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Fishing for Territory: Historical IR and the Environment

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The herring is one of those products whose use decides the destiny of empires. The coffee bean, the tea leaf, the spices of the torrid zones, the worm which spins silk, had less influence on the wealth of nations than the northern ocean.

—Bernard Germain de Lacépède (1756-1825), French naturalist and politician¹

IR, as some have argued, is sea-blind. In many of the key IR theory texts, seas and oceans are rarely mentioned, and when they are, they appear mostly as empty space that has to be traversed.² In part, this conspicuous absence of most of the world's surface should be seen in the context of a larger, somewhat enduring absence of the sea in the social sciences, which will likely continue to be produced mainly by people writing from places on dry land. The early twentieth-century geographer Ellen Semple was not alone in noticing that 'Our school textbooks in geography present a deplorable hiatus, because they fail to make a definitive study of the oceans', and that 'no history is entitled to the name of universal unless it includes a record of human movements and activities on the ocean'.³

This chapter, however, approaches that absence from a different angle. While the unique role of maritime environments, it could be argued, is absent from IR at a general level, it is not clear how much more present land itself is than sea, or for that matter, air, outer space, or any other particular environment. The way in which IR is largely based on abstract concepts intended to see beyond, or even obscure, the significance of particular environments is not limited to its abstraction from the ocean.⁴ Of course, struggles over territory are prominent in disciplinary narratives, but discussion of what territory itself is and how it is produced out of land remains limited.⁵ In historical IR and in historical sociology, territoriality is often confused with the autonomy of a sovereign state, and the changing ways in which boundaries have or have not been surveyed and marked within landscapes have not usually been seen as significant.⁶

¹ Quoted in Kathy Hunt, *Herring: A Global History* (London: Reaktion, 2017), 45.

² Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979); John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton, 2001).

³ Quoted in Philip Steinberg, *The Social Construction of the Ocean* (Cambridge: Cambridge University Press, 2001), 9.

⁴ Tarak Barkawi, 'Grounded', *Review of International Studies* 35:4 (2009), 860-862.

⁵ Although see Stuart Elden, 'Land, Terrain, Territory', *Progress in Human Geography* 34:6 (2010), 799-817.

⁶ I argue this point in more detail in Kerry Goettlich, 'The Rise of Linear Borders in World Politics', *European Journal of International Relations* 25:1 (2019), 203-228.

In reconceptualizing the role of the ocean in IR, then, it matters whether we see the absence of the ocean as a problem in itself, or whether it is a symptom of some larger feature of the discipline. This chapter, in contributing to attempts to bring the ocean into IR as a distinct environment of international politics, uses this attempt as an opportunity to advance a larger effort in IR and the broader social sciences to take the environment seriously. The need for new ways of analyzing the connections between humans and the environment has in many ways been reflected in a wealth of innovative IR scholarship since the 1990s.⁷ Research in this area has ranged from perspectives that add in environmental degradation as a new concern in an already established security framework to those that challenge the distinction between humans and nature.

At the same time, increasing awareness of the agency of humans on a geological scale has also come with limitations. The prevailing scholarly emphasis on climate change and comparable environmental catastrophes, along with their political implications, is understandable within the context of the present historical moment. With this emphasis, however, often comes a focus on emerging environmental threats and relatively recent or potential efforts to address them.⁸ There have been efforts within the environmental security literature to critique this tendency, leading to a richer understanding of security and the environment. Simon Dalby, for example, argues that leaving environmental history out can lead to overestimating both the regularity of past weather patterns and the novelty of humans' environmental concerns.⁹ Neo-Malthusian accounts stressing recent economic scarcity and overpopulation, he argues, draw attention away from the longer-term political conditions of environmental degradation. A closer engagement with history, then, would improve understanding of the nature and causes of environmental degradation and its political consequences.

Historians themselves, however, may have different ideas about the uses of environmental history. Dipesh Chakrabarty, for one, approaches climate science as not just an area of knowledge that can be enriched by a historian's perspective, but also the other way around, because awareness of humans as geological agents makes any distinction between human and natural history untenable.¹⁰ As Chakrabarty recounts,

As the [climate] crisis gathered momentum in the last few years, I realized that all my readings in theories of globalization, Marxist analysis of capital, subaltern studies, and postcolonial criticism over the last twenty-five years, while enormously useful in studying globalization, had not really prepared me for making sense of this planetary conjuncture within which humanity finds itself today.

⁷ See, for example, Daniel Deudney, 'Bringing Nature Back In: Geopolitical Theory from the Greeks to the Global Era', in Daniel Deudney and Richard Matthew (eds), *Contested Grounds: Security and Conflict in the New Environmental Politics* (Albany: SUNY Press, 1999); for an overview of these literatures see Madeleine Fagan, 'Security in the anthropocene: Environment, ecology, escape', *European Journal of International Relations* 23:2 (2017), 292-314.

⁸ Kate O'Neill, *The Environment and International Relations* (Cambridge: Cambridge University Press, 2009); Pamela Chasek, David Downie, and Janet Brown, *Global Environmental Politics* (New York: Routledge, 2018); Stefanie Fishel, Anthony Burke, Audra Mitchell, Simon Dalby, and Daniel Levine, 'Planet Politics: A Manifesto from the End of IR', *Millennium: Journal of International Studies* 44:3 (2016), 499-523

⁹ Simon Dalby, *Environmental Security* (Minneapolis: University of Minnesota Press, 2002), 69-73.

¹⁰ Dipesh Chakrabarty, 'The Climate of History: Four Theses', *Critical Inquiry* 35:2 (2009), 197-222.

Depending on our object of analysis, existing categories may be sufficient. But once climate change comes into view, practically all history changes profoundly, and historians of modernity and globalization, willing or not, become implicated in questions of natural history. Enlightenment ideas of human agency, for example, now appear differently when juxtaposed with the geological agency of humans, which may be 'the price we pay for the pursuit of freedom'. 'A critique that is only a critique of capital', to take another category of human history, 'is not sufficient for addressing questions relating to human history once the crisis of climate change has been acknowledged'.

