



Esira Naidrodro (right), customs officer with Fiji Revenue and Customs Service, and Epironi Turaganivalu (second from right), fisheries assistant with Ministry of Fisheries, Fiji, conduct boarding of China-flagged fishing vessel off coast of Fiji, April 18, 2022, along with other Fijian team members and U.S. Coastguardsmen from USCGC *Munro* (U.S. Coast Guard/Nate Littlejohn)

Pivoting the Joint Force

National Security Implications of Illegal, Unregulated, and Unreported Fishing

By Scott C. Apling, Martin Jeffery Bryant, James A. Garrison, and Oyunchimeg Young

Exclusive economic zones (EEZs) are areas that extend 200 nautical miles from a country's coast and are "reserved to the respective country

under the United Nations Convention on the Law of the Sea . . . [and where] the coastal countries retain special rights of exploration and use of marine

resources."¹ Tensions arise among nation-states when the claiming rights to EEZs are blurred and fishing fleets ignore the regulations sanctioned by international organizations.

Illegal, unreported, and unregulated (IUU) fishing exploits states, weakens regimes, and presents "one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries

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Drug interdiction team from guided-missile destroyer USS *Momsen* boards and seizes fishing vessel, May 16, 2022, while transiting international waters in Gulf of Oman (U.S. Navy/Lily Gebauer)

sustainably.”² IUU fishing in EEZs and international waters is a facet of Great Power competition; it jeopardizes global security as state and nonstate actors engage in competition and confrontation over an increasingly scarce resource. The IUU fishing industry disrupts sustainable food sources, upsets the already fragile ecosystem, endangers global fishing stocks and food access, creates tensions among nation-states, and threatens geopolitical stability—all of which could lead to armed conflict. In September 2020, the commandant of the U.S. Coast Guard (USCG) proclaimed, “IUU fishing has replaced piracy as the leading global maritime security threat.”³

This article examines how the Department of Defense (DOD) is working to eradicate IUU fishing and its efforts in the geographical areas of responsibility, assesses the relationship between Great Power competition and

IUU fishing, and considers ways to manage the future challenges of IUU fishing. It further explores DOD’s roles and responsibilities in counterdrug operations and how the best practices from these efforts could be applied to suppressing one of the most concerning security threats to the global maritime environment today.

The Food and Agriculture Organization (FAO) of the United Nations and other international government and nongovernmental organizations have developed regulations to govern commercial fishing. However, IUU fishing is an international problem with increasing global impacts, and finding better ways to effectively enforce these regulations has been challenging.

A key challenge in stopping IUU fishing is amassing the level of resources needed to prevent an activity that transcends geographic boundaries. The number of vessels engaged in both

legitimate and illegal fishing significantly exceeds the number of resources available to effectively police waters and enforce regulations; the International Maritime Organization estimates the total number of fishing vessels in the world at around 4.6 million.⁴ This challenge is directly correlated to a lack of funding for counter-IUU activities. IUU fishing is just one of many threats to security on any nation’s priority list, and the means to address it are always in competition for funding with other national security issues. Last, and perhaps most important, there is an absence of leadership to spearhead a global effort to address IUU fishing. Not all nation-states or international committees share the same fishing regulations, and sensitive diplomatic issues surround claims to certain EEZs. Although these challenges are broad and complex, DOD can leverage its capabilities and partnerships to assume a greater role in combating IUU fishing.

DOD contributes to the counter-IUU-fishing efforts across the globe primarily through multilateral endeavors aimed at promoting rules-based activities in the maritime domain. Furthermore, DOD works through bilateral partnerships with like-minded states. In the Indo-Pacific region, U.S. Indo-Pacific Command (USINDOPACOM) participates in multilateral actions such as the Quadrilateral Defense Coordination Group, a collaborative effort among Australia, France, New Zealand, and the United States to improve maritime security in the South Pacific, and Operation *North Pacific Guard*, a multinational enforcement operation among Canada, Japan, South Korea, Russia, and China.⁵ USINDOPACOM also partners with several Pacific Island states to execute bilateral enforcement, primarily through law enforcement agreements in which partner law enforcement officers embark U.S. warships to enforce fishery laws within a host country's EEZ.⁶

