



Testimony

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Strengthening Cooperative International Maritime Law Enforcement in the Indo-Pacific

Developing a Combined Maritime Force of Coast Guards

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Strengthening Cooperative International Maritime Law Enforcement in the Indo-Pacific
Developing a Combined Maritime Force of Coast Guards

Testimony of Eric M. Cooper¹
RAND²

Before the Committee on Homeland Security
Subcommittee on Transportation and Maritime Security
United States House of Representatives

June 4, 2024

Good afternoon, and thank you for the honor of testifying today. I am a senior policy researcher at RAND, a nonprofit and nonpartisan research organization. Prior to joining RAND, I served in the U.S. Coast Guard for 30 years in multiple roles, including as Director for Maritime Security for the National Security Council; Commanding Officer of Maritime Security Response Team West, the Coast Guard's west coast counterterrorism team; Deputy Director of Operations at Coast Guard Pacific Area; a Crisis Action Planner in the Future Operations Division at U.S. Northern Command; and aboard several Coast Guard cutters conducting United Nations (UN) Security Council sanction enforcement, fisheries enforcement, security cooperation, and joint operations with partner countries. At RAND, I have been a contributing author on a number of projects associated with U.S. Coast Guard operations, strategy, policy, and acquisition programs, as well as projects involving uncrewed systems and Indo-Pacific operations. The opinions and recommendations in this testimony build on my own research and experience in the Coast Guard.

¹ The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research.

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My testimony today is focused on potential ways to improve cooperation and effectiveness in the Indo-Pacific using a combined maritime force that consists of coast guards and similar maritime law enforcement agencies. This structure can be useful in improving unity of effort and enforcing a rules-based order while simultaneously countering Chinese hegemony and coercion against U.S. allies and partners in the region. My comments apply to how gray zone tactics have eroded rule of law, how a Combined Maritime Force (CMF) can achieve U.S. objectives, and why the U.S. Coast Guard is the best positioned agency to lead this effort. I will discuss how a CMF of international coast guards and maritime law enforcement agencies, under the leadership of the U.S. Coast Guard, might institute a shared vision focused on the enforcement of maritime law and international norms.

Gray Zone Activities in the Indo-Pacific

The Indo-Pacific is a critical region of the world. More than one-third of global shipping transits the South China Sea, it is the home of more than half the world's population, and the region will likely drive global growth in the next several decades.³ U.S. strategy in the Indo-Pacific under the Biden, Trump, and Obama administrations has clearly outlined a commitment to a free and open international order upheld by partnerships and a shared vision.⁴ Despite this renewed emphasis to defend democratic principles and protect the rules-based paradigm, there is evidence that international norms continue to slowly erode under China's ascending power.⁵ For example, although China is a signatory to the UN Convention on the Law of the Sea (UNCLOS), it has ignored decisions by the UN arbitral tribunal that do not match China's preferred resolution of events.⁶ Furthermore, in violation of UNCLOS, China passed legislation in 2021 that allows China's coast guard to use lethal force against foreign military ships operating in waters that China considers to be under its jurisdiction.⁷ Moreover, China has empowered fishing vessels to operate as the People's Armed Forces Maritime Militia (PAFMM) and harass and forcefully coerce other vessels to comply with its wishes.⁸ Along with these activities, China's enforcement efforts for its expansive nine-dash line, which claims most of the South China Sea,

³ China Power Project, "How Much Trade Transits the South China Sea?" webpage, Center for Strategic and International Studies, updated January 25, 2021, <https://chinapower.csis.org/much-trade-transits-south-china-sea/>; White House, "Fact Sheet: In Asia, President Biden and a Dozen Indo-Pacific Partners Launch the Indo-Pacific Economic Framework for Prosperity," press release, May 23, 2022.

⁴ National Security Council, Executive Office of the President, *Indo-Pacific Strategy of the United States*, White House, February 2022.

⁵ Lynn Kuok, *How China's Actions in the South China Sea Undermine the Rule of Law*, Global China Project, Brookings Institution, November 2019.

⁶ Caitlin Campbell and Nargiza Salidjanova, "South China Sea Arbitration Ruling: What Happened and What's Next?" issue brief, U.S.-China Economic and Security Review Commission, July 12, 2016.