Chakrabarty's reevaluation of historical knowledge has important consequences for historical IR. Instrumentalizing particular historical knowledge towards a better understanding of future catastrophes, while important on its own, would not necessarily affect our understanding of history itself. But it is not just particular historical knowledge about nature but the idea of human history itself which is challenged by the geological agency of humans. What, then, would historical IR look like if it not only took into account nature as natural resources or as a social construction, but also took seriously the problem of separating out natural history itself from the history of the international? How would our histories of the core categories of disciplinary IR, such as power, sovereignty, or territory change if it was no longer assumed that 'natural' entities had no role to play?

This chapter explores these questions by focusing on the role of fish in international relations, in two different ways. The first section takes a broad global historical perspective, making the case that fish have played a strong role in influencing the direction of maritime empires' development. In contrast to many accounts in which maritime empire or sea power is largely dependent on land-based phenomena, for example through trade with terrestrial societies, control of the sea has in many cases historically been sought after in pursuit of the sea's own contents. The second section makes a more specific argument about the place of fish in the global history of territoriality, examining scientific debates about overfishing, from the late nineteenth century onwards. Overfishing was initially shown by the philosopher of science Thomas Huxley to be impossible, but this conclusion was overturned by later scientists, leading states to reverse longstanding international legal principle and claim exclusive fishing areas. The current territorialization of the ocean, then, is to a significant degree an outcome of human interactions with fish.

By devoting attention in new ways to the international politics of human-environment relations, the chapter also engages with the themes for studying the ocean put forward in this volume's introduction, particularly those of the sea as wilderness to be tamed, and the sea as a resource. While the environment is often seen as a series of resources to be extracted to further human productivity, the chapter stresses the ways in which ocean resources, particularly fish, have historically been politicized. Thus the trope of the sea as a resource blurs into that of the sea as a wilderness which, with more or less difficulty, can be dominated. While useful as a source of nutrition, fisheries are also a basis on which maritime empires can be built in numerous other ways, and it will be seen that even attempts by people, scientific or otherwise, to understand the movements and cycles of fish well enough to catch them, are deeply political.

Piscine Empire

In 1620 a group of English religious separatists later known as ‘Pilgrims’ landed at modern-day Plymouth, Massachusetts, and began to starve, freeze, and die of scurvy in the New England winter.¹¹ After some months, an Abenaki sagamore called Samoset came into their camp and greeted them in English. According to some accounts he asked the English if they had any beer.¹² Samoset introduced them to Tisquantum, also an English speaker, who despite having previously been captured and sold into slavery by an Englishman, would serve as a key intermediary with and enabler of the nascent English settlement.¹³ Samoset knew English, and perhaps had a taste for English beer, because English fishers had been fishing in the area alongside Native Americans and various other Europeans since the fifteenth century. Indeed, there were so many fish in the area that one explorer noted that in a few hours of fishing, he and his companions ‘had pestered our ship so with Cod fish, that we threw numbers of them over-board againe’.¹⁴ While early New England, from its beginnings at ‘Cape Cod’, was heavily dependent on fishing for its survival, the English colony further north in Newfoundland consisted of little else, its formal creation being an attempt to bring royal protection to a fishing colony already in existence.

Maritime empires often have some particular relationship with fish and other sea life. For example, China’s claim over the South China Sea hangs in no small part on its assertion that Chinese fishers have historically derived rights over fisheries there.¹⁵ The ‘truce’ referred to in the name ‘Trucial States’, a confederation of Persian Gulf peoples organized within the British Empire from 1820 to 1971, specifically protected the pearling season, which was the basis of the Gulf economy.¹⁶ In the 1890s, a Russian Far Eastern fishing industry was created from scratch by the Russian government by offering land, equipment and loans to Baltic and Finnish fishers, mainly in order to wrest control over its eastern seas away from Chinese, Korean, and Japanese fishers.¹⁷ Maritime empires that are sustained or motivated by fishing, then, might be called ‘piscine empires’.

¹¹ Leonard Adolf, ‘Squanto’s Role in Pilgrim Diplomacy’, *Ethnohistory* 11:3 (1964), 249.

¹² James Davey, ‘Introduction’, in James Davey (ed), *Tudor and Stuart Seafarers: The Emergence of a Maritime Nation, 1485-1707* (London: Bloomsbury Publishing, 2018), 9.

¹³ Tisquantum, better known to some as Squanto, was sold in Spain, and then through events of which there is little record, somehow made his way back to New England, via England and Newfoundland. Adolf, ‘Squanto’s Role’, 248.

¹⁴ William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 2003), 22

¹⁵ Zhiguo Gao and Bing Bing Jia, ‘The Nine-Dash Line in the South China Sea: History, Status, and Implications’, *American Journal of International Law* 107:1 (2013), 98-123. The historical evidence used here has been subject to serious critique, although this does not contradict the argument that fishing is often important for maritime empires. Bill Hayton, ‘When Good Lawyers Write Bad History: Unreliable Evidence and the South China Sea Territorial Dispute’, *Ocean Development & International Law* 48:1 (2017), 17-34.

¹⁶ James Onley, ‘Britain and the Gulf Shaikhdoms, 1820–1971: The Politics of Protection’, Center for International and Regional Studies, Georgetown University School of Foreign Service in Qatar, Occasional Paper No. 4 (2009).

¹⁷ Mark Sokolsky, ‘Fishing for Empire: Settlement and Maritime Conflict in the Russian Far East’, *Arcadia* 20 (2015).

While naval war comes and goes, with many historical polities not maintaining a standing navy, demand for fish is almost always more consistent. As a result, fishing in many contexts has been a training ground for naval recruitment, and provided a reliable pool of potential seamen. Britain and France both considered the Newfoundland fisheries in the eighteenth century to be a vital strategic interest for this reason, and they were a major issue in peace negotiations at Utrecht (1713), Paris (1763), and Versailles (1783).¹⁸ A quarter of the men available for service in the French navy came from the Newfoundland fisheries, which was believed to create superior mariners, *'pur et dur'*, through its particular hardships. Today China maintains a naval militia made up of fishing boats, which have been accused of ramming Vietnamese fishing boats in the South China Sea.¹⁹ Many Vietnamese fishers understand themselves, in consequence, as defending Vietnamese sovereignty even as they earn their livelihood.

