Securing the Seas

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Abstract

Illegal, unreported and unregulated (IUU) fishing has emerged as a leading threat to global maritime security, with China operating the world’s largest fleet engaging in predatory practices. This article argues that combating IUU fishing should be a strategic priority for the US Indo-Pacific Command to promote a free and open region and counter negative Chinese influence. It advocates for a robust, multinational law enforcement approach consisting of an expanded mission for Joint Interagency Task Force West, an intelligence fusion center in the Philippines, additional bilateral shiprider agreements, more US Coast Guard cutters based in Oceania, and an enlarged tactical law enforcement program. Implementing these recommendations will strengthen ties with regional partners, reinforce territorial claims, and protect vital marine resources and US national interests.

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The INDOPACOM area of responsibility holds the distinction of being the largest among all geographic combatant commands. Of the 36 nations within this region, nearly all are maritime nations, with over one-third being “smaller, island nations.”1 These countries heavily rely on the oceans for sustenance and economic prosperity, with fisheries serving as a primary source of protein for their populations. As the significance of fishery resources continues to rise in the area, so does the imperative to address instances of illegal, unreported, and unregulated (IUU) fishing as a national security threat. A recent strategic report from the US Coast Guard asserts that “IUU fishing has replaced piracy as the leading global maritime security threat.”2 Additionally, the Biden administration’s national security memorandum identifies IUU fishing as one of the “greatest threats to ocean health.”3

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China’s extensive distant water global fishing fleet, estimated to range from 2,500 to potentially 17,000 vessels, poses a particular cause for concern.\(^4\) Chinese vessels frequently engage in illegal activities such as targeting endangered species, falsifying documents, disabling required transponder equipment, and perpetrating human rights violations. It is evident that China either lacks the will or the capability to adequately address these issues within its fishing fleet. According to a 2019 global index report by the Global Fishing Watch, China ranked as the poorest-performing country concerning IUU fishing practices.\(^5\)

Addressing illegal Chinese fishing necessitates a comprehensive strategy spanning three distinct regions: the US exclusive economic zone (EEZ), the EEZs of partner nations, and the high seas. Enforcement within the US EEZ primarily falls under the purview of state resource conservation officers or federal agencies such as the National Oceanic and Atmospheric Administration (NOAA) and the Coast Guard. Enforcement operations within the EEZ of foreign nations can only occur within the legal framework of bilateral agreements. In the Pacific region, several treaty-based international organizations, known as regional fisheries management organizations (RFMO), aim to ensure the sustainability of migratory resources through international collaboration. Agreements within these RFMOs afford the United States limited authority to conduct law enforcement on the high seas against foreign-flagged vessels.

The escalating prevalence of IUU fishing presents an opportunity for INDOPACOM to leverage in pursuit of US national security strategic objectives for a free and open Indo-Pacific. To counteract adverse Chinese influence and excessive maritime claims, INDOPACOM’s naval services should prioritize efforts to combat IUU fishing. This can be achieved through the establishment of a multinational coalition comprising a Joint Interagency Task Force, an Intelligence Fusion Center, and a robust bilateral shiprider program. Additionally, enhancing maritime law enforcement capabilities entails deploying additional USCG cutters, expanding the Tactical Law Enforcement Program, and repurposing littoral combat ships.

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\(^4\) Sean Mantesso, “China’s ‘dark’ fishing fleets are plundering the world’s oceans,” *ABC* (Australia), 18 December 2020, https://www.abc.net.au/.

An INDOPACOM-led Multinational Coalition

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

The INDOPACOM commander should collaborate with Congress and the administration to broaden the mandate of JIATF West to encompass the fight against IUU fishing in Oceania and the South China Sea. Since its inception in 1994, JIATF West has operated 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, who recently served as the Coast Guard’s Deputy Commandant for Operations, has commended the efficacy of the JIATF model in combating crime. He lauds its effectiveness in “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 newly expanded mission set.

On a daily basis, JIATF West collaborates with various intelligence, military, customs, and law enforcement entities of the U.S. and regional partners to disrupt the flow of illicit substances. These same groups are engaged in the fight against IUU fishing, albeit in a fragmented manner. JIATF West is well-suited to lead by serving as the central authority for coordination, ensuring efficient resource utilization across the expansive oceanic domain. Currently, there lacks a unified entity to coordinate the myriad military and law enforcement assets throughout the vast Indo-Pacific region. JIATF West could assume this leadership role, coordinating surveillance overflights and surface patrols among participating nations to optimize resource allocation. Similar coordination has been successfully executed by both JIATF West and JIATF South in counternarcotics efforts, making it a natural extension to combat IUU fishing.

