

Center for Strategic and International Studies

TRANSCRIPT

Event

## **Ocean Security and Human Rights Forum**

DATE

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FEATURING

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**Kelly Kryc**

*Global Fellow, Wilson Center*

**Martina Vandenberg**

*President, Human Trafficking Legal Center*

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Whitley  
Saumweber:

Hi. Good morning, everybody. Welcome. Welcome to CSIS. My name is Whit Saumweber. And I am the director of the Stephenson Ocean Security Project here at CSIS. And I'm delighted to have you here in the room today, as well as online. Thank you so much for joining us.

We are here to talk about the intersection of ocean health, ocean security, resource sustainability, human rights. And to talk about, in particular, how things are changing here in the U.S., and how that is reflecting abroad on our ability to deal with these linked challenges. I'm thrilled today that this is our fifth Ocean Security Forum here at CSIS. And today we are partnering, especially with our Human Rights Initiative here at CSIS, as well as the U.S. IUU Fishing and human – sorry – Labor Rights Coalition. Which is a coalition of over a dozen groups working in this space here in the United States and abroad.

So for now I'll just say, again, a quick welcome. For those who are in the room, should there be any kind of issue just make sure you just follow the signs for the exit. But I want to take a moment and introduce Dr. Max Valentine, who is a senior scientist and director of the Campaign to End Illegal Fishing at Oceana. And she's going to talk a little bit more about the coalition and its work, and maybe why we're all here today. Thanks very much.

Marla Valentine:

Thank you, Whit. And good morning, everyone. I have the honor of welcoming all of you in person and online on behalf of the U.S. IUU Fishing and Labor Rights Coalition. We are a coalition of civil society organizations working at the nexus of illegal, unreported, and unregulated fishing and labor rights abuses, including forced labor. In seafood – and we're largely focused in seafood supply chains. We work to leverage U.S. government mechanisms to promote policy change on these two intersecting issues. Our coalition promotes real time coordination among civil society, government, and the private sector, as well as with major seafood importers and exporters, to tackle the complex, multifaceted, and inherently linked challenges of IUU fishing and labor rights abuses in the seafood supply chain.

June 5th is recognized by the United Nations as the day for the fight against IUU fishing. But this day is more than a date on a calendar. It's a call to action that we need to follow, day-in and day-out, because IUU fishing is threatening the health of our oceans, undermining our food security, and eroding the rule of law. So thank you for joining us for this dialog today. I'm hoping it's going to lead to some interesting discussions that may result in some actions following this. Thank you.

(Applause.)

Dr. Saumweber: So I think – and I should have mentioned before kind of some of the structure of how we’re going to go about today. So we’ve got two wonderful panels today. We’ve got our first panel here, which I’ll introduce in a moment, where we’re going to think about and talk about some of the broader challenges from a national security perspective, from a global relationship perspective, and from a resource perspective that are being brought about by the shift in tone and approach between the Biden and the Trump administrations.

We’re going to have then a break during which we will show clips from a very moving documentary produced by the Indonesian Migrant Workers Union, talking about the use of migrant labor and the potential abuse that many of those individuals face in distant water fishing fleets in the Pacific. And then we’ll flow into a second panel talking about the ways in which those same kinds of changes in national policy that I mentioned at first are impacting our ability to deal with human rights abuses in our supply chains here in the United States, and in particular, in our seafood supply chains.

So we hope this will be a really great discussion, a really great morning. There’ll be opportunities for audience questions in both panels. And we look forward to the discussion. And so I’ll go ahead and now shift a little bit, introduce my panel here today. We have on the end Dr. Marla Valentine, who I just introduced and who introduced the coalition. We’re joined also by Steve Brock, who is a retired Navy captain and most recently served as senior advisor to the U.S. navy secretary under President Biden and is now a senior advisor at the Center for Climate Security.

To my right is Dr. Kelly Kryc, who is a science and policy expert, has served in multiple roles in the government and in Capitol Hill, most recently as the deputy assistant secretary for international fisheries at the National Oceanic and Atmospheric Administration under President Biden, and is now a global fellow with the Wilson Center. And then finally, myself. Of course, I’m Whit Saumweber. And I am both director of the Stephenson Ocean Security Project here at CSIS and also a professor of marine affairs at the University of Rhode Island.

So I think I’d like to start off today just talking a little bit about kind of how things have changed and are changing, and maybe where we’re going. You know, we’re in the midst of this radical shift in tone and approach to U.S. trade and foreign policy. It’s really stark, even by historical standards. I think we all recognize that. And I think that the Trump administration would not be shy about saying that themselves.

They've signaled a strong desire to step back from our historic multilateral relationships and redefine our position in the world, and our partnerships abroad, around bilateral reciprocity in terms of trade and economic opportunity.