One way of illustrating the significance of fish in early modern European maritime empires is through the international legal debates that set parameters for them beginning in the seventeenth century. Under papal sponsorship Portugal and Spain had declared extensive spheres of influence, including vast ocean spaces. The Dutch lawyer Hugo Grotius was among many outside Portugal and Spain seeking to delegitimize this Iberian hegemony, and argued, in brief, that the seas were essentially open to all. A key part of his argument was that the oceans could not be appropriated because their use through fishing could never be exhausted.²⁰ In this formulation, the notions of the sea as an unlimited resource and as an uncontrollable wilderness work together; if one could never exhaust its resources, one could not dominate it. Grotius extensively references ancient Roman fishing law in order to show the long history of the freedom of the sea. For example, he distinguishes between the sea proper and the channels sometimes dug inland from the sea by wealthy Romans to create private saltwater fish ponds, called *diverticula*.²¹ Similarly, he cites the Roman lawyer Ulpian as deeming it illegal to prevent someone from fishing in front of one's house.²²

At the time *Mare Liberum* was published in 1609, pervasive Dutch fishing was a recurring English grievance against the Dutch. According to one economic historian, fishing was 'as much the base of the Dutch economy as agriculture was of the English', and the Dutch herring fleet with its several thousands of ships followed herring shoals annually from the Shetland islands down to the Thames estuary.²³ Thus William Welwood, a Scottish lawyer, argued that Grotius's intention in writing *Mare Liberum* was really to curb England's right to control its own fisheries, and that Grotius's attacks on the Portuguese East India trade monopoly was

¹⁸ J. K. Hiller, 'The Newfoundland fisheries issue in Anglo-French treaties, 1713–1904', *The Journal of Imperial and Commonwealth History*, 24:1 (1996), 1-23.

¹⁹ Demetri Sevastopulo and Kathrin Hille, 'US warns China on aggressive acts by fishing boats and coast guard', *Financial Times*, 28 April, 2019 <<https://www.ft.com/content/ab4b1602-696a-11e9-80c7-60ee53e6681d>>.

²⁰ R. P. Anand, *The Origin and Development of the Law of the Sea* (The Hague: Martinus Nijhoff, 1983), 81.

²¹ Jonathan Ziskind, 'International Law and Ancient Sources: Grotius and Selden', *The Review of Politics* 35:4 (1973), 543; Hugo Grotius, *The Free Sea*, ed. David Armitage (Indianapolis: Liberty Fund, 2004), 28.

²² Ziskind, 'International Law and Ancient Sources', 542; Grotius, *Free Sea*, 29.

²³ C. H. Wilson, 'Trade, Society and the State', in E. E. Rich and C. H. Wilson (eds), *The Cambridge Economic History of Europe, Volume IV* (Cambridge: Cambridge University Press, 1967), 520.

only a convenient excuse.²⁴ Navigation was ‘a thing farre off from all controversie, at least upon the Ocean’, whereas the use of fisheries was a more realistic motive. Welwood noted that it was incorrect to assume that the ocean’s resources were limitless, as in fact the Dutch had been systematically overfishing:

[I]f the uses of the seas may be in any respect forbidden and stayed it should be chiefly for the fishing...For whereas aforetime the white fishes daily abounded even into all the shores on the eastern coast of Scotland, now forsooth by the near and daily approaching of the buss-fishers the shoals of fishes are broken and so far scattered away from our shores and coasts that no fish now can be found worthy of any pains and travails, to the impoverishing of all the sort of our home fishers and to the great damage of all the nation.²⁵

As such, Welwood thought the logic of *Mare Liberum* itself suggested that for the sake of conservation, England should be able to regulate the fisheries, in order to enforce minimum mesh requirements for nets and allow stocks to regenerate.²⁶ Moreover, he accepted the link made by Grotius between the exhaustibility of the sea’s resources and the capability of polities to control maritime spaces. Ultimately John Selden’s *Mare Clausum* would become the more famous English defence against Grotius, written when an Anglo-Dutch fishing conference was triggered by English ships capturing some Dutch ships off of Greenland, laden with twenty-two walruses.²⁷ But both Selden and Welwood took fishing rights seriously as some of the main material with which Grotius’s historical claims could be dismantled, referring to Grotius’s examples of the Roman *diverticula* and the prohibition against preventing someone from fishing outside one’s house.²⁸

The United States in its EEZ remains a piscine empire today, keeping strict controls on foreign fishing, with its EEZ made particularly extensive by its many island dependencies.²⁹ But in general piscine empire today is best understood as dispersed across the world’s oceans, wherever the major fishing fleets go. One common phenomenon today that can be understood as piscine empire is the creation of access agreements between major distant-water fishing (DWF) states and states in the Global South.³⁰ These agreements first appeared in the 1970s, shortly after the creation of the EEZ through UNCLOS III. While the newly independent postcolonial states had managed to take economic control of these maritime zones, large trawlers usually belonged to fleets in the Global North, and these had a much greater fishing capacity. Global fish catches peaked in the late 1980s and have been declining since then, despite increasing fishing activity, showing a general problem of overfishing.³¹ In

²⁴ Percy Thomas Fenn, Jr., *The Origin of the Right of Fishery in Territorial Waters* (Cambridge, MA: Harvard University Press, 1926), 175.

²⁵ William Welwood, ‘Of the Community and Propriety of the Seas’, in David Armitage (ed), *The Free Sea* (Indianapolis: Liberty Fund, 2004), 74.

²⁶ Gary Edmond, ‘The Freedom of Histories: Reassessing Grotius on the Sea’, *Law/Text/Culture* 2 (1995), 208.