Additionally, JIATF West can broaden its existing services of capacity-building and security cooperation. With a proven track record in small-scale construction projects enhancing law enforcement infrastructure, such as training centers, firing ranges, and command centers, JIATF West can extend its focus to countries threatened by IUU fishing. Moreover, it can enhance security cooperation by expanding training programs in maritime skills, mission planning, and boarding techniques for partner countries. The US Coast Guard and various RFMOs offer training

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To ensure the effectiveness of JIATF West in combating IUU fishing, CDRINDOPACOM should spearhead the establishment of an IUU intelligence fusion center within one of our regional partner nations. In a recent interview, CDR James Binniker, chief of Fisheries Enforcement for the US Coast Guard’s Office of Law Enforcement, emphasized that “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.”

Currently, no single entity is responsible for synthesizing the vast amount of information available from regional governments and nongovernmental organizations (NGO). There is a significant opportunity to enhance engagement and facilitate information sharing and exploitation.

One of the primary challenges associated with IUU fishing is the sheer scale of the problem. With tens of thousands of fishing vessels operating globally each day, INDOPACOM and its partners must allocate resources judiciously for optimal impact. Actionable intelligence on potentially illegal fishing activities, including vessel identification, satellite imagery, automated identification system (AIS) data, catch reports, and criminal history, is essential for targeted law enforcement efforts. LT Holden Takahashi, in a recent article for Proceedings, proposes the development of a simple application to allow honest fishermen to discreetly report instances of illegal activity. An IUU fusion center would be well-placed to lead the development of such an application and integrate valuable tips with other intelligence sources to enhance law enforcement efforts.

The Philippines emerges as an ideal candidate for hosting the fusion center due to its strategic geography and geopolitical significance as a U.S. treaty ally. Geographically, the Philippines is strategically positioned adjacent to both the South China Sea and Oceania, areas susceptible to exploitation by Chinese IUU fishing.

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fleets. Additionally, many countries in these regions lack the resources to effectively patrol their waters and enforce their EEZs. Proximity to these locations and mainland China would facilitate the deployment of ground-based sensors and network equipment to bolster maritime domain awareness and aid in tracking suspected IUU fishing or transport vessels.

From a geopolitical standpoint, the Philippines offers several advantages as the fusion center’s location. As a key US treaty ally, the Philippines has occasionally leaned towards warmer relations with China due to economic ties. Situating the fusion center in the Philippines provides an opportunity for the United States to strengthen its ties with the nation and counter any adverse Chinese influence in the region. Moreover, it enables the Philippines to demonstrate leadership and promote regional cooperation. Smaller nations in the region, seeking to balance relations between the United States and China, may be more inclined to participate in the multinational effort if the fusion center is based in the Philippines rather than the United States itself.

**Expanded Bilateral Shiprider Agreements**

In addition to intelligence, another critical tool in combating IUU fishing is the utilization of bilateral agreements with other countries. These agreements empower the United States to directly bolster the law enforcement efforts of partner nations. Currently, there are 11 agreements in place for the Indo-Pacific region, encompassing nations such as “Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Palau, Nauru, Samoa, Tonga, Tuvalu, and Vanuatu.”\(^{11}\) Shiprider programs are particularly beneficial to promoting a free and open Indo-Pacific because they allow the United States 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 overarching objective of INDOPACOM should be to collaborate with the Department of State and Coast Guard to establish these agreements with all friendly and like-minded nations interested in participating in the coalition against IUU fishing. Having these agreements in place does not necessarily obligate the United States to allocate resources or expend funds in these countries immediately. However, they serve as a valuable law enforcement tool ready for utilization should

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the need arise in the future. These agreements are most advantageous in regions where the host nation lacks the resources to enforce its own EEZ. Developing island nations with limited maritime patrol capabilities, such as Niue, the Solomon Islands, and Papua New Guinea, are prime candidates for the next round of shiprider agreements.

As the United States seeks to expand the number of shiprider agreements throughout the Indo-Pacific region, it should also aim to enhance existing partnerships by modernizing shiprider agreements already in force. The recently inked shiprider agreement with the Federated States of Micronesia (FSM) serves as an exemplary template for future agreements. In this groundbreaking agreement, the United States and FSM will coordinate law enforcement efforts through command centers, enabling U.S. law enforcement officers to combat illegal activities without requiring the physical presence of an FSM law enforcement officer. This streamlined approach facilitates quicker responses to intelligence on illicit activities and enhances the efficient utilization of patrol boats and other resources by eliminating the need for travel to specific ports for embarking or disembarking host nation law enforcement officers. While some nations may hesitate to adopt a similar approach due to sovereignty concerns, it is imperative for the United States to foster trust and confidence with these nations as it endeavors to deepen partnerships with this innovative model.

Thus, expanded shiprider programs offer a formidable means to counter the escalating influence of China in the region and provide partner countries with additional capabilities to safeguard their vital natural resources. INDOPACOM should advocate for other developed nations with interests in the region, such as Japan, France, and Australia, to initiate their own shiprider programs and contribute resources to assist less affluent nations in protecting their EEZs.