⁷ Japan Ministry of Defense, "The Coast Guard Law of the People's Republic of China," webpage, undated, https://www.mod.go.jp/en/d_act/sec_env/ch_ocr/index.html.

⁸ Derek Grossman and Logan Ma, "A Short History of China's Fishing Militia and What It May Tell Us," *RAND Blog*, April 6, 2020, <https://www.rand.org/pubs/commentary/2020/04/a-short-history-of-chinas-fishing-militia-and-what.html>.

are clear examples of gray zone tactics—activities that are below armed conflict but above normal peacetime behaviors, designed to change the status quo without the use of lethal force.⁹

China's stance is misaligned with international norms—specifically, UNCLOS. In 2016, The Hague-based Permanent Court of Arbitration unanimously declared that China's nine-dash line claim was “contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements” under the Convention.¹⁰ Despite this ruling, China ignored the court—alleging that it was not relevant—and has continued to assert influence and defend its claim with the multipronged maritime forces of the People's Liberation Army Navy, China Coast Guard, and the PAFMM. Although China has officially claimed that the PAFMM is independent of the state, the militia is a key component of China's maritime strategy.¹¹ It consists of a conglomeration of fishing vessels staffed with crew members who are armed, trained, and loyal to the government. The PAFMM uses intimidation, harassment, and other unlawful actions—including blocking and ramming other countries' vessels—to impose China's illegal claims but with plausible deniability from the Chinese government: “In the view of some observers, the PAFMM—even more than China's navy or coast guard—is the leading component of China's maritime forces for asserting its maritime claims, particularly in the [South China Sea].” Evidence shows that there continues to be an increasing number of PAFMM vessels operating near disputed islands in the South China Sea as a method to assert influence over other nations.¹²

Such actions by China Coast Guard and the PAFMM are not only dangerous but are also in violation of global agreements, including UNCLOS and the Convention on the International Regulations for Preventing Collisions at Sea, which establishes the responsibilities of maritime vessels and how they should safely act when operating near other vessels. Recent examples of Chinese vessels ramming other ships and using water cannons go against the international rules-based order and specifically against the obligation outlined in UNCLOS to ensure safety at sea. China's use of gray zone tactics to intimidate other countries will continue unless checked by a unified and persuasive international approach.

Although gray zone tactics are below the threshold of what would constitute acts of war, they can and should be addressed through legal avenues. UNCLOS stipulates that warships and government ships will be immune from the jurisdiction of foreign countries while on the high seas, but this immunity does not apply to the PAFMM, which consists of vessels that are

⁹ “A gray zone is an operational space between peace and war, involving coercive actions to change the status quo below a threshold that, in most cases, would prompt a conventional military response, often blurring the line between military and nonmilitary actions and the attribution of events” (Lyle J. Morris, Michael J. Mazarr, Jeffrey W. Hornung, Stephanie Pezard, Anika Binnendijk, and Marta Kepe, *Gaining Competitive Advantage in the Gray Zone: Response Options for Coercive Aggression Below the Threshold of Major War*, RAND Corporation, RR-2942-OSD, 2019, p. 8, https://www.rand.org/pubs/research_reports/RR2942.html).

¹⁰ Permanent Court of Arbitration, “Arbitration Between the Republic of the Philippines and the People's Republic of China,” press release, October 29, 2015, p. 3.

¹¹ Micah McCartney, “China's Maritime Militia: The ‘Gray Zone’ Force in the South China Sea,” *Newsweek*, December 22, 2023, <https://www.newsweek.com/china-maritime-militia-gray-zone-tactics-1854766>.

¹² Asia Maritime Transparency Initiative, “The Ebb and Flow of Beijing's South China Sea Militia,” Center for Strategic and International Studies, November 9, 2022.

classified as commercial or private, including registration by China as fishing vessels.¹³ When actions resulting in collision and death occur in the territorial seas of another country, Article 27 of UNCLOS stipulates that those actions fall under the criminal jurisdiction of that country's laws "if the consequences of the crime extend to the coastal State; [or] if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea."¹⁴

Therefore, if PAFMM vessels are conducting criminal activities, as defined in UNCLOS, while operating in waters already determined by the Permanent Court of Arbitration to be territorial waters under a country's (e.g., the Philippines) jurisdiction, PAFMM crew members are subject to law enforcement action by that country's law enforcement agency. A country's enforcement against these activities would likely also be supported under the right of self-defense and customary international law, which "permits a state to take reasonable measures to defend itself from aggressive threats to its political security or territorial integrity."¹⁵ Furthermore, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation provides another enforcement avenue against a vessel that commits violence against a person or damages another vessel.