²⁷ Eric Fletcher, ‘John Selden (Author of *Mare Clausum*) and His Contribution to International Law’, *Transactions of the Grotius Society* 19 (1933), 8.

²⁸ Ziskind, ‘International Law and Ancient Sources’, 547; Welwood, ‘Community and Propriety’, 68.

²⁹ James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (Oxford: Oxford University Press, 2011), ch. 7.

³⁰ Antonius Gagern and Jeroen van den Bergh, ‘A Critical Review of Fishing Agreements with Tropical Developing Countries’, *Marine Policy* 38 (2012), 375-386.

³¹ Daniel Pauly et al., ‘Towards Sustainability in World Fisheries’, *Nature* 418 (2002), 691.

this context, primarily the EU, Japan, and Russia began negotiating agreements to fish in the EEZs of Global South states, aiming to meet rising demand, with China joining later on.

While access agreements have been concluded virtually all across the latitudes nearest to the Equator, West Africa is a major focus of these agreements. In this region, from Morocco to Namibia, the EU and China represent the main DWF fleets. Agreements made with the EU usually consist of a sum of money paid to the host government, along with other stipulations such as requirements to land a certain amount of fish in the host country and to provide support for technological and industrial development.³² In exchange, EU vessels receive the right to fish in various designated areas within the host country's EEZ, according to the type of fish caught and equipment used. Chinese agreements tend to be more secretive, but seem to combine payments with more direct expenditures on infrastructure, military equipment, and debt relief.

While the creation of the EEZ in the 1970s seemed to promise a kind of decolonization of ocean spaces after a long period of Anglo-American maritime hegemony, these Chinese and European fishing zones have generally prevented West Africans from experiencing benefits from it.³³ According to one estimation, fishing access in West Africa from 2000 to 2010 cost the EU 26% of reported landings, and China spent 40% of the value of its reported landings on access agreements.³⁴ But because fishing is very difficult to monitor, including unreported landings brings the figures down to 8% for the EU and 4% for China. In exchange for these payments, European and Chinese trawlers have overfished or severely depleted many West African fisheries, making it difficult for more local fishers to catch fish. One recent study indicated a decline in biomass by a factor of 13 in Northwest African fisheries since the 1960s, with large trawlers picking up vast amounts of unwanted organic material.³⁵ In many cases, local fishers have become poorer despite the value of fisheries increasing, with DWF fleets rarely landing in West African ports at all, and much food is imported.³⁶ Ghana, which was at its independence in the 1950s a regional fishing power sending substantial fleets to Senegal and the Congo, has declined largely as a result of foreign overfishing.³⁷ While the EU employs rhetoric of sustainable development and has set up mechanisms for consultation with West African interest groups and civil society representatives, little has been done to address the basic imbalance between large subsidized trawlers and small artisanal fleets.³⁸

The political implications of distant-water fishing, moreover, have not been limited to coastal states where food sources have been threatened. In particular, the piscine imperialism of

³² Dyhia Belhabib et al., 'Euros vs. Yuan: Comparing European and Chinese Fishing Access in West Africa', *PLOS ONE* 10:3 (2015), 1-22.

³³ Okechukwu C. Iheduru, 'The Political Economy of Euro-African Fishing Agreements', *The Journal of Developing Areas*, 30:1 (1995), 63-90.

³⁴ Belhabib et al., 'Euros vs. Yuan', 10.

³⁵ Jaqueline Alder and Ussif Rashid Sumaila, 'Western Africa: A Fish Basket of Europe Past and Present', *Journal of Environment & Development* 13:2 (2004), 169.

³⁶ Vlad Kaczynski and David Fluharty, 'European policies in West Africa: who benefits from fisheries agreements?', *Marine Policy* 26 (2002), 75-93.

³⁷ John Atta-Mills, Jackie Alder and Ussif Rashid Sumaila, 'The decline of a regional fishing nation: The case of Ghana and West Africa', *Natural Resources Forum* 28 (2004), 13-21.

³⁸ Anna Antonova, 'The rhetoric of "responsible fishing": Notions of human rights and sustainability in the European Union's bilateral fishing agreements with developing states', *Marine Policy* 70 (2016), 77-84.

DWF fleets has had a crucial role in the recent history of piracy in the Indian Ocean. In waters near Somalia, distant-water fishing has been particularly intense since Somalia's civil war began to leave its governing authority in question.³⁹ The UK and Norway, for example, have challenged Somalia's claim to an EEZ because it was not filed properly with the UN, in theory leaving the waters near Somalia open to unlimited fishing.⁴⁰ Many Somali pirates claim to be simply fighting foreign intruders, and this claim resonates with many Somalis beyond pirates.⁴¹ Whether or not foreign fishing is an economic 'cause' of piracy, and the merits of seeing the pirates as 'Robin Hood' figures simply defending their shores, have been much debated. But 'defensive piracy' did exist to some extent among the former Somali coast guard following the state collapse in 1991, and proponents and critics of these narratives largely agree that foreign fishing has played an important role by giving pirates a social or political context.⁴² On one level, the narrative of pirates as a Somali coast guard provides coherence and meaning to the pirates themselves.⁴³ But beyond this, as some Somalis have pointed out, the inequities of foreign fishing create a strong reason to view with irony or indifference the international attention given to the issue of piracy, and many 'see the discourse on piracy as a clear manifestation of the double standards used in the international system'.⁴⁴

Fisheries Conservation Science and the Bounding of the Oceans

Fish, then, can potentially play a crucial part in sustaining and motivating maritime empire. More generally, moreover, attention to relations between humans and non-humans is important for IR not just in terms of the threats that environmental degradation pose to the human species at large, and that these relations with non-humans can end up defining important aspects of international politics. But is a better understanding of fish really necessary in IR? In order to argue that it is, this section demonstrates the crucial role of human interactions with fish in the way territory extends into ocean space. In particular, human-fish relations were at first central to efforts of the late nineteenth century to avoid state regulation of maritime space beyond the traditional three-mile limit, and then later to the creation of the Exclusive Economic Zone (EEZ), one of the basic legal concepts which govern the ocean. Fish and fisheries do not lend themselves easily to linear boundaries.⁴⁵ To the extent that fish form part of an apparent marine wilderness which is unpredictable and difficult to pin down, they are often not as easy to territorialize as land resources. Fish have been territorialized informally through customary rules in a number of different contexts,

