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14. ABSTRACT IUU Fishing is a growing problem that threatens the vision of a free and open INDOPACIFIC region. This paper puts forth an argument to counter IUU fishing by expanding the mission of the INDOPACOM led Joint Interagency Task Force- West, creating a new intelligence fusion center, and expanding on U.S. bi-lateral enforcement agreements with other countries in the region. Additional Coast Guard surface forces and tactical law enforcement teams will also be necessary to expand the U.S. presence in the region and help bolster partner nation capabilities.						
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INTRODUCTION

The INDOPACOM area of responsibility is the largest of any geographic combatant command. Of the 36 nations that comprise the region, all but a small handful of these countries are maritime nations, and more than one-third of these countries are “smaller, island nations.”¹ These nations rely on the oceans for their resources and livelihoods, and one of the most important of these resources is the fisheries that provide a main source of protein for the populations of the Indo-Pacific region. As the importance of fishery resources continues to grow in the region, so too does the concern that instances of illegal, unreported, and unregulated (IUU) fishing must be treated as a national security threat. According to a recent U.S. Coast Guard strategic report on the topic, “IUU fishing has replaced piracy as the leading global maritime security threat.”² Furthermore, the Biden administration has released a national security memorandum that identifies IUU fishing as one of the “greatest threats to ocean health.”³

China is a particular concern because it has developed the largest distant water global fishing fleet of 2,500 to possibly 17,000 ships.⁴ Chinese vessels routinely target endangered species, falsify documents, turn off required transponder equipment, and commit human rights abuses. It is clear is that they are either unwilling or unable to properly address these issues

¹ “Area of Responsibility,” U.S. Indo-Pacific Command, accessed October 6, 2022, <https://www.pacom.mil/About-USINDOPACOM/USPACOM-Area-of-Responsibility/>

² USCG, *Illegal Unreported and Unregulated Fishing Strategic Outlook* (Washington D.C., 2020), 2

³ National Security Memorandum/NSM-11 2022, *Memorandum on Combatting Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses* (Washington D.C., 2022), 1

⁴ Mantesso, Sean. “China's 'dark' fishing fleets are plundering the world's oceans,” *Australian Broadcast Commission*, December 18, 2020, <https://www.abc.net.au/news/2020-12-19/how-china-is-plundering-the-worlds-oceans/12971422>

amongst their fishing fleet. In a 2019 global index report by the Global Fishing Watch, China was ranked as the worst-performing country for IUU fishing practices.⁵

Due to the intricacies of various laws and international agreements, any effort to deter illegal Chinese fishing must incorporate a strategy to cover three separate regions: the U.S. Exclusive Economic Zone (EEZ), the EEZ of partner nations, and the high-seas. Law enforcement within the U.S.' EEZ is generally conducted by state resource conservation officers, or by federal agencies with statutory authority such as NOAA or the Coast Guard. If the U.S. wants to conduct law enforcement operations within the EEZ of a foreign nation, it can only do so under the legal framework of a bilateral agreement with that nation. Within the Pacific region, there are several treaty-based international organizations, known as Regional Fisheries Management Organizations (RFMOs), whose purpose is to ensure sustainability of these highly migratory resources through international cooperation. The agreements in place for these RFMOs provide the U.S. with limited powers to perform law enforcement on the high seas against foreign flagged vessels.

The growing prevalence of IUU fishing presents an opportunity for INDOPACOM to exploit in pursuit of American national security strategic objectives to achieve a free and open Indo-Pacific. As a means to counter negative Chinese influence and excessive maritime claims, the naval services within INDOPACOM should focus efforts on combatting IUU fishing by building a multinational coalition consisting of a Joint Interagency Task Force, Intelligence Fusion Center, and robust bilateral shiprider program, and by developing better maritime law

⁵ Collins, Dan. "It's terrifying: can anyone stop China's vast armada of fishing boats?" *The Guardian*. August 25, 2020, <https://www.theguardian.com/environment/2020/aug/25/can-anyone-stop-china-vast-armada-of-fishing-boats-galapagos-ecuador>.

enforcement capabilities consisting of additional USCG cutters and an expanded Tactical Law Enforcement Program.