Off the coast of South America, in the eastern Pacific, U.S. Southern Command (USSOUTHCOM) partners with states to combat IUU fishing.⁷ Similar cooperation occurs in the North Atlantic, where U.S. Northern Command partners with Canadian forces. In West Africa, U.S. Africa Command enables partners "to build maritime security capacity and improve management of their maritime environment through real-world combined maritime law enforcement operations" as part of the Africa Maritime Law Enforcement Partnership.⁸

DOD recognizes the challenge posed by IUU fishing but continues to struggle to marshal the resources necessary to counter such a large-scale problem effectively. IUU fishing also presents DOD with a dilemma because its complex nature spans the boundary between law enforcement and traditional military activities. However, DOD must consider expanding its role in combating IUU fishing; doing so is aligned with the 2018 National Defense Strategy objective to build a more lethal force to, among other things, "defend U.S. interests from challenges below the level of armed conflict."⁹

The Need to Prioritize the IUU Fishing Threat

IUU fishing is an aspect of Great Power competition that is likely to assume increasing importance as a growing world population continues to demand a robust seafood supply. China is already engaging simultaneously in state-sponsored IUU fishing to further its influence and initiatives that support a rules-based-order approach to IUU fishing. On the other hand, Russia generally supports multilateral counter-IUU fishing efforts, but it attempts to leverage the militarized fishermen model pioneered by China as the Arctic becomes more strategically and economically significant.

The Chinese Communist Party (CCP) has militarized its fishing fleet since the establishment of the People's Republic of China in 1949, and it created the People's Armed Forces Maritime Militia as a critical part of its emerging naval capabilities in the years that followed.¹⁰ The party has regularly relied on fishing trawlers for maritime operations ever since, using them as troop transports and also as a means of asserting sovereignty over contested waters, most notably the South China Sea.¹¹ China's use of fishermen to achieve strategic goals thus aligns with overarching Chinese strategy, which David Kilcullen describes as "conceptual envelopment," whereby:

an adversary's conception of war becomes so much broader than our own that two dangerous things can happen. First, that adversary may be acting in ways it considers warlike, while we with our narrower notion of warfare remain blithely unaware of the fact, so by the time we realize we are at war, we have already lost. Second, and what is even more dangerous, we can be taking actions that we define as normal peacetime competition, while a rival with a broader concept of conflict sees these as acts of war and responds accordingly.¹²

China's state-sponsored fishing activities represent an aspect of the current competitive environment and a potential realm for unintended escalation should

the United States and its allies fail to understand and address them effectively.

Fishing is essential to China's economy and population. According to the FAO, China accounted for 35 percent of global fish production in 2018.¹³ China's population is also a major consumer of fish, and any significant degradation of global fisheries would be a key concern for the CCP. Most notably, China maintains the world's largest deep-water fleet and plays an outsize role in international waters far from the Chinese mainland. A major concern is the Chinese distant-water fishing fleet's relationship with the Chinese government. According to a recent article by Ian Urbina from the Yale School of the Environment, "Chinese fishing boats are notoriously aggressive and often shadowed, even on the high seas or in other countries' national waters, by armed Chinese coast guard vessels."¹⁴ These formal ties between China and its distant-water fishing fleet are troubling, especially given that China could exploit the fishing fleet to achieve its national security objectives and global expansion.

IUU fishing presents a dilemma for China. It provides an avenue of competition in which China enjoys many advantages compared with states that abide by the rules-based international order. However, its support of fishermen engaged in IUU fishing may provide minimal economic benefit at the cost of alienating states in Africa and Latin America that China is otherwise courting. This is irresponsible state behavior, and the United States has taken note. In an October 2020 statement, former National Security Advisor Robert O'Brien announced, "The People's Republic of China's illegal, unreported, and unregulated fishing, and harassment of vessels operating in the exclusive economic zones of other countries in the Indo-Pacific, threatens our sovereignty, as well as the sovereignty of our Pacific neighbors and endangers regional stability."¹⁵

IUU fishing is likely to expand in scope and scale as worldwide fisheries face growing pressure and incentives for fishermen to increase illegal behavior. IUU fishing is already contributing to instability in fragile regions such as West

Africa, with detrimental impacts on critical economic sectors and food prices. The overall estimate of economic impacts is as high as \$50 billion a year as of 2009.¹⁶ Similar impacts are likely across the Indo-Pacific region as well.