³⁹ Isaac Kamola, 'Pirate Capitalism, or the Primitive Accumulation of Capital Itself', *Millennium: Journal of International Studies* 47:1 (2018), 19; Ishaan Tharoor, 'How Somalia's Fishermen Became Pirates', *TIME*, 18 April, 2008 <<http://content.time.com/time/world/article/0,8599,1892376,00.html>>

⁴⁰ Stig Jarle Hansen, 'Debunking the Piracy Myth: How Illegal Fishing Really Interacts with Piracy in East Africa', *RUSI Journal* 156:6 (2011), 29.

⁴¹ Ted Dagne, 'Somalia: Prospects for a Lasting Peace', *Mediterranean Quarterly* 20:2 (2009), 105-106

⁴² Abdi Ismail Samatar, Mark Lindberg and Basil Mahayni, 'The Dialectics of Piracy in Somalia: The Rich Versus the Poor', *Third World Quarterly* 31:8 (2010), 1385.

⁴³ Christian Bueger, 'Practice, Pirates and Coast Guards: the grand narrative of Somali piracy', *Third World Quarterly* 34:10 (2013), 1811-1827

⁴⁴ Samatar et al., 'Dialectics of Piracy', 1389.

⁴⁵ Eg. Evelyne Meltzer, 'Global Overview of Straddling and Highly Migratory Fish Stocks: The Nonsustainable Nature of High Seas Fisheries', *Ocean Development & International Law* 25 (1994), 255-344.

including Tokugawa Japan and to this day in the Solomon Islands and in Maine and Canada, but on a limited scale, and not with fixed, linear boundaries.⁴⁶ But due in part to historical changes in fisheries science, I argue, it became possible for states to begin claiming well-defined ocean territories.

Fisheries science in its current form began in the nineteenth century as a response to fishers' claims that they had observed overfishing.⁴⁷ Before this time it was not always clear whether the fluctuations that had been observed in fish populations were directly caused by fishing. In medieval Europe, reports of overfishing of freshwater fish were commonplace, with Philip IV of France declaring in 1289 that 'every river and waterside of our realm, large and small, yields nothing due to the evil of the fishers and the devices of [their] contriving, and because the fish are prevented by them from growing to their proper condition'.⁴⁸ Yet Grotius, as noted above, supported the concept of *mare liberum* with the notion that overfishing was not possible. For Emer de Vattel, moreover, 'It is manifest that the use of the open sea, which consists in navigation and fishing, is innocent and inexhaustible; that is to say—he who navigates or fishes in the open sea, does no injury to anyone'.⁴⁹

This ambiguity around the question of overfishing persisted through the period of the industrial revolution. Steam trawlers were popularized among British fishers, as they caught many more fish by actively dragging a large net through the water rather than leaving it in place. Traditional line fishers then complained that trawlers were depleting stocks, and the UK government appointed a commission to investigate in 1863-1866. The commission was chaired by Thomas Huxley, who was known as 'Darwin's bulldog' for his major public role in British philosophy of science debates, and was involved in many royal commissions on topics from education reform to vivisection.⁵⁰ The commission was charged with investigating changes in the supply of fish and the likely effects of regulating the fishing industry.⁵¹ It visited and gathered evidence from 86 fishing locations across Britain, Ireland, and the Isle of Man, but the evidence that mostly guided its conclusions were public records. It found no 'direct' evidence on the overall supply of fish, but the fish carried by the main railroads had increased threefold in nine years, while the overall price of fish had been increasing, but not faster than that of butchers' meat.

⁴⁶ E. Paul Durrenberger and Gisli Palsson, 'Ownership at Sea: Fishing Territories and Access to Sea Resources', *American Ethnologist*, 14:3 (1987), 508-522; Shankar Aswani, 'Customary sea tenure in Oceania as a case of rights-based fishery management: Does it work?', *Reviews in Fish Biology and Fisheries* 15 (2005), 285–307.

⁴⁷ Jennifer Hubbard, 'In the Wake of Politics: The Political and Economic Construction of Fisheries Biology, 1860-1970', *Isis* 105:2 (2014), 370; Carmel Finley, *All the Fish in the Sea: Maximum Sustainable Yield and the Failure of Fisheries Management* (Chicago: Chicago University Press, 2011), 11.

⁴⁸ Richard Hoffmann, 'Economic Development and Aquatic Ecosystems in Medieval Europe', *The American Historical Review*, 101:3 (1996), 648.

⁴⁹ Emer de Vattel, *The Law of Nations*, ed. Bela Kapossy and Richard Whatmore (Indianapolis: Liberty Fund, 2008), 250.

⁵⁰ Paul White, *Thomas Huxley: Making the 'Man of Science'* (Cambridge: Cambridge University Press, 2003), 67.

⁵¹ 'Report of the Commissioners Appointed to Inquire into the Sea Fisheries of the United Kingdom', in Leone Levi (ed), *Annals of British Legislation: Being a Digest of the Parliamentary Blue Books*, vol. III (London: Smith, Elder, and Co., 1866), 184-214.