This has upended traditional systems for governing U.S. market access for the purposes of sustainability, market stability, and human rights, and it has required a rapid recalibration of how we maintain key security alliances abroad. This is especially true when these relationships are built in part on those terms of market access. And yet, there remain some areas of bipartisan agreement on trade security priorities that extend across parties and even between the Biden and Trump administrations. One of these areas is the fight against IUU fishing and associated human rights abuses in supply chains.

This is evidenced by a recent Trump executive order on sustaining – rebuilding American competitiveness in fishing. We'll hear a little bit more about that. But also, the 2022 national security memorandum on combating IUU fishing under President Biden, and longer and older policies that date back to President Obama, including the Seafood Import Monitoring Program and other traceability programs at NOAA and Department of Homeland Security.

So today we're going to consider these apparent contradictions and consider what policy pathways might exist to meet these continuing challenges in this emerging world of U.S. bilateralism. So I'd like to start, and maybe I'll turn to Dr. Kryc here, and ask for some reflections on how you have seen these changes, what it might mean for the institutions that you were relying on in your fight against IUU fishing, and how you think those institutions and those relationships could survive or be used in this current state of affairs.

Kelly Kryc:

Thank you, Whit. Thanks to CSIS for hosting this event. Thank you to all of you for being here to learn about and discuss this issue. And thanks for teeing up a lot of what I was about to say, so you have a little bit of context.

In addition to the role of deputy assistant secretary for international fisheries, I also chaired a 21-agency task force mandated by Congress to combat IUU fishing. So I'll be reflecting a little bit on the work that we did as the 21-agency effort. Whit mentioned the recent executive order, the seafood executive order from April. In that order it says it's the policy of the United States to combat and prevent illegal, unreported, and unregulated fishing. Whit also mentioned the national security memorandum that the Biden administration put out in 2022, in which it says it is the policy of the United States to combat and prevent illegal,

unreported, and unregulated fishing. Both of these also tie the issue of forced labor and human rights as associated issues with IUU fishing.

So, great. We have a policy in the United States to do this. I'll note some big differences between the executive order and the national security memorandum. The executive order calls out two agencies, USTR to handle this process through trade, and the second, the Department of Commerce, to look at our seafood – and I was part of Department of Commerce, so occasionally you might hear se say, “our” – the Seafood Import and Monitoring Program as a tool to prevent products that were produced by IUU fishing from entering our markets. The national security memorandum from the Biden administration leveraged all 21 agencies and all of the tools, the laws, the regulations that could be brought to bear to combat this issue. It's bigger than just two agencies, in this case.

And I think that that's the approach that is likely to bear out the outcomes that both administrations are looking at to prevent this from happening and from to prevent it from disadvantaging our fishing industry, which is really part of the crux of the problem in the United States. So during the Biden administration, and as mandated by Congress, these 21 agencies put out a five-year strategy. You can find that five-year strategy online. It had three pillars. And I think this will set up part of the conversation we're having today.

One was a reliance on global governance, multilateralism. How do we negotiate with all of the countries who operate on the high seas to adopt measures that set up the compliance, monitoring, and surveillance regime that enables enforcement of the consensus-driven process, the agreements that countries who participate in regional fisheries management organizations, or RFMOs. We all come to consensus. It is a long process. It is tedious, but is durable once you get a consensus-based agreement. I'm a big fan of multilateralism.

And one of the big wins we just had in December is that at the – in the South Pacific, in the western central – Western and Central Pacific Fisheries Commission we adopted the first-ever binding measure on forced labor in the seafood sector, all right? As of 2028, that will go into force and we will have the mechanism to hold countries accountable who are abusing their laborers at sea. That's huge. You can only do that in a multilateral place, right?

The second pillar of the five-year strategy was to prevent IUU fishing at the source. OK, the United States is not necessarily the source of the problem. So the countries, there the countries who abuse their laborers, and then there are the countries from which those laborers come from.

The work that we were doing was to build capacity in those countries. We would send experts from NOAA, from the Coast Guard, from State Department, into those countries where we – it resulted in laws being changed so that countries were adopting laws as strong as Magnuson-Stevens here in the United States. That allows enforcement. So in a much more bilateral fashion, capacity building meant to prevent this at the source. There's only so much we can do here domestically. When you eliminate capacity dollars, those programs were funded by USAID and State Department, you eliminate the ability to do that work.

The third pillar was preventing product from entering U.S. market. That's the domestic side of the strategy. And we can drill into that. But, again, when you – when you eliminate staff, and funding, and resources from organizations like NOAA, you no longer have the ability to actually achieve that pillar either. So with that, I'll kind of – that's the stage in which we're operating. And I think some key differences between how you can approach this problem through a multitiered system that covers global governance, bilateralism, and domestic approaches, to use the full force of the U.S. government to combat this issue.

Dr. Saumweber: Great. Thanks, Kelly.

Steve, you served for a long time as an officer in the Navy, and then had the privilege of working with Secretary Del Toro for the four years of the Biden administration. And during that time, were thinking about how you might construct a new approach to maritime statecraft. Maybe give us some thoughts about the world today, and what – (laughs) – what it might look like in a different sort of network of relationships.