As the United States strives for a free and open Indo-Pacific, the foundations of international law need to be reinforced as the bedrock of global relationships. In particular, sustained enforcement of established maritime legal principles offer critical means for the United States and its allies and partners to meet strategic objectives in the Indo-Pacific, especially given China's frequent use of nonmilitary actions to subvert international norms.¹⁶ The establishment of a CMF that is focused on law enforcement and consists of international coast guards and maritime law enforcement agencies working together to address illegal activity is a potential solution to the continued degradation of the rules-based order and would underpin a free and open Indo-Pacific.

Structure of a Combined Maritime Force

CMFs are not a new concept. International maritime coalitions have been in existence since the 19th century, when U.S., British, and French forces worked to eradicate piracy off the coasts

¹³ Novena Clementine Manullang, Achmad Gusman Siswandi, and Chloryne Trie Isana Dewi, "The Status of Maritime Militia in the South China Sea Under International Law Perspective," *Jurnal Hukum Ius Quia Iustum*, Vol. 27, No. 1, January 2020.

¹⁴ United Nations Convention on the Law of the Sea, signed December 10, 1982, entered into force November 16, 1994, Part II, Section 3, Subsection B, Article 27(1).

¹⁵ Robert C. F. Reuland, "Interference with Non-National Ships on the High Seas: Peacetime Exceptions to the Exclusivity Rule of Flag-State Jurisdiction," *Vanderbilt Journal of Transnational Law*, Vol. 22, No. 5, 1989, p. 1206.

¹⁶ China uses primarily nonmilitary and financial sources to influence countries in the region. For a more in-depth discussion, see Christopher Paul, James Dobbins, Scott W. Harold, Howard J. Shatz, Rand Waltzman, and Lauren Skrabala, *A Guide to Extreme Competition with China*, RAND Corporation, RR-A1378-1, 2021, https://www.rand.org/pubs/research_reports/RRA1378-1.html.

of Africa following the 1856 Paris Declaration Respecting Maritime Law.¹⁷ Today, the U.S. Coast Guard and U.S. Navy routinely participate in international maritime coalitions on critical issues, including combating transnational criminal organizations under Joint Interagency Task Force (JIATF) South and JIATF West. The United States also leads the Bahrain-based CMF, which is made up of 38 member nations and exists to uphold “the International Rules Based Order . . . by countering illicit non-state actors on the high seas and promoting security, stability, and prosperity.”¹⁸

A significant advantage of the CMF concept is that the level of involvement is voluntary and the participation by each country “varies depending on its ability to contribute assets and the availability of those assets at any given time.”¹⁹ Some countries might be able to provide only a single member to serve as a liaison officer, while others might be able to conduct training or provide ships and aircraft to support operations.

There is currently no equivalent CMF operating in the Indo-Pacific, although countries work together intermittently to address specific issues. Ongoing law enforcement initiatives in the region include the Oceania Maritime Security Initiative, the Southeast Asia Maritime Law Enforcement Initiative, and the Southeast Asia Cooperation and Training exercise, but each operates independently, without a common architecture or unifying organization. These independent initiatives and unilateral efforts are valuable, but such activities could be improved by operating under the umbrella of a dedicated CMF construct that aligns comprehensive objectives and incorporates more partners.

Advantages of a Law Enforcement–Led Combined Maritime Force over a Military-Led Approach

International coalitions have repeatedly demonstrated the ability to enhance multinational partnerships and develop synergies to tackle global issues in the maritime commons. The Bahrain-based CMF has demonstrated impressive efficacy and has basically eradicated piracy off the Horn of Africa, enforced UN sanctions around the region, stopped the flow of hundreds of thousands of pounds of narcotics, and, in 2021 alone, seized more than 8,700 illegal weapon systems and rocket-propelled grenades.²⁰

Although the U.S. Navy has been successful in promoting U.S. presence and developing partnerships in the Middle East through the CMF based in Bahrain, the gray zone threats in the Indo-Pacific require a different approach. The U.S. Navy is already fully engaged in the Indo-Pacific by providing forward presence, theater ballistic missile defense, and military-to-military cooperation. Adding the responsibility of maritime law enforcement, training, and support

¹⁷ Caitlin M. Gale, “Barbary’s Slow Death: European Attempts to Eradicate North African Piracy in the Early Nineteenth Century,” *Journal for Maritime Research*, Vol. 18, No. 2, 2016.