Armed incidents between states will likely increase as fishermen range farther afield to improve their catches. Confrontations between increasingly militarized fishing fleets from China, Vietnam, and the Philippines will likely continue—if not increase in frequency—creating the potential for inadvertent escalation into a regional conflict.¹⁷ Similar situations are likely to occur around Africa and throughout the eastern Pacific. Russia may also take best practices from China’s successes in the South China Sea to encourage IUU fishing in the Arctic to expand its sovereignty in what is an increasingly contested environment. These are all concerning possibilities that DOD must take into account when considering a pivot of the joint force’s efforts toward combating IUU fishing.

Counterdrug Operations as a Model

The United States has dedicated resources to the counterdrug effort since the early 20th century. In 1914, Congress passed the Harrison Act, which was the first Federal anti-narcotics legislation.¹⁸ The Harrison Act was adopted in response to an increase in drug use across the country and to the antidrug campaigns of progressive reformers and evangelicals. In principle a tax law, the Harrison Act pushed drug suppliers into the drug-smuggling business; it did little to curb rising drug use across the country. As a result, in 1930, the Federal Bureau of Narcotics, the precursor to the Drug Enforcement Administration, was established. Unfortunately, this agency did little to prevent the flow of drugs into the country; nor did it curb drug use. During President Richard Nixon’s first term, his administration took the bold step of declaring an “all-out offensive” on drugs. This was the official birth of modern counterdrug efforts in the United States.

The strategy that was initially adopted, and that has remained unchanged across 5 decades, is two-pronged, aiming for reduction of both supply and demand. Every administration since Nixon’s has adopted this same strategy, but President Ronald Reagan took significant steps toward advancing and institutionalizing DOD’s support for the war on drugs with National Security Decision Directive 221 (NSDD 221), which declared drug trafficking a national security threat. NSDD 221 authorized the Secretary of Defense to take measures that would “enable U.S. military forces to support counternarcotics efforts more actively.”¹⁹

The effort put forth to conduct counterdrug operations is global and involves numerous nations, agencies, and military branches. Joint Publication 3-07.4, *Counterdrug Operations*, provides doctrinal advice to the force on supporting counterdrug operations.²⁰ USSOUTHCOM and USINDOPACOM exercise day-to-day operations through joint interagency task forces (JIATFs) that conduct detection and monitoring and counterdrug operations within their respective operational areas. Most of these counterdrug operations focus on the maritime environment.

The current gold standard for U.S. counterdrug operations is the one conducted by JIATF South. The task force is a counterdrug task force subordinate to U.S. Southern Command responsible for countering the flow of illicit trafficking by providing operational, intelligence, and security cooperation support to a wide array of domestic and international partners. JIATF South is a team of teams. Although it is composed primarily of DOD personnel, representatives from the Department of Homeland Security and Department of Justice support the task force. Moreover, 12 countries spanning Latin America and Europe are fully integrated into the task force, providing the unique capabilities and access of the international community to combat the flow of illicit traffic.²¹ In addition, the United Nations is greatly involved in counterdrug operations. Also, numerous drug-related

treaties codify the international response to drug trafficking.