AN INDOPACOM LED MULTINATIONAL COALITION

Joint Interagency Task Force (JIATF) West- A New Role

CDRINDOPACOM should work with Congress and the administration to expand the mission of JIATF West to include combatting IUU fishing in Oceania and the South China Sea. Since 1994, JIATF West has acted as a component of INDOPACOM that “brings military and law enforcement capabilities together to combat drug-related transnational crime in the Asia-Pacific Region.”⁶ VADM Scott Buschman, the Coast Guard’s Deputy Commandant for Operations, has lauded the JIATF model for being “highly effective” in combatting crime by “bringing together a wide variety of agencies, experts, and foreign partners to analyze and share intelligence, and coordinate detection and monitoring.”⁷ The partnerships and resources that JIATF West can provide make it a natural fit for this new expanded mission set.

On a daily basis, JIATF West deals with the various intelligence, military, customs, and law enforcement entities of the U.S. and our partners in the region to prevent the flow of illicit substances. These same exact groups are all in the fight against IUU fishing in one way or another, but for the most part their efforts are dispersed and not harmonized. JIATF West is ideally suited to lead this effort by acting as the “Command and Control” authority for these various groups and ensure that our resources are used effectively over this huge swath of ocean.

⁶ “Joint Interagency Task Force West,” U.S. Indo-Pacific Command, accessed October 6, 2022, <https://www.pacom.mil/JIATFW.aspx>

⁷ Craig Collins, “IUU Fishing: The Leading Global Maritime Threat,” *Defense Media Network*, February 15, 2021, <https://www.defensemianetwork.com/stories/iuu-fishing-the-leading-global-maritime-threat-coast-guard-outlook-2020-2021-edition/>

Although IUU fishing should primarily be treated as a law enforcement effort, the military assets at INDOPACOM's disposal such as ships, surveillance aircraft, and intelligence tools are a major enabler in allowing the U.S. and our partners to extend law enforcement activity far away from our shores. Although INDOPACOM should eventually expand this mission set to their entire area of responsibility, they should begin with a focus on the South China Sea and Oceania because those areas suffer highly from illegal Chinese fishing activity and JIATF West has developed strong partnerships and networks in those regions.

IUU Intelligence Fusion Center

In order to ensure that JIATF West has actionable intelligence in combatting IUU fishing, CDRINDOPACOM should lead in the development of an IUU intelligence fusion center located in one of our partner nations in the region. In a recent interview, CDR James Binniker, the chief of the Fisheries Enforcement for the U.S. Coast Guard's Office of Law Enforcement stated "there's a growing understanding that to combat IUU fishing is not simply more ships at sea doing more boardings, but illuminating the predatory behavior and irresponsible flag states and identifying the bad actors and sharing information about them."⁸ There is no single entity responsible for synthesizing the vast amounts of information available from regional governments and non-governmental organizations (NGOs), and an "enormous opportunity" exists to "improve engagement to support information sharing and exploitation."⁹ One of the biggest issues associated with IUU fishing is the sheer size of the problem. With tens of

⁸ Lee Willett, "International agencies co-operate to tackle illegal fishing," *Janes Intelligence Review*, August 13, 2020, <https://www.uscg.mil/IUUFishing/Resources/>

⁹ Lee Willett, "Rear Admiral Scott Clendenin, Assistant Commandant for Response Policy, US Coast Guard," *Jane's Navy International*, December 1, 2020, <https://www.uscg.mil/IUUFishing/Resources/>

thousands of fishing vessels operating in waters across the globe on a daily basis, INDOPACOM and our partners must make difficult decisions on where to allocate limited resources for the best return on investment. In order to do this, they need actionable intelligence on who may be fishing illegally as well as where and when the activity takes place. Data collected by various governments, RFMOs, and NGOs such as vessel registration, satellite imagery, automated identification system (AIS) geolocation data, catch reports, and criminal history can be fused together to paint a picture of high-interest fishing vessels for law enforcement targeting.

In a recent article for *Proceedings*, LT Holden Takahashi proposes development of a simple application to allow those most affected by IUU fishing (honest fishermen) a way to discreetly report instances of illegal activity.¹⁰ This is a fantastic idea and an IUU fusion center would be perfectly positioned to help lead the development of the application and integrate useful tips with other intelligence to maximize the efforts of law enforcement. The Philippines would be an ideal choice for location of this fusion center because they have been frequent victims of Chinese poaching activity and they sit adjacent to both the South China Sea and Oceania. Locating the fusion center there would provide an excellent opportunity to strengthen U.S. and international ties to that strategically important nation.