¹⁸ Combined Maritime Forces, homepage, undated-b, <https://combinedmaritimeforces.com/>.

¹⁹ Combined Maritime Forces, “About CMF,” webpage, undated-a, <https://combinedmaritimeforces.com/about>.

²⁰ NAVCENT Public Affairs, “Record Seizures in 2021 After NAVCENT and CMF Increase Patrols,” U.S. Naval Forces Central Command, U.S. 5th Fleet, January 18, 2022.

operations to the U.S. Navy's repertoire could divert its focus from its other missions and would likely heighten tensions between China and the United States, which is a key concern of regional countries. In addition, the creation of a CMF under the purview of the 7th Fleet has a high potential of receiving a negative response from China and could compound tensions because of a perceived increase of militarization in the region.

The situation in the Indo-Pacific today calls for the employment of softer power that reduces the risk of armed conflict. An international coalition of maritime law enforcement agencies would be poised to demonstrate appropriate conduct by applying international standards in the maritime domain. Moreover, the U.S. Coast Guard possesses authorities and several unique capabilities that make it ideally suited to support the U.S. contribution in a leadership role. The service maintains tactical skill sets through its expert boarding parties and training teams, conducts routine operational engagement with partners in the region through various conventions and shiprider agreements, and supports a strategic approach outlined in its own plans and in the current administration's goals for the Indo-Pacific.²¹

Although several countries possess dedicated coast guards, many have singular maritime services, which are more similar to the U.S. Coast Guard than to the U.S. Navy. Maritime forces often have limited regional reach and are focused more on sovereignty and coastal protection than on global force projection. For example, India, Japan, South Korea, Malaysia, Philippines, Singapore, Taiwan, and Vietnam maintain a coast guard (or a coast guard-like organization) that has law enforcement authority. Some countries, such as Indonesia and Thailand, have a coast guard but also provide law enforcement authority to their navy, while others, such as Australia, Brunei, and Cambodia, do not maintain a coast guard but provide law enforcement authority to their navy or a similar organization. Thus, concentrating on maritime law enforcement rather than on military competition makes sense. The U.S. Coast Guard also brings a mix of other types of authority and expertise that is important to Indo-Pacific partners, and the organization can easily operate alongside foreign militaries, coast guards, and maritime police, as evidenced in their robust cooperative interdiction operations in the Western Hemisphere.

Several U.S. strategies already support the development of an international maritime law enforcement coalition in the Indo-Pacific.²² Moreover, the United States routinely conducts patrols in Oceania with regional partners, including through its permanently based U.S. Coast Guard cutters in Guam. Eleven Pacific Island countries have signed shiprider agreements with the United States to share resources when conducting boardings to enforce laws and treaties.²³ The U.S. Coast Guard has established a strong regimen of tailored training through its

²¹ National Security Council, 2022. Only one agency—the U.S. Coast Guard—is specifically mentioned in the entire strategy document.

²² National Security Council, 2022; U.S. Department of Defense, *The Department of Defense Indo-Pacific Strategy Report: Preparedness, Partnerships, and Promoting a Networked Region*, June 1, 2019; White House, *Pacific Partnership Strategy of the United States*, September 2022.

²³ These countries are the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Palau, Samoa, Tonga, Tuvalu, and Vanuatu (U.S. Mission China, "Pacific Islands Forum—U.S. Engagement in the Pacific Islands," U.S. Embassy and Consulates in China, August 20, 2019, <https://china.usembassy-china.org.cn/pacific-islands-forum-u-s-engagement-in-the-pacific-islands/>).

International Mobile Training Branch in support of the Pacific Partnership Strategy.²⁴ Additionally, Japan-based U.S. Coast Guard Activities Far East provides routine maritime security assistance across the Indo-Pacific and Oceania through the International Port Security Program.²⁵ In a show of trust and confidence in the U.S. Coast Guard, both Palau and the Federated States of Micronesia recently signed agreements that allow the United States to enforce maritime law on behalf of those countries without having a representative onboard.²⁶ With the help of U.S. leadership, these types of agreements could be expanded under a coalition of countries. Aligning these bilateral efforts under a single multinational organization is a sensible solution to challenges in the Indo-Pacific.