There are many similarities between the maritime drug-trafficking and IUU fishing threats, and DOD can apply best practices and lessons learned from supporting counterdrug operations to advance counter-IUU-fishing efforts. The modes of conveyance used for IUU fishing and the smuggling of illegal drugs in the maritime environment are similar, and in both cases the illegal activity transcends political boundaries. Both IUU fishing and drug smuggling are also global concerns. According to the USCG’s vision to combat IUU fishing, “1 in 5 fish caught around the world is thought to have originated from IUU fishing.”²² The arrests and successful prosecutions of the human networks responsible for facilitating IUU and drug-trafficking activities serve as another critical component to suppressing these illegal activities. Without successful prosecutions, criminal networks will continue to offend. Not only do arrests and prosecutions disrupt these criminal networks, but they also lead to acquiring valuable intelligence from those arrested. Such intelligence improves operational planning, which ultimately produces more interdictions. Successful prosecutions of offenders also provide incentives to law enforcement agencies to partner with and fully support DOD task forces.

Large-scale IUU fishing is a transnational organized crime and must be recognized and treated as such.²³ In some cases, IUU fishing may be conducted in one (or more) nation-state’s waters but orchestrated in another’s and might be led by a sophisticated transnational organized crime group. The United Nations Convention against Transnational Organized Crime lists an organized criminal group as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.”²⁴ IUU fishing can be described

as a “convergence crime,” a crime in the course of which other criminal activities meet. According to independent research agency RUSI, numerous crimes are linked to IUU fishing, including money laundering, tax fraud, document fraud, corruption, drug trafficking, labor violations, human trafficking, and forced labor.²⁵ The Department of State’s 2016 *Trafficking in Persons Report* gives the example of selling Rohingya and Bangladeshi migrants into forced labor aboard fishing boats.²⁶ There are other documented incidents of migrant smugglers selling their charges into modern slavery aboard IUU fishing vessels.²⁷ IUU fishing is inextricably tied to organized crime and, as a convergence crime, it has many parallels to drug trafficking. The United States must recognize that IUU fishing is a security risk and apply the lessons learned from counterdrug operations to combating IUU fishing.

A primary lesson learned from DOD’s support of counterdrug operations over the past five decades is that for an endeavor to be successful, there must be a concerted effort by all parties to conduct operations jointly and internationally. The oceans are too vast for any one agency to address the threat without enlisting intergovernmental and international partner nations. In the USCG’s September 2020 *IUU Fishing Strategic Outlook*, Coast Guard Commandant Admiral Karl Schultz stated:

*We know such international cooperation works: for 25 years, the six nations which contribute to the enforcement efforts of Operation North Pacific Guard have confronted illegal high seas driftnet fishing operations. Our collective efforts have been overwhelmingly successful in nearly eliminating illegal high seas driftnet fishing in the North Pacific Ocean.*²⁸

Recommendations

For nearly 40 years, DOD has utilized a JIATF construct to combat the threat of illegal drugs entering the homeland, consistently producing exceptional results.²⁹ DOD has refined this model over the decades to efficiently integrate U.S. and partner-nation militaries and law enforcement to detect, deter, disrupt, and interdict thousands of narco-traffickers. This has been no easy feat, especially given the number and diversity of participating partners and agencies, the massive amounts of tactical information exchanged, and the different mechanisms used to reach a successful end game. The efficient prosecution of the narco-traffickers, a critical part of the JIATF construct success loop, is another noteworthy piece of the process that ensures the cycle of success repeats itself.



Coastguardsmen from USCGC *Glen Harris* recover bags of illegal narcotics discarded by fishing vessel interdicted in Gulf of Oman, May 31, 2022 (U.S. Coast Guard)

The DOD flagship counterdrug task force, JIATF South, has the complex mission of detecting and monitoring illicit trafficking throughout its operating area to facilitate international and interagency interdiction in support of national and partner-nation security.³⁰ JIATF South's vision is to be the center of excellence for its mission, and it has achieved that vision in many respects. A 2019 Government Accountability Office report highlights JIATF South's success: "From fiscal years 2014 through 2018, the rate at which JIATF South successfully detected and handed off smuggling events for interdiction was generally 70 percent or higher."³¹

JIATF South's success with employing ships and aircraft from DOD, the Department of Homeland Security, and foreign partners to detect and monitor the trafficking of illicit drugs can be attributed to its ability to deploy the unique capabilities of a well-constructed joint, interagency, and international partnership to maximum effect. This collaboration model is ideal for use in the creation of a JIATF aimed at detecting and monitoring IUU fishing to facilitate interdictions and apprehensions.