Expanded Bilateral Shiprider Agreements

In addition to intelligence, another important tool in fighting IUU fishing is the use of bilateral agreements with other countries. These agreements enable the U.S. to directly support the law enforcement efforts of partner countries, and there are 11 agreements in place for the Indo-Pacific region including “Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Palau,

¹⁰ Takahashi, Holden. "The World's Fishermen as a Maritime Sensor Network." *Proceedings*, August 2022, 28

Nauru, Samoa, Tonga, Tuvalu, and Vanuatu.”¹¹ Shiprider programs are particularly beneficial to promoting a free and open Indo-Pacific because they allow the U.S. and partners expanded access to protect lucrative fishing grounds and establish “positive relationships with smaller Pacific Island nations for whom traditional military to military relationships are less possible because of their limited military capability.”¹² The ultimate goal of INDOPACOM should be to work with the State Department and Coast Guard to establish these agreements with all friendly and likeminded nations who wish to participate in the coalition against IUU fishing.

Having these agreements in place does not necessarily commit the U.S. to providing resources or expending funds in these countries, but it does provide a free law enforcement tool in place should we desire to use it at a later date. These agreements are the most useful in places where the host nation lacks the resources to enforce their own EEZ. Developing island nations like Niue, the Solomon Islands, and Papua New Guinea, are examples of countries that might be ripe for the next round of shiprider agreements. The shiprider program would be a great way to counter growing Chinese influence in these countries and provide them additional capability to protect their vital natural resources. INDOPACOM should encourage other developed nations with interests in the region such as Japan, France, and Australia to participate in their own shiprider programs and lend their resources to assisting poor nations protect their own EEZ.

¹¹ Wright, Warren, "Shiprider Program," *Indo-Pacific Defense Forum*, January 27, 2020. <https://ipdefenseforum.com/2020/01/shiprider-program/>

¹² Joseph Espino, "NIUE Should be a Shiprider Partner," *Proceedings*, August 2022, 14

BUILDING MARITIME LAW ENFORCEMENT CAPABILITY

Additional USCG Cutters Needed

In order to build the domestic capacity needed to protect the U.S.' own EEZ and counter illegal fishing in the South China Sea and Oceania, CDRINDOPACOM should lobby for additional National Security Cutters (NSCs) in Guam and Fast Response Cutters (FRCs) in American Samoa. It is widely accepted that "an enhancement of patrols is a fundamental component" to an effective strategy to reduce illegal fishing.¹³ The Coast Guard does not have adequate forces to protect our maritime interests in the region and "despite the United States' sizable territorial interests... Oceania has become the United States' strategic blind-spot."¹⁴ To help illustrate, Figure 1 shows the extent of the U.S.' EEZ in the region.

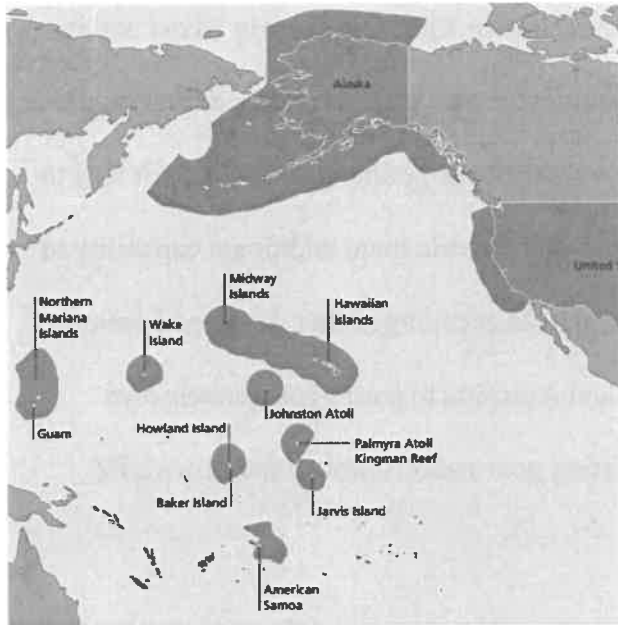


Figure 1: Map of U.S. EEZ in the Pacific¹⁵

¹³ Iwao Fujii, Hajime Kawamura, and Yumi Okochi, "Promoting Cooperation of Monitoring, Control and Surveillance of IUU Fishing in the Asia-Pacific," *Sustainability*, 13 no. 10231 (September 2021):14

¹⁴ Mike Moysiewicz., "Rebalance U.S. Coast Guard Cutters to Advance a 'Free and Open' Indo-Pacific," *Security Nexus* 22 (May 2021). https://apcss.org/nexus_articles/rebalance-u-s-coast-guard-cutters-to-help-advance-a-free-and-open-indo-pacific/

¹⁵ "The United States is an Ocean Nation Graphic," NOAA. Accessed October 7, 2022. https://www.gc.noaa.gov/documents/2011/012711_gcil_maritime_eez_map.pdf.