Building Maritime Law Enforcement Capability

Additional USCG Cutters Needed

To bolster domestic capacity for safeguarding the US EEZ and countering illegal fishing in the South China Sea and Oceania, the INDOPACOM commander should advocate for additional national security cutters (NSC) in Guam and fast response cutters (FRC) in American Samoa. It is widely acknowledged that “an enhancement of patrols is a fundamental component” of an effective strategy to

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reduce illegal fishing.\textsuperscript{14} The Coast Guard currently lacks adequate forces to protect maritime interests in the region, and “despite the United States’ sizable territorial interests . . . Oceania has become the United States’ strategic blind-spot.”\textsuperscript{15} To illustrate, figure 1 depicts the extent of the US EEZ in the region.

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The Coast Guard maintains a mix of FRCs, buoy tenders, and NSCs stationed across the West Coast, Alaska, and Hawai‘i, providing fairly adequate coverage of the EEZs in those regions. However, in Guam, the Coast Guard’s presence is limited to just three FRCs and one buoy tender. There are no cutters stationed in American Samoa or any of the US minor outlying islands. By establishing home-\textsuperscript{...}


\textsuperscript{15} Mike Moyseowicz, “Rebalance U.S. Coast Guard Cutters to Advance a ‘Free and Open’ Indo-Pacific,” \textit{Security Nexus} 22 (May 2021), https://apcss.org/.
ports for at least two NSCs in Guam, the INDOPACOM commander would have access to the Coast Guard’s largest and most capable assets, enabling persistent presence in the South China Sea and Oceania, where the threat of Chinese IUU fishing is most acute. Similarly, homeporting two or three FRCs in American Samoa would extend coverage to this section of the US EEZ and provide a platform for deployment into the high seas and neighboring partner nations in the South Pacific.

The Indo-Pacific region is marked by vast distances, necessitating efforts to maximize the effectiveness of these new patrol vessels. To achieve this, CDRINDOPACOM should ensure that the necessary logistics and supplies infrastructure are in place to keep ships on station for as long as possible. A recent analysis by the Coast Guard revealed that in the JIATF South region, ships spent more than half of their time in transit or port for logistics, indicating that cutter sustainment and overextended supply lines are critical weaknesses in mission accomplishment for vessels deployed on distant assignments.16

To bolster logistics in this remote region, the J4 directorate should collaborate with the Defense Logistics Agency, the Navy, and USCG to establish a robust network of port call agreements and husbanding contracts. Additionally, logistics vessels such as oilers and expeditionary sea base ships should be tasked with supporting patrol ships engaged in the region’s bustling theater of operations. Furthermore, to facilitate operations near the US minor outlying islands, the J4 should establish forward operating bases at Midway, Johnston, Palmyra, and Wake islands. These islands, once extensively used during World War II and the Cold War, now offer various seaports and airports, albeit in different states of use or disrepair. With minimal investment, this infrastructure could be rehabilitated to provide replenishment for ships in this remote, uninhabited region. Leveraging military teams such as USN Seabees for infrastructure reconstruction would not only minimize construction costs but also maintain their proficiency for similar tasks in the South China Sea or elsewhere. Establishing forward operating bases at these strategic locations would enable the United States to safeguard these otherwise vulnerable sites from the encroachment of Chinese IUU fishing activities.

**Expand the USCG TACLET Program**

INDOPACOM should expand the USCG Tactical Law Enforcement Team (TACLET) program in the Pacific as a cost-effective measure to 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 mandates “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.”

In a recent blog post, CAPT Mike Sinclair suggests developing the legal authorities for TACLET deployments on NOAA vessels that routinely survey sensitive fish stocks and whose mission includes the protection of our ocean’s natural resources. 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 through 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.

US Navy and partner vessels frequently operate in areas of concern for IUU fishing. By having TACLETs available on these deployments, the INDOPACOM commander will have a valuable tool to counter Chinese malign behavior that falls short of armed conflict on the competition continuum. New shiprider requirements for combating IUU fishing could easily be met by increasing the staffing at the Pacific Area TACLET in San Diego, California, and by adding small detachments at other US Navy fleet concentration centers such as Pearl Harbor, Hawai’i, or Yokosuka, Japan.

**A Role for the Navy**

The US Navy’s LCS program has faced criticism for failing to meet its original vision as a fast, agile, and flexible combat ship capable of seamlessly transitioning between mission modules for surface warfare, anti-submarine warfare, and mine countermeasures. Despite the decision to decommission several ships early and reduce the program of record to reallocate resources to other ship classes, the

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17 Assignment of Coast Guard personnel to naval vessels for law enforcement purposes 10 U.S.C. §279.
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LCS can still serve a crucial role in shaping the theater and advancing a free and open Indo-Pacific. Esteemed naval theorist Jim Holmes recounts instances of successful repurposing of Navy ships and advocates for utilizing the LCS for constabulary and diplomatic duties. The current US maritime strategy underscores the strategic importance of allies and partners, making the LCS well-suited to collaborate with partner nations in low-intensity operations such as combating IUU fishing.