The illegal importation of drugs erodes a country's economic, governmental, and environmental nodes. The same could be said of IUU fishing, which damages the global fishing stock, jeopardizes food access, and, most concerning, creates tensions among nation-states and threatens geopolitical stability—all of which could lead to armed conflict. Given the impact IUU fishing is having on many nations across the globe, DOD should consider establishing a JIATF specifically tasked to counter IUU fishing.

A DOD task force integrated with law enforcement and like-minded international partners would be able to leverage their capabilities to provide detection and monitoring support to interdict vessels engaged in IUU, expand fishery enforcement cooperation among the international community, and develop the international community's capacity to counter irresponsible fishing practices. This could be the linchpin that unites the international community to suppress one of the more concerning security threats to the global maritime environment today.

IUU fishing requires a multinational approach because it is a global issue, and the United States cannot act unilaterally. DOD recognized this reality when it established JIATF South and integrated the interagency community and partner nations into its mission planning and execution. An IUU fishing JIATF would have to follow suit. In its *IUU Fishing Strategic Outlook*, the USCG announced its commitment to lead "a global effort to combat illegal exploitation of the ocean's fish stocks and protect our national interests."³² And one of the USCG's enduring missions is the at-sea enforcement of U.S. laws and international treaties to conserve living marine resources and their habitats.³³ Therefore, the ideal leader for an IUU-fishing-centric JIATF would be a USCG flag officer. A complementary codirector should be a representative from the National Oceanic and Atmospheric Administration (NOAA)'s Office of Law Enforcement, which is the lead Federal agency tasked with enforcing domestic fishery laws and supporting international treaties.³⁴ The USCG and NOAA have worked together for more than 200 years and cosigned a cooperative maritime strategy in 2013 to formalize their relationship.³⁵ Because of their understanding of both the maritime enforcement mission and the IUU fishing threat, a combined USCG and NOAA leadership team would be well postured to effectively lead the task force.

The directorates' composition within the JIATF would need to be structured to leverage DOD, law enforcement, and partner-nation capabilities to combat IUU fishing. A blend of U.S. and partner-nation militaries and law enforcement to support the various functions (administration, planning, information technology, and so forth) of the JIATF would be optimal. However, the directorates of operations and intelligence should be led by senior DOD officers. The operations directorate would be responsible for the tasking of DOD air and surface resources to detect and monitor vessels suspected of IUU fishing. The intelligence directorate would be responsible for providing all-source intelligence analysis on the current and intended

locations of IUU fishing fleets to drive the operations directorate's assignment and placement of resources. Once a target was located, the JIATF would work with the relevant law enforcement agencies (for example, USCG, NOAA, partner nations) to interdict the vessel.

Upon appropriate enforcement action, information would be derived from the boarding to assist the JIATF with planning for future operations. Most important, such information would help law enforcement officials disrupt the criminal networks that facilitated the illegal activity. Building partner capacity would be another essential mission for a DOD-led IUU fishing JIATF. This is a critical effort primarily because better-trained and better-equipped nations can better combat IUU and become less reliant on external assistance. To address this objective, a directorate should be formed within the JIATF to support, train, and develop partner-nations' capacities to counter irresponsible fishing practices.

To address the global IUU threat, JIATFs could be placed at all geographic combatant commands (GCCs) to serve as the executive agents for DOD support to law enforcement for IUU fishing. This would be a logical implementation; the existing counterdrug JIATFs (JIATF South and JIATF West) reside at USSOUTHCOM and USINDOPACOM, respectively. As is the case with JIATF South and JIATF West, the size and scope of the IUU fishing JIATF should be proportional to the scale of the threat within the applicable GCC. JIATF South's organization and nodes of support are more robust than JIATF West's, primarily because of the volume of the drug flow in the Western Hemisphere and direct threat to the homeland. The same logic would apply for an IUU fishing JIATF at USINDOPACOM; its area of responsibility consists of 36 nations and over 50 percent of the world's population.³⁶ Moreover, the Asia-Pacific region produces 75 percent of the world's seafood.³⁷