The Potential Benefits of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies

The establishment of a regional CMF coalition would have three distinct advantages: (1) It would create a cohesive structure for addressing critical issues in the Indo-Pacific, (2) it would enhance partnerships that focus on reinforcing a rules-based order, and (3) it would counterbalance China's hegemonic approach.

The development of a CMF would build a much-needed structure to consistently address critical issues in the Indo-Pacific. A cohesive organization would allow a more-efficient exchange of information and a more-effective distribution of resources to address challenges. The greatest current threat is illegal, unreported, and unregulated (IUU) fishing, as evidenced by the fact that 76 countries signed the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which prevents vessels engaged in IUU fishing from using signatory ports to land their catch.²⁷ In the 1980s and 1990s, a coalition of six countries joined together to enforce laws against illegal high seas driftnet fishing under Operation North Pacific Guard. The U.S. Coast Guard reported that "our collective efforts have been overwhelmingly successful in nearly eliminating illegal high seas driftnet fishing in the North Pacific Ocean."²⁸ The development of an international coalition of coast guard and law enforcement agencies built by like-minded countries that govern under a rules-based approach would also reinforce agreed-on international norms in the Indo-Pacific.

²⁴ U.S. Coast Guard Forces Micronesia, Sector Guam, "U.S. Coast Guard Forces Micronesia Sector/Guam's Fast Response Cutters Bolster Pacific Partnership Strategy and Strengthen Pacific Island Country Relations," press release, U.S. Coast Guard News, August 18, 2023.

²⁵ U.S. Coast Guard—Pacific Area, "International Port Security Program," webpage, undated, <https://www.pacificarea.uscg.mil/Our-Organization/District-14/D14-Units/Activities-Far-East-FEACT/FEACT-Maritime-Security/>.

²⁶ "U.S. and Republic of Palau Sign Agreement to Strengthen Ties with New Chapter in Maritime Security and Stewardship in the Pacific," press release, U.S. Coast Guard News, August 29, 2023.

²⁷ Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, rev. ed., approved November 22, 2009, entered into force June 2016.

²⁸ U.S. Coast Guard, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, p. 2.

The creation of a CMF would not be easy nor guaranteed to be successful. There is always the challenge that countries would not want to participate for fear of retaliation by China or that their limited resources would strain other priorities. For example, in much of Oceania, Pacific Island countries, such as the Federated States of Micronesia, the Marshall Islands, Palau, Kiribati, Vanuatu, Nauru, and the Solomon Islands, do not maintain a military or a coast guard (with the exception of Fiji, Papua New Guinea, and Tonga, which have limited capacity). Moreover, China has already criticized a cooperative agreement between Taiwan and the U.S. Coast Guard, and further U.S. international engagement could be perceived as an encroachment and a threat to Chinese sovereignty and security.²⁹ An expanded U.S. presence could also increase the risk of miscommunication, accidents, or unplanned escalation by competing maritime forces. Despite these risks, investing in the region would demonstrate U.S. commitment and increased presence, which would allow the United States to provide more constructive operational support to partners. This would likely lead to more-robust participation by the United States in decisions about governance architecture rather than letting Beijing control the rules through coercion.

A benefit of a CMF structure is that countries are only required to provide assets at the level that they can contribute, which opens the door for more access to participation. For countries without a maritime capability, this could include providing liaison officers, executing shiprider agreements, or establishing logistics hubs for other participating countries. Countries with more resources are already conducting operations or activities in the region—albeit in an uncoordinated and sometimes ad hoc manner—and this provides an opportunity improve coordination among like-minded countries. For example, the United Kingdom has permanently stationed two Royal Navy ships in the Indo-Pacific to provide maritime security and combat illegal fishing and has conducted joint patrols with U.S. Coast Guard ships including signing a memorandum of agreement that allows U.S. Coast Guard shipriders aboard the vessels.³⁰ France has a vested interest with territories in the region and has permanently stationed Maritime Gendarmerie (French maritime law enforcement) patrol boats there. Australia, Japan, South Korea, and the Philippines regularly conduct operations with countries in the region. Additionally, 21 countries have signed on to the Singapore-based Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) as a demonstration of “government-to-government agreement to promote and enhance cooperation” of maritime law enforcement in the region.³¹ More than 20 countries have participated in the Southeast Asia Cooperation and Training Program, which focuses on multilateral cooperation in

²⁹“China Denounces US–Taiwan Coast Guard Cooperation Agreement,” Associated Press, March 26, 2021.