For the commission, this suggested that the supply of fish was increasing, and had not been negatively affected by overfishing. The commission consulted fishermen all across the UK but on the whole did not consider the information gained in this way to be useful. Because different groups of fishermen depended for their livelihoods on different fishing methods, it surmised,

it will not be a matter of astonishment that the evidence, so far as it records merely personal convictions, and assertions that can neither be proved nor disproved, is of the most conflicting character...fishermen, as a class, are exceedingly unobservant of anything about fish which is not absolutely forced upon them by their daily avocations...⁵²

The commissioners were confronted with conflicting data. When fishers did suggest that there was overfishing, the commission registered this with scepticism, noting that they were

not only prone to adopt every belief, however illfounded, which seems to tell in their own favour, but they are disposed to depreciate the present in comparison with the past. Nor, in certain localities, do they lack the additional temptation to make the worst of the present, offered by the hope that strong statements may lead the State to interfere in their favour, with dangerous competitors.⁵³

There was no such scepticism, however, about statistics showing that railroads were transporting more and more fish inland. As a result, the commission concluded that the supply of fish was increasing, that fishing methods such as beam trawling were not wasteful, and that any general regulations on fishing would be harmful to the UK food supply. Later, Huxley restated these convictions in an 1883 speech inaugurating the International Fisheries Exhibition in London: 'probably all the great sea fisheries, are inexhaustible; that is to say, that nothing we do seriously affects the number of the fish. And any attempt to regulate these fisheries seems consequently, from the nature of the case, to be useless'.⁵⁴ This speech, and the inquiry from which it emerged, is often cited as the main impediment to regulations on trawling or the taking of immature fish in the UK in the late nineteenth century.

It was not a coincidence that the first fishing inquiry of its kind all but ignored the first-hand accounts of overfishing that had motivated its formation. Huxley's role in the fisheries commission, along with many other commissions, formed part of his effort to create a new public figure he called the 'man of science', who would be all but immune to politics and society.⁵⁵ Against the 'superstitions' and special interests of the aristocratic literary elite, dominated by the Church of England, and at the same time against 'popular' science writers aiming at amusement and profit, Huxley wanted to create an amateur public audience. Although this would to some extent democratize knowledge production, by enabling laboratory practitioners to become public intellectuals alongside literary figures, it would also serve a national interest and depoliticize the monopolization of knowledge by experts, whose expertise would be confirmed by an amateur audience. Huxley's well-known public defence

⁵² 'Report of the Commissioners', 189.

⁵³ 'Report of the Commissioners', 189.

⁵⁴ Quoted in Jens Smed and John Ramster, 'Overfishing, science, and politics: the background in the 1890s to the foundation of the International Council for the Exploration of the Sea', *ICES Marine Symposia* 215 (2002), 17; Hubbard, 'In the Wake of Politics', 366.

⁵⁵ White, *Thomas Huxley*, ch 3.

of the country squire Charles Darwin, for which he was called 'Darwin's bulldog', was based in a valuation of genius, independent from patronage and political ambitions, in seclusion from society, whether on a transoceanic voyage, in a country home, or in the laboratory.⁵⁶

The fisheries commission was motivated by this sense of the role of science in society. While the national interest as a whole was at stake, in particular in terms of the food supply for a rapidly growing population, the 'man of science' had to remain strictly isolated from particular interests within society. Conflicts of interest between groups of fishers using different fishing methods meant that all their testimony had to be seen as squabbles between particular interests trying to discredit each other. The data collected on fish prices and the amount of fish being transported, on the other hand, were verifiable facts, and formed apparently solid grounds for assessing the effects of trawling. The commission's conclusions, then, came out of a desire to separate the natural sciences from politics. Yet this was, of course, highly political, in that it assumed, as the ultimate goal, a unified national interest that could be isolated from particular group interests, and based its reasoning on the measurement of the numbers of available fish on these political principles.

As long as there was no rationale for state intervention into fishing practices, there was little impetus for the territorialisation of the sea. Yet Huxley's attempts to shed the light of rational science on the mysteries of fish fluctuations did not settle the debate. In the early twentieth century the debate on overfishing shifted, leading to a process of territorialisation. Over the course of the twentieth century, the international laws and institutions governing the oceans changed dramatically, with the effect of much of the globe's maritime space being enclosed within resource exploitation jurisdictions known as EEZs, which reach out 200 miles from state shorelines.

A turning point in this shift was in 1934, with the publication of 'Report No. 8' by the US-Canadian International Fisheries Commission.⁵⁷ The report tracked the historical expansion of US and Canadian halibut fishing in the Pacific Northwest, beginning in Puget Sound in the 1880s, then northwards to Hecate Strait, and then on to the Gulf of Alaska. It found that Puget Sound was the most depleted fishery in the area, and the Gulf of Alaska was the least, with the recent imposition of regulations being associated with the recovery of fish stocks. The declines, it concluded, occurred because too many fish were caught before they spawned, and so fishers had to go further and further north, and catch smaller fish, in order to bring in the same weight in fish. If regulations could prevent fishers from catching smaller, immature fish, it would allow them to grow and reproduce, and ultimately profits would increase. Contrary to the wisdom of major figures in Western international law such as Grotius and Vattel, as well as many marine scientists such as Huxley, it was increasingly accepted that science had demonstrated the living resources of the sea to be exhaustible.

This made it possible to claim on behalf of science that new measures had to be taken which might upset some basic principles of international law. Initially, US fishing industries were opposed to research suggesting that they were engaged in overfishing. But as Japanese fishing expanded, and tensions rose in the Pacific, suspicions of overfishing shifted towards

⁵⁶ White, *Thomas Huxley*, 60.

⁵⁷ Finley, *All the Fish in the Sea*, 11-13.

Japan, and US industry became potential agents of conservation.⁵⁸ In the early twentieth century, Japan vigorously promoted its fishing industry through subsidies and directed policy, as part of its attempt to challenge Euro-American imperialism in the Pacific. In 1935 the Japanese fishing industry became the largest in the world. Spokespeople for US fishing industries complained not only about increasing numbers of Japanese fishing boats but also about people of Japanese descent in the US fishing industry, with Japanese making up the largest ethnic group within it by 1918. The magazine *Pacific Fisherman* claimed in 1921 that if the magazine 'had not for the last twenty years vigorously opposed the introduction of Japanese in the American fisheries, this industry along the entire Pacific Coast would long ago have fallen into their hands'.⁵⁹ While Japanese industry heads were keen to set up a joint US-Japanese fishing company in Alaskan waters, their US counterparts were resolutely opposed, calling instead for the exclusion of Japanese fishing. Despite a State Department investigation in 1937 being unable to find conclusive evidence that Japanese vessels were fishing salmon off of Alaska, the issue came to a head in that year.⁶⁰ A bill was introduced in the Senate declaring salmon hatched in Alaska to be US property, and the Alaska fishermen's association and the Pacific Coast union of seamen and longshoremen boycotted Japanese goods.