Cynics might argue that DOD's plate is full and that it does not have the bandwidth or the budget to



Member of Royal Jordanian Navy conducts counter-illegal fishing training aboard patrol craft in Gulf of Aqaba during International Maritime Exercise/Cutlass Express 2022, February 9, 2022 (U.S. Navy/Dawson Roth)



U.S. Coastguardsmen assigned to USCGC *Stratton* question Taiwan fishing vessel crew during illegal, unreported, and unregulated fishing operations in Pacific Ocean, February 2, 2022 (U.S. Coast Guard/Sarah Stegall)

establish another JIATF dedicated to countering illegal fishing. However, today’s national security challenges are dynamic, forcing DOD to continuously realign its priorities to address the world’s most concerning threats. The Maritime Security and Fisheries Enforcement (SAFE) Act, passed in December 2019, established DOD as one of 21 agencies fully integrated into a whole-of-government working group to combat IUU fishing.³⁸ The working group convened for the first time in July 2020 and as part of its discussions considered the inclusion of “counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense.”³⁹ The working group also identified the need to develop a strategy to enhance the use of “shiprider” agreements among DOD, USCG, and partner nations to address illegal fishing.

It is evident that the foundation for DOD’s commitment to combat

IUU fishing has already been built, and establishing a counter-IUU fishing JIATF would meet one of the SAFE Act’s highest priorities: “to develop holistic diplomatic, military, law enforcement, economic, and capacity building tools to counter IUU fishing.”⁴⁰ After realigning its priorities and reallocating resources, DOD could begin the process of establishing JIATFs focused on IUU. According to former Secretary of Defense Mark Esper, “there are a number of things we can do to keep our adversaries off balance, to improve our own readiness at the same time, that don’t necessarily involve massive infusions of dollars.”⁴¹ Creative thinking and resourcefulness could be the secret ingredients necessary to up DOD’s game so it could become fully committed to countering an activity that not only undermines marine ecosystems and economic growth, but also threatens maritime security on an international level.⁴² JFQ

Notes

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²³ Cathy Haenlein, *Below the Surface: How Illegal, Unreported, and Unregulated Fishing Threatens Our Security* (London: Royal United Services Institute for Defense Security Studies, July 18, 2017), available at <<https://rusi.org/explore-our-research/publications/occasional-papers/below-surface-how-illegal-unreported-and-unregulated-fishing-threatens-our-security>>.

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²⁵ Haenlein, *Below the Surface*.

²⁶ *Trafficking in Persons Report* (Washington, DC: Department of State, June 2016), 88, available at <<https://2009-2017.state.gov/documents/organization/258876.pdf>>. The report identified 51 countries that have trafficking in their fishing industries or are transit countries for human trafficking for forced labor on fishing vessels in other jurisdictions or are at a high risk of experiencing trafficking in their fishing industries—although it does not discuss IUU fishing.

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³⁸ “U.S. Interagency Working Group on IUU Fishing,” National Oceanic and Atmospheric Administration Fisheries, available at <<https://www.fisheries.noaa.gov/national/maritime-safe-act-interagency-working-group-iuu-fishing>>.

³⁹ *Maritime SAFE Act, § 3544*, in *National Defense Authorization Act for Fiscal Year 2020*, Pub.L. 116-92 (2019), available at <https://media.fisheries.noaa.gov/dam-migration/maritime_safe_act-508compliant.pdf>.

⁴⁰ Ibid.

⁴¹ Ben Werner, “SECDEF Esper Preparing for Future Defense Spending Cuts,” *USNI News*, May 4, 2020, available at <<https://news.usni.org/2020/05/04/secdef-esper-preparing-for-future-defense-spending-cuts>>.

⁴² “Illegal, Unreported, and Unregulated Fishing,” Department of State, available at <<https://www.state.gov/key-topics-office-of-marine-conservation/illegal-unreported-and-unregulated-fishing/>>.