³⁰ Royal Navy, “Pacific Patrol Ships Begin Third Year Deployed Broadening Their Mission,” September 12, 2023, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2023/sepember/12/20230912-pacific-patrol-ships-begin-third-year-deployed-broadening-their-mission>.

³¹ ReCAAP, “About ReCAAP Information Sharing Centre,” webpage, undated, https://www.recaap.org/about_ReCAAP-ISC.

support of maintaining rules and norms in the maritime domain across the Indo-Pacific.³² Indonesia, Malaysia, the Philippines, and Vietnam have participated in the Southeast Maritime Law Enforcement Initiative alongside the U.S. Coast Guard and would likely be contributing partners to increase coordination and training to improve law enforcement capabilities. Organizing these disparate activities under a single construct, such as a CMF, would greatly enhance the coordination and unified understanding of maritime threats and law enforcement responses in the region. Although it is not anticipated that this approach will occur overnight or even in the next several years, the absence of a coordinated international maritime law enforcement approach will continue to cede influence and control to China.

The presence and influence of a multinational force will create a unified front against China's hegemonic activities. As previously noted, China has used gray zone tactics to advance its political and strategic agendas. The PAFMM currently creates an asymmetric advantage for China, but building capacity and coordination now and influencing the rules-based order through a CMF would provide a bulwark against this asymmetry: "Introducing a robust Coast Guard [and law enforcement force] would provide the U.S. with options for responding to Chinese tactics while still operating below the threshold of military conflict" and would simultaneously establish a precedent that would diminish China's illegal claims.³³

The Foundation of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies

The CMF in Bahrain consists of five combined task forces (CTFs) that are geographic or mission driven.³⁴ The creation of a CMF should follow a similar structure of diverse CTFs, but focused on the most pressing threats to the Indo-Pacific.

The road to success for building strong international partnerships and an effective CMF includes establishing a solid foundation focused on the issues that are important to the region and developing agreement about how to address these challenges. Two key regional bodies in the Indo-Pacific are the Association of Southeast Asian Nations (ASEAN) and Asia-Pacific Economic Cooperation (APEC). ASEAN lists its priority maritime security areas of cooperation as follows:

- "Shared Awareness and Exchange of Information and Best Practices,

³² Rebecca Moore, "20 Indo-Pacific Maritime Forces Commence 22nd SEACAT Exercise," U.S. Pacific Fleet, August 15, 2023, <https://www.cpf.navy.mil/Newsroom/News/Article/3493679/20-indo-pacific-maritime-forces-commence-22nd-seacat-exercise/>.

³³ Blake Herzinger, "Reorienting the Coast Guard: A Case for Patrol Forces Indo-Pacific," War on the Rocks, November 5, 2019, <https://warontherocks.com/2019/11/reorienting-the-coast-guard-a-case-for-patrol-forces-indo-pacific/>.

³⁴ The five task forces are combined task force (CTF) 150, Maritime Security; CTF 151, Counter-Piracy; CTF 152, Gulf Maritime Security; CTF 153, Red Sea Maritime Security; and CTF 154, Maritime Security Training. CTF 154 was established in May 2023 and is based in and focuses on the Middle East. See Combined Maritime Forces, undated-b.

- Confidence Building Measures based on International and Regional Legal Frameworks, Arrangements and Cooperation including the 1982 UNCLOS, and
- Capacity Building and Enhancing Cooperation of Maritime Law Enforcement Agencies in the Region.”³⁵

The APEC Ocean and Fisheries Working Group lists combating IUU fishing as its top priority.³⁶ Given the priorities of these regional organizations, the logical foundation for a CMF would center on the establishment of three dedicated CTFs focused on

- information and maritime domain awareness
- training, exercises, and capacity-building
- countering IUU fishing.