In addition to the growing scientific consensus around the occurrence of overfishing, attempts to distance Japanese fishing from US shores were also strengthened by the notion that fisheries science gave US fishers a special right to fish in certain waters. The US industry claimed a civilized advancement in fisheries science which made it uniquely responsible, unlike Japanese fishers, who blindly gathered up all the fish they could with their increasing industrial potential. As a *New York Times* correspondent wrote in a 1938 book, 'Just as the Nipponese military juggernaut rolls across China without regard for the amenities of civilization, so do these fishing vessels from Tokyo completely overlook conservation rules and principles in their quest for the finny wealth of the ocean'.⁶¹ Beginning in 1937, scientists and industry lawyers began a campaign to overturn the customary three-mile rule in international maritime law, on the grounds of conservationism. Salmon lawyer Edward Allan, for example, argued in 1938 that the three-mile limit owed its existence to the false belief that marine fisheries were inexhaustible, a belief which had recently been disproven, and that the rule should be 'superseded by conceptions based on actualities'.⁶²

Before the US entry into the Second World War, this combination of nativist exclusionism and industry-led conservationism was beginning to change State Department thinking. Secretary of State Cordell Hull argued that because Americans had invested money in salmon hatcheries on US soil and had accepted conservationist restrictions on the catch, they legitimately possessed 'a special claim in the ocean areas beyond three miles where the fishery was centered'. The entry of the US into the Second World War in 1941 interrupted fishing activities in the Pacific and drew attention away from fishing disputes. But at the same time several federal agencies realized that the war offered a chance, as the General Land Office put it, to

⁵⁸ Finley, *All the Fish in the Sea*, 27-34

⁵⁹ Finley, *All the Fish in the Sea*, 31.

⁶⁰ Ann Hollick, *U.S. Foreign Policy and the Law of the Sea* (Princeton: Princeton University Press, 1981), 22-24.

⁶¹ Finley, *All the Fish in the Sea*, 34.

⁶² Harry Scheiber, 'Pacific Ocean Resources, Science, and Law of the Sea: Wilbert M. Chapman and the Pacific Fisheries, 1945-70', *Ecology Law Quarterly* 13:3 (1986), 445.

strike 'from our own thinking and international law the shackles of the three-mile limit for territorial waters' and adopt a line 'beyond the continental shelf'.⁶³ All during the war, various agencies were busy fine-tuning a policy of extended jurisdiction, which was completed in January 1945 and signed by President Roosevelt in March. With Roosevelt's death in April, it was left for his successor, Harry Truman, to officially announce it in September.

This took the form of two presidential proclamations, known as the Truman Proclamations. One declared US jurisdiction over the subsoil and seabed of its continental shelf, while the other concerned fisheries. The latter proclamation was intended to deal with a particular contradiction: while salmon hatch in fresh water, in northern latitudes, and return to it to spawn, tuna have no homes and continuously cross and re-cross mostly warm waters.⁶⁴ This meant that while the US salmon industry would benefit from a policy protecting waters nearest to US soil, the US tuna industry needed access to a wide range of disparate waters, particularly off of Mexico, Costa Rica, and Ecuador. Rather than favor one or the other, the Truman Proclamation announced:

The Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale.⁶⁵

Framing the fisheries proclamation as a conservation zone, explicitly aimed at protecting fisheries 'seriously exposed to unregulated exploitation and depletion' helped the US government to allay its concerns about unilaterally innovating international legal practices.⁶⁶ These were the main substantial concerns around the policy within the government, particularly in the State Department's Office of Economic Affairs, which delayed its preparation.⁶⁷ The fisheries proclamation had to be clearly differentiated from territorial sovereignty in order to be acceptable as a unilateral policy, and through the notion of a conservation zone it was intended to leave territorial sovereignty unchanged. The State Department Legal Advisor's Office compiled an official statement of legal justification to be circulated to other governments, explaining that 'No extension of territorial waters is embodied in the policy'.⁶⁸

At the same time, however, while separate from traditional international law, the proclamation still had to rest on some other universal principles. The legal memo argued, 'Equity and justice require that natural resources which have been built up by systematic conservation and self-denying restricted utilization, together with the industries based upon them, be protected and reserved from destructive exploitation by interests which have not contributed to their growth and development'.⁶⁹ The proclamation furthermore conceded 'the right of any State to establish conservation zones off its shores'.⁷⁰ These techniques

⁶³ Hollick, *U.S. Foreign Policy*, 33.

⁶⁴ Finley, *All the Fish in the Sea*, 30; Hollick, *U.S. Foreign Policy*, 47.

⁶⁵ Truman Proclamation, in Hollick, *U.S. Foreign Policy*, 393

⁶⁶ 'Explanatory Statement on the Protection and Conservation of Coastal Fisheries', *Foreign Relations of the United States: Diplomatic Papers, 1945, vol. II*, 1496.

⁶⁷ Hollick, *U.S. Foreign Policy*, 40.

⁶⁸ 'Explanatory Statement', *FRUS*, 1499.

⁶⁹ 'Explanatory Statement', *FRUS*, 1496.

⁷⁰ Hollick, *U.S. Foreign Policy*, 393.

avoided any discussion of how recent or continuously subject to modification the scientific knowledge was which made it possible to refer to a state 'developing' or contributing to the 'growth' of a fishery through 'self-denying restricted utilization'.