Many issues plaguing the LCS class revolve around their combining gear for achieving top speed and structural vulnerabilities during high-speed operations in rough seas. Fortunately, typical operations enforcing fishery laws do not necessitate high speeds for targeting or pursuit. Although the LCS has limited range, it could still be deployed strategically in areas like the South China Sea or within the Exclusive Economic Zone (EEZ) of a partner nation where fuel and logistical support are readily available. Such deployment could enable Coast Guard cutters with greater endurance than the LCS to patrol the high seas and remote areas far from shore. The Navy has employed the LCS in counter-narcotics patrols for several years, with the USS Mobile successfully enforcing tuna fishery laws in the Western Pacific last year. Equipped with sensors, communications and command-and-control (C2) systems, small boats for boarding teams, and the ability to deploy helicopters and unmanned aerial vehicles, the LCS possesses all necessary tools for this mission set. Despite its combat limitations, the LCS retains significant potential and should be leveraged to collaborate with law enforcement agencies and partner nations in combating IUU fishing and maintaining a stable maritime environment.

Counterargument and Rebuttal

Some may argue that the most effective approach to combating IUU fishing involves non-law enforcement measures that target the underlying causes, such as economic subsidies and transparency initiatives. One proposed method is to address the economic incentives driving IUU fishing by collaborating with the World Trade Organization to “eliminate capacity-enhancing subsidies” as recent reports indicate that over half of high-seas fishing activities rely on government subsidies.


to remain financially viable. Redirecting these public funds toward more sustainable practices, such as aquaculture, could promote long-term environmental and economic stability.

Another suggested approach is to bolster support for consumer education and supply chain transparency initiatives. Various organizations, such as the Monterey Bay Aquarium and Ocean Watch, produce educational materials to inform seafood consumers about sustainable choices. Additionally, efforts by major seafood retailers and other stakeholders to enhance transparency in the supply chain allow consumers to trace their seafood from source to table. Similar initiatives in industries like global apparel, extractive, and timber markets have demonstrated that increased transparency can lead to more sustainable practices.

While aquaculture and educational initiatives hold promise, they are not without drawbacks and do not address the urgent nature of the global IUU fishing crisis. While aquaculture presents a potential solution, improper implementation can lead to unsustainable practices. For instance, China’s promotion of fish farming since the 1980s, driven by depleted coastal fish stocks, has exacerbated environmental degradation and contributed to the decline of wild fish stocks worldwide due to inadequate environmental regulations.

Educational and transparency efforts, while valuable, are not foolproof solutions, as some consumers prioritize price over sustainability and environmental considerations. Furthermore, these solutions require time to effect change in the industry and fail to address the immediate need to protect marine resources from collapse. Raul Pedrozo recently argued that only immediate and robust law enforcement efforts can deter illegal Chinese fishing, advocating for measures such as confiscating illegal catch, impounding or destroying vessels, and treating offenders who disable or tamper with transponders as stateless vessels. Urgent action is required from the international community to safeguard fishery stocks from the ravages of IUU fishing, necessitating a vigorous law enforcement approach.

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Conclusion

Over the past decade, China has demonstrated increasingly aggressive behavior in its pursuit of challenging the existing world order and asserting itself as a global superpower. Of particular concern is its expanding distant water fishing fleet, which frequently engages in IUU fishing practices, posing a significant threat to global fishing stocks. With IUU fishing now acknowledged as the foremost maritime security threat and China identified as the primary perpetrator, it is imperative for INDOPACOM to address this multifaceted maritime challenge promptly and effectively.

Failure to mount a unified response from INDOPACOM and its allies could precipitate global food shortages, maritime instability, and undermine the vision of a free and open Indo-Pacific. Just as INDOPACOM has taken the lead in combating narcotics trafficking at sea, it must also spearhead efforts to combat IUU fishing. This requires the formation of a robust multinational coalition and the enhancement of maritime law enforcement capabilities.

By coordinating with partner nations and bolstering enforcement measures, INDOPACOM can mitigate the threat posed by Chinese IUU fishing activities, safeguarding marine resources and upholding the principles of a free and open Indo-Pacific.

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Commander Dehnz is a 21-year commissioned officer in the US Coast Guard, with experience serving aboard a ship, responding to oil spills and natural disasters, and performing engineering and logistics for the service. His educational credentials include a BS in civil engineering from the US Coast Guard Academy, MS in civil engineering and MBA from the University of Illinois, and a MA in national security and strategic studies from the US Naval War College.

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