Information and Maritime Domain Awareness

The development of comprehensive maritime domain awareness is critical when establishing a law enforcement presence. Understanding the type, location, and activities of maritime vessels is a critical step before applying limited enforcement resources across a vast ocean. The Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA), which is focused on “maritime domain awareness and maritime security in South Asia, Southeast Asia, and the Pacific Islands using advanced commercial satellite data” can be a starting point for the development of this first task force.³⁷ In addition to providing data to the four fusion centers in India, Singapore, the Solomon Islands, and Vanuatu, IPMDA can be an opportunity to increase awareness by members that commit to abiding by the foundational principles and participating in the CMF. With additional intelligence provided by these international partners, this task force could provide a better picture and understanding of what is happening in the region to support operations by deployed assets and regional law enforcement agencies.

Training, Exercises, and Capacity-Building

The second task force would focus on building the capacity of regional partners. Even when a country has the will, it might lack the background, expertise, or resources to fully enforce laws within its jurisdiction. A core tenet of maritime security is that all countries are interested primarily in protecting their own resources and territorial waters, which can add value to a joint regional approach. To enable success, the CMF could establish a dedicated arm focused on training and exercises to build capability, competency, and consistency for the least capable countries. Structured training programs and exercises are critical components of developing

³⁵ Association of Southeast Asian Nations, “Priority Areas of Cooperation,” webpage, undated, <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/maritime-security/>.

³⁶ Asia-Pacific Economic Cooperation, “Ocean and Fisheries,” webpage, last page update September 2023, <https://www.apec.org/groups/som-steering-committee-on-economic-and-technical-cooperation/working-groups/ocean-and-fisheries>

³⁷ Joseph R. Biden, Jr., “Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses,” memorandum to cabinet-level secretaries et al., White House, National Security Memorandum 11, June 27, 2022.

capabilities. A systematic approach under a CMF would allow international partners to participate in a persistent training and exercise regimen that is coordinated, complementary, and concentrated on priority concerns. Classroom training can be reinforced through on-the-job operational training implemented through shiprider agreements on afloat resources performing duties under an operational CTF.

Countering Illegal, Unreported, and Unregulated Fishing

The third task force of the CMF and the first component consisting of operational assets should focus on IUU-fishing enforcement and the creation of sustainable fisheries. In 2020, according to statistics from the Food and Agriculture Organization of the United Nations, 85 percent of the world's fishers and aquaculture workers are in Asia, and the waters around the continent account for more than 60 percent of the global catch.³⁸ The top locations for illegal fishing were in the western, central, and south Pacific.³⁹ Dwindling fish stocks in the Indo-Pacific are a global problem, and countries taking action independently is not enough. Commercial fishing activity is not expected to decrease, and fish stocks will continue to decline without a coordinated methodology. The development of a CMF would create the beginnings of a unified approach to address the IUU-fishing problem and the depletion of fish stocks.

The establishment of a CMF would do more than just build a coalition of countries to address IUU fishing. As highlighted in the National Oceanic and Atmospheric Administration's strategy, "addressing IUU fishing is not just about fish: it is a multi-faceted problem that covers other core policy concerns, including human rights, food security, and maritime security."⁴⁰ A CMF would create the foundation for addressing the core components of combating IUU fishing, including information-sharing, joint operations, and international prosecution. A cohesive and coordinated maritime force in the region could also serve to quickly transition to search-and-rescue service, environmental pollution response, or a natural disaster-relief response force. Moreover, such a force would establish the foundation for a robust law enforcement presence to respond to UNCLOS violations and enforce international norms.

Leadership and Membership of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies

Creating a CMF offers a key opportunity for the United States to show commitment and leadership while building partnerships that focus on the issues that matter most in the Indo-Pacific region. As I implied earlier, the United States should consider coordinating with regional

³⁸ Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture: Towards Blue Transformation*, 2022.

³⁹ Derek Grossman, *Chinese Strategy in the Freely Associated States and American Territories in the Pacific: Implications for the United States*, RAND Corporation, CT-A2768-1, 2023, <https://www.rand.org/pubs/testimonies/CTA2768-1.html>.

⁴⁰ U.S. Interagency Working Group on Illegal, Unreported, and Unregulated Fishing, *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing: 2022–2026*, 2022, p. 7.

partners on establishing a U.S. Coast Guard admiral as the CMF leader.⁴¹ The Coast Guard has already committed to supporting Indo-Pacific operations through its routine patrols with national security cutters, law enforcement detachment deployments, and home-porting fast response cutters in the region. Having the U.S. Coast Guard as the lead or as an executive agent would be a natural fit and would likely promote unity of effort among other countries that are already engaged in multilateral coast guard forums and multinational exercises, including through the Southeast Asia Maritime Law Enforcement Initiative and Southeast Asia Cooperation and Training programs. A combined multinational force with U.S. backing provides opportunities for countries without robust maritime law enforcement agencies to provide other contributions while reaping the benefits of CMF operations.