When the *Saturday Evening Post* described the Truman Proclamations as 'one of the decisive acts of history, ranking with the discoveries of Columbus as a turning point in human destiny', it was surely from an exaggerated US-centered perspective.⁷¹ Several states had already extended their jurisdictions beyond three miles, and soon after making the proclamations, the US government attempted to clarify or qualify them.⁷² Yet in the years following the Truman Proclamations, many of the Latin American states increased their maritime jurisdictions, some of them out to 200 miles. While Latin American states had been declaring maritime zones for several decades, the extent and frequency of these declarations very markedly increased, and some of them were clearly modelled in part on the Truman Proclamations, no doubt in order to head off legal challenges from the US. The United States did challenge the Latin American declarations and argued that they, unlike the Truman Proclamations, were not defensible under international law.⁷³ US fishers also defied them, with one 1954 incident gaining a burst of media attention: a US whaling fleet owned by Greek magnate Aristotle Onassis sailed to Peruvian waters, violating Peru's declared jurisdiction, and was pursued at high speed by the Peruvian navy, with shots fired. A Peruvian court found that the whaling fleet had illegally caught around 3,000 whales and issued a fine of \$3 million.

But by the 1970s, some kind of extended economic zone appeared inevitable. Moreover, with Congress's passage of the 1976 Magnuson-Stevens Act, the US unilaterally established its own 200-mile fishing zone.⁷⁴ In a similar way to the 1945 Truman Proclamation, this contributed to the growing trend towards international adoption of zones of this size and undermined any US arguments against it. In order to ensure that freedom of navigation within this economic zone would be maintained, then, the US signaled agreement. This led eventually to the establishment of the EEZ, enshrined in the UNCLOS III agreement concluded in 1982. As the conversation had gone in 1971 between US President Richard Nixon and National Security Advisor Henry Kissinger:

Nixon: I don't give a damn about the fisheries anyway. Let everybody have 200 miles to fish. They're all poverty-stricken down there [in Brazil] anyway.

Kissinger: If we dig in on the fisheries, we'll lose on navigation—

Nixon: Navigation we want. Let them fish if they want. That's my view.

Kissinger: Well, that's my recommendation, Mr. President.⁷⁵

Conclusion

Taking the ocean seriously is essential for any discipline whose object of analysis is coextensive with the 'world' or the 'international'. It would be a grave mistake to unthinkingly

⁷¹ Quoted in Anand, *Law of the Sea*, 165.

⁷² Steinberg, *Social Construction of the Ocean*, 142.

⁷³ Finley, *All the Fish in the Sea*, 130.

⁷⁴ Kraska, *Maritime Power and the Law of the Sea*, 142.

⁷⁵ Quoted in Kraska, *Maritime Power and the Law of the Sea*, 140.

assume that, if people do not make homelands out of the sea in the same way they make them out of the land, the ocean is merely a periphery to international relations. But just as international relations should be studied beyond human societies' terrestrial homelands, taking the ocean seriously should lead us beyond what happens on and in the ocean. If the ocean is not simply empty space, as far as IR is concerned, one reason for this is that oceans make possible certain kinds of relations between humans and other life forms which have important implications for international relations. As we have seen, for instance, the way in which states have projected their territorial jurisdictions beyond land, or not, has depended heavily on societies' relationships with fish. The complexities of overfishing processes, and the way in which these complexities are refracted through political, scientific, and legal debates in particular places and times, have been highlighted here as central for understanding the origins of the EEZ and the territorialization of the ocean.

In engaging with the key themes of the volume, this chapter has shown the interconnectedness between two roles the sea has often played in relevant literature, that of a wilderness to be controlled and that of resources to be extracted. For example, those who constructed a discipline of fisheries science, in order to increase and maintain high landing volumes, had to make scientifically knowable and measurable the life cycles and movements of different species of fish which were otherwise known only to fishing communities, or were simply mysterious. What was at stake here was not only the quantity of fish landed but also the ability to control the supply of fish and to create knowledge about fish which would be useful to states and large industries.

While fish remain a crucial food source in many parts of the world, the use of fishing not only to feed people and provide livelihoods but also simply to control space is arguably as prevalent as ever. Despite the relatively small size of the UK fishing industry, for example, having contributed £784m to 2018 GDP compared to financial services' £132bn, the promise of taking back control of UK fishing waters was potent rhetoric in favour of the Brexit campaign.⁷⁶ Political principles of 'fairness' and 'sovereignty' here matter far more than rational economic logics. China's fishing fleet, in a somewhat parallel way, does not only catch fish but also reinforces China's exaggerated claims to maritime control, as mentioned previously. These examples point to a recurring imperative to dominate maritime space going beyond the instrumental need for any particular set of resources.

But while this chapter has focused on the example of fish, one might examine all kinds of human-environment interactions in a similar way. While a state seeking to maximize its fishing yields, by either imposing a territorial jurisdiction on the sea or not, runs the risk of misjudging its environment and devastating a future food supply, territoriality on land equally involves human-environment relationships which are often neglected.⁷⁷ Whether on land or not, fixing a boundary along a line of latitude, for example, assumes a certain knowledge of the curvature of the earth and the distance from the equator, as well as the ability to manipulate objects so that the boundary remains fixed. During the Renaissance and the Enlightenment, land drainage projects involving a struggle between the rational mind and

⁷⁶ Chris Morris, 'Fishing: Why is fishing important in Brexit trade talks?', *BBC News*, 16 June, 2020 <<https://www.bbc.com/news/46401558>>.

⁷⁷ Chandra Mukerji, *Territorial Ambitions and the Gardens of Versailles* (Cambridge: Cambridge University Press, 1997).

chaotic wetlands allowed rulers, as Frederick the Great of Prussia put it, to ‘conquer’ new territory.⁷⁸

The absence of the ocean in our historical accounts of international relations should thus draw attention to the absence of the environment in general. Environmental history does not exist only to help broaden the horizons of climate scientists and activists and to provide greater perspective on the social and political effects of ongoing environmental degradation, although these are of course important activities. As this chapter has attempted to show, it also has much to offer to IR as history in its own right, as the once rigid distinction between natural and human history continues to break down.

⁷⁸ Joanne Yao, “‘Conquest from barbarism’: The Danube Commission, international order and the control of nature as a Standard of Civilization’, *European Journal of International Relations* 25:2 (2019).