The Coast Guard has a mix of FRCs, buoy tenders, and NSCs homeported throughout the West Coast, Alaska, and Hawaii that can provide fairly adequate coverage of the EEZs in those areas. In Guam, the Coast Guard has only three FRCs and one buoy tender. There are no cutters homeported in American Samoa or any of the U.S. minor outlying islands. By homeporting at least two NSCs in Guam, CDRINDOPACOM will have the Coast Guard's largest and most capable assets ready and able to provide persistent presence in the South China Sea and Oceania where the threat of Chinese IUU fishing is most prevalent. Homeporting two or three FRCs in American Samoa would finally provide coverage to this section of the U.S. EEZ and would also provide a tool to deploy into the high seas and the many partner nations in the South Pacific.

The Indo-Pacific region is characterized by vast distances and in order to maximize the effectiveness of these new patrol vessels, CDRINDOPACOM should ensure that the necessary logistics and supplies infrastructure are available to keep ships on station as long as possible. A recent Coast Guard analysis indicates that in the JIATF South region ships spent more than half of their time in transit or port for logistics.¹⁶ Cutter sustainment and overextended supply lines are key weaknesses in mission accomplishment for cutters deployed on expeditionary assignments far from home.¹⁷

In order to enhance logistics in this remote region, the J4 directorate should work with DLA, the Navy, and USCG to establish a robust network of port call agreements and husbanding contracts. They should also assign logistics vessels such as oilers and expeditionary sea base ships to support patrol ships engaged in a busy theater of operations. In order to allow ships to operate near the U.S. minor outlying islands, the J4 should establish forward operating bases at

¹⁶ Michael Cilenti, "SOUTHCOM Needs an Oiler," *Proceedings*, (October 2022): 14

¹⁷ Craig Allen Jr, "The Coast Guard Must Address Cutter Self-Sustainability as the Fleet's Range and Missions Become More Global," *Proceedings*, (August 2022):23-24

Midway, Johnston, Palmyra, and Wake islands. All these islands have seaports and airports that were used extensively during WWII and the Cold War and are now in various states of use or disrepair. For a minimal cost, this infrastructure could be rebuilt to provide replenishment for ships in this remote, uninhabited region. In order to keep any construction costs low, military teams such as USN Seabees could be utilized to rebuild any required infrastructure. This would also provide an opportunity to keep their skills sharp should they be required to perform similar construction work in the South China Sea or elsewhere. Providing forward operating bases at these key locations would allow the U.S. to protect these otherwise uninhabited locations from the predations of Chinese IUU fishing.

Expand the USCG TACLET Program

INDOPACOM should expand the USCG Tactical Law Enforcement Team (TACLET) program in the Pacific as a cost-effective way to help combat IUU fishing. Since 1982, these small teams of USCG law enforcement officers have operated by riding on US Navy and partner nation vessels to interdict illegal drugs. Federal law requires “that there be assigned on board every appropriate surface naval vessel at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.”¹⁸ In a recent blog post, CAPT Mike Sinclair suggests developing the legal authorities for TACLET deployments

¹⁸ Assignment of Coast Guard personnel to naval vessels for law enforcement purposes 10 U.S.C. §279

on NOAA vessels who routinely survey sensitive fish stock and whose mission includes protection of our ocean's natural resources.¹⁹

INDOPACOM should expand the TACLET program by mirroring the requirements of 10 U.S.C. §279 for any surface naval vessel that will be transiting in or near areas of concern for IUU fishing. When transiting thru or near the EEZ of a partner nation, they should also offer to embark shipriders from that country whenever possible. Every Navy or NOAA vessel transit without a USCG or foreign-partner shiprider represents a missed opportunity to increase law enforcement presence and show our commitment to the cause. U.S. Navy and partner vessels frequently operate in areas of concern for IUU fishing. By having TACLETs available on these deployments, CDRINDOPACOM will have a valuable tool to counter Chinese malign behavior that falls short of armed conflict on the competition continuum. New shiprider requirements for combatting IUU fishing could easily be met by increasing the staffing at the Pacific Area TACLET in San Diego, CA and by adding small detachments at other U.S. Navy fleet concentration centers such as Pearl Harbor or Yokosuka.