Although the CMF would be led by the United States, the task forces would be led by a rotating leadership of member countries. The Quad countries (Australia, India, Japan, and the United States) are already invested in the IPMDA and are natural partners.⁴² Pacific Island countries already place a high priority on illegal fishing and would likely seek to become part of a coalition. Countries that are parties to existing international conventions—of which there are many—would also likely be interested in participating. In addition, the U.S. Coast Guard has already transferred ownership of former high endurance cutters to the Philippines, Vietnam, Bangladesh, and Sri Lanka. These ships provide the opportunity to participate and cooperate with the U.S. Coast Guard and U.S. Navy with significant capability, including serving as on-scene leaders supporting CMF missions. Moreover, in February 2023, the United States and the Philippines restarted joint patrols in the South China Sea, further enabling a coordinated approach to an operational arm of a CMF.

The eventual goal is to have Indo-Pacific countries participate in a CMF with the purpose of a free and transparent Indo-Pacific. Some countries might be concerned about upsetting China and hesitate to join a coalition, but I submit that a large majority of countries would support this approach. Moreover, focusing on a rules-based order through law enforcement with an emphasis on maritime domain awareness, training, and countering IUU fishing could temper that concern.

Resource Contributions

Similar to other international coalitions, funding for a CMF should be spread across participating countries to the level that each country can afford. For the United States, Congress might have already provided an avenue for funding through the Maritime Security and Fisheries Enforcement Act as part of the 2020 National Defense Authorization Act.⁴³ This legislation

⁴¹ Although an analysis of this issue was beyond the scope of this testimony, this arrangement would be challenging for the U.S. Coast Guard in its current structure. A reorganization might be necessary, including revisiting the JIATF West organization, which is headed by a U.S. Coast Guard admiral but operates under the umbrella of U.S. Indo-Pacific Command.

⁴² “The partnership is known formally as the ‘Quad,’ not the Quadrilateral Security Dialogue, noting its nature as a diplomatic, not security, partnership” (Department of Foreign Affairs and Trade, “The Quad,” webpage, Australian Government, undated, <https://www.dfat.gov.au/international-relations/regional-architecture/quad>).

⁴³ Public Law 116-92, National Defense Authorization Act for Fiscal Year 2020, December 20, 2019, Division C, Title XXXV, Subtitle C.

directs agencies to focus on combating IUU fishing, including assessing opportunities to use the CMF in Bahrain and to create partnerships in priority regions. Building on this legislation—potentially in coordination with the Pacific Deterrence Initiative—Congress has an opportunity to authorize and appropriate funds for the establishment of a CMF in support of the U.S. Indo-Pacific strategy.⁴⁴ Recognizing that smaller countries might not be able to marshal resources, discussion about the reinvestment of ship seizure sales, judicial proceeds, and profits from the captured biomass of participating countries should be considered to offset costs. This could help incentivize the involvement of these countries, particularly those “at high risk for IUU fishing activity . . . [and that] lack the capacity to fully address the illegal activity.”⁴⁵ If Congress decides to pursue this course of action, the U.S. Coast Guard would need authorization and additional appropriations, along with significant coordination with the Department of State and the Department of Defense, to fully resource a CMF.

Conclusion

I’d like to thank the subcommittee for the opportunity to testify today and discuss one potential way to improve cooperation and effectiveness in the Indo-Pacific using a combined maritime force that consists of coast guards and similar maritime law enforcement agencies. China’s continued use of gray zone tactics have eroded international norms, and the United States should counter this coercion and illegal activity by increasing presence, partnerships, and unity of effort toward establishing rule of law in a free and open Indo-Pacific.

⁴⁴ U.S. Department of Defense, *Pacific Deterrence Initiative: Department of Defense Budget Fiscal Year (FY) 2024*, March 2023.

⁴⁵ U.S. Interagency Working Group on Illegal, Unreported, and Unregulated Fishing, 2022, p. 5.