instrument of state power (Diálogo Américas, 2026). To treat it as a lawful market actor mistakes a state-built strategic tool for ordinary industry; legal formalism becomes complacency.

Sovereignty can indeed be compromised without being infringed in law, and a subsidised fleet warps the commons it exploits. Yet these critiques support the governance argument rather than undermine it. The subsidy critique points to a governance fix (the WTO Agreement on Fisheries Subsidies), not a naval one; Pedrozo's statelessness proposal implicitly admits that enforcement under current rules cannot succeed and calls for legal reform; and if the fleet is partly an instrument of state power, a lone state's patrols are even less sufficient and a regional response more necessary. What divides the camps is not whether the problem transcends the sovereignty frame but whether the answer is securitisation or regulation.

From Sovereignty to the Commons

If the core activity is lawful, the problem is not a border to defend but a shared resource to govern; the decisive tools are collective. This is the situation for which the 1995 UN Fish Stocks Agreement was written: straddling stocks no coastal state can manage alone, requiring cooperation through regional organisations (United Nations, 1995). The instrument is there; what is missing is a binding, science-based cap on total catch at SPRFMO, not just a freeze on vessel numbers, rationing the industrial fleet as stringently as Peru rations its artisanal one. The second tool is market and coalition power: CALAMASUR, uniting squid producers from Peru, Chile, Ecuador and Mexico, has shown that organised coastal states can influence the SPRFMO agenda (Sustainable Fisheries Partnership, 2021), and import-market conditions can reach the fleet's economics where patrol boats cannot. The line in the water is real in law and meaningless in biology; a policy fixated on defending it will keep losing to a fleet that fishes it because it is a line.

Conclusion

The Chinese distant-water fleet off Peru is regularly labeled illegal fishing and an assault on sovereignty. That description captures real abuses at the margins but misreads the whole picture: the fleet fishes legally on the high seas for a straddling stock at the edge of national jurisdiction. Returning to the research question, the fleet is better understood as a symptom of a structural governance gap than as mere illegality, even if the strongest counter-arguments rightly warn that its subsidised, state-linked character makes it no ordinary commercial actor.

The answer matters because it changes policy. Peru's enforcement-first response, competent as it was, aimed at the wrong domain, draining the fleet from Peruvian ports and waters while leaving the stock exposed a mile past the line. The more promising route runs through binding catch limits at SPRFMO under the Fish Stocks Agreement, advocacy of the sort CALAMASUR models, subsidy discipline at the WTO, and conditions on market access. None of this satisfies the instinct to repel an intruder. But the intruder is mostly a legal user of a badly governed commons, and

a commons cannot be defended one coastline at a time. If Peru and its neighbours want the squid back, the battle will not be won at 230 nautical miles offshore but in the rooms where the rules of the high seas are written. Until then, Peru will have sovereignty over its waters and almost no power over its squid.

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