COUNTERARGUMENT AND REBUTTAL

Some may argue that the best way to combat IUU fishing is through non-law enforcement measures that address the root causes of the matter such as economic subsidies and transparency initiatives. One such method suggested is to focus on the economic drivers of IUU fishing by working with the World Trade Organization to “eliminate capacity-enhancing subsidies” as recent reports have estimated that more than half of “high-seas fishing activities

¹⁹ Michael Sinclair, "The national security imperative to tackle illegal, unreported, and unregulated fishing," *Brookings Institute Weblog*. January 25, 2021. <https://www.brookings.edu/blog/order-from-chaos/2021/01/25/the-national-security-imperative-to-tackle-illegal-unreported-and-unregulated-fishing/>.

[are] not economically viable without government subsidies.”²⁰ Governments can then redirect these public funds towards more sustainable endeavors such as aquaculture.

Another suggested method is to increase support for consumer education and supply chain transparency initiatives. Several groups such as Monterey Bay Aquarium and Ocean Watch publish literature to educate seafood consumers on best choices for promoting sustainability. There is also an effort by many large seafood retailers and other groups to enhance supply chain transparency for consumers so that they can trace their meals from “bait to plate.” Reviews of similar initiatives in the global apparel, extractive, and timber markets show that increased transparency in these industries led to more sustainable practices.²¹

Although aquaculture and educational initiatives do show some potential, they are not a perfect solution and do not address the immediacy of the global IUU fishing problem. Aquaculture is a promising solution, but if not implemented correctly, it can be a very *unsustainable* industry. For example, since the 1980’s China has promoted fish farming due to the depletion of coastal fish stock. Due to poor environmental regulations guiding this industry in China, aquaculture “has not only failed to restore fish stocks domestically but also emerged as a contributor to diminishing wild fish stocks worldwide.”²² Educational and transparency efforts are also great tools, but they are not a one-hundred percent solution as there will always be consumers who are more concerned with price than with sustainability and environmental

²⁰ E. Allen et al., "Policy Recommendations for Combatting Overfishing and Fisheries Crime," *Security Nexus* 22 (October 2021). https://apcss.org/nexus_articles/policy-recommendations-for-combatting-overfishing-and-fisheries-crime/

²¹ Jack Daly et al., "Combatting illegal fishing through transparency initiatives: Lessons learned from comparative analysis of transparency initiatives in seafood, apparel, extractive, and timber supply chains," *Marine Policy* 138 no. 104984 (April 2022): 5

²² Hongzhou Zhang, "Fisheries cooperation in the South China Sea: Evaluating the options," *Marine Policy* 89 (February 2018): 73.

practices. Lastly, these solutions will take time to change the industry and they do not address the short-term need to protect our living marine resources from collapse. Recently, Raul Pedrozo contends that only an immediate and robust law enforcement effort will deter illegal Chinese fishing and he advocates for confiscating illegal catch, impounding or destroying vessels, and treating those who turn off or tamper with their transponders as stateless vessels.²³ The world's fishery stocks need immediate protection from the predations of IUU fishing and the only way to accomplish that is through a vigorous law enforcement effort implemented by the international community.

CONCLUSION

The past decade has seen China grow more aggressive as they seek to upend the current world order and establish themselves as a global superpower. One particular area of concern for many countries is their growing distant water fishing fleet and their tendency to use IUU fishing methods to devastate global fishing stocks. With IUU fishing now recognized as the top maritime security concern, and China as its chief culprit, it is imperative for INDOPACOM to take action on this complex maritime challenge. A lack of unified response from INDOPACOM and our allies could lead to global food shortages, maritime instability, and threaten the vision of a free and open Indo-Pacific. Just as INDOPACOM leads the efforts in combatting the trafficking of narcotics at sea, so too should they lead the fight against IUU fishing by building a multinational coalition and developing better maritime law enforcement capabilities.

²³ Raul Pedrozo. "China's IUU Fishing Fleet: Pariah of the World's Oceans." *International Law Studies* 99 (2022): 352

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