Steve Brock: So thanks so much, Whit. And thanks for all of you for being here, for your interest in this really important subject.

My comments are going to sort of be framed around the international security aspect of this and great-power competition. You'll see that theme run through everything that I say. You know, we came to the realization that we have a great deal of sea blindness in our nation. We take for granted the maritime sphere, the maritime domain. And we can't afford to do so anymore because we have a competitor who is dominant in many aspects of that. And we aren't anymore. And that comes to this topic also.

So, you know, at the core of how we got involved as making IUU part of our Maritime Statecraft Initiative – and maritime statecraft was this effort to try to bring whole of government and whole of nation

awareness and advocacy and action, and a renaissance in American maritime power, and getting America back onto the high seas, in a way, doing all the things that we once did, that the Chinese are now pushing us on.

And so when we went out to various countries that we were hoping and working closely with the White House on, and keeping in our security orbit, Southeast Asian countries, Pacific Island countries, namely, to begin with, this was a big issue for them. And we, of course, trying to, you know, compete with the Chinese on keeping them in our security orbit and not having them drift into theirs, would want to highlight and shine a spotlight on Chinese activities in this regard, but also helping those places do what's very difficult to do. And that is, have a sense of maritime domain awareness, right?

So in your exclusive economic zones, FAS territories, especially in the island nations, the archipelagos in Southeast Asia, vast, vast areas that need to be surveilled. It's good to know what's going on in your exclusive economic zones. And these countries don't have the ability to do that, right? So one of the things that was sort of a core principle for our engagement and our sort of focus on these maritime gaps was to provide technologies and innovations that we, as a U.S. Navy, had for helping them in that regard.

And taking some of the things that we were doing with unmanned technologies, in addition to what the Austin Naval Intelligence really ramped up, the sharing of data for tracking, you know, who these vessels belong to and where they're coming from, using, you know, national systems but also innovative new unmanned systems, subsurface, service, and airborne systems. And being able to network in partners and allies into that, so that they would have not only an awareness of what's happening in their EEZs, but also some of the technologies and sensors on these – on these assets, have the ability to actually see what kind of illegal activities are happening, what kind of gear is being used, what kind of fish are being taken, what kind of labor is on these vessels, et cetera.

Which isn't only important for shining a spotlight on that behavior, and not only important for giving awareness, maritime awareness, but eventually we'll get to the point, hopefully, where that kind of information and information sharing can be used for enforcement and for prosecution. So that was one – that was one important aspect of it. The other – and I'm speaking mainly about things that happened in the Biden administration – the other big thing was enhanced cooperation between the Navy and the Coast Guard, and actually sending some of our assets out on specific missions in this regard. So one of our littoral

combat ships took on a Coast Guard detachment and went to the South Pacific on an IUU mission as part of the Oceana Maritime Security Initiative.

Additionally, the Coast Guard was given unilateral ability to monitor the EEZs of Papua New Guinea, Palau, and Micronesia. Of course, huge areas of water and very few assets. So a lot of this is policy, and it isn't necessarily actually happening. So, you know, one thing I would say is look at the budget and look at the priorities, right? So the Coast Guard, or the Navy, or, you know, we'll say that we're involved in these things. We're going to the oceans conference for the first time. We're participating in the group that you co-chaired. We're doing all these things. But if you really want to see what the priority is, look at the money put in toward it and the number of resources put in toward it, right?

So if you look at the Coast Guard budget, it's, like, about \$15 billion total, which is virtually, you know, not very much at all. And they're very much in need for extra funding. If you look at the Navy's budget, you know, and ask yourself how much money is going towards these sort of global maritime enforcement or sort of freedom at seas and those kind of things, you know, we got, for the first time in the – in Title 10, about three years ago, a peacetime mission incorporated for the first time in the history Navy, saying that the Navy has a mission, you know, in peacetime, to enhance the prosperity and national security interests of the United States.

And the reason for that, and no money came with it. But the reason for that is we are not a garrison force, right? We are constantly around the world operating, wearing out our ships, wearing out our people, at the same time that we have to prepare for high-end warfare in the Taiwan Straits, or the Middle East, or other places. And so our ability to engage in things like IUU in a real way, right, and to help the Coast Guard in a real way, is contingent on the resources and the assets and the manpower being put towards it consistently, and not just, you know, anecdotally and episodically.

I don't know where things currently stand. We stood up a group in the policy office and the secretariat to work on this issue. We stood up an office on the OPNAV staff, the CNO staff, to work on these issues. Much of the policy apparatus has been dismantled within the Department of the Navy in the last several months. So where this stands at the – at the policy level within the Pentagon is uncertain, but entities like the National Maritime Intelligence Office that the DNI, it's part of ONI, and ONI itself still continue on, on this being a very important mission.



I would also say that not only is this something that we are – sort of need to be engaged on to compete with China, for all the reasons I just laid out, but we also need to be aware that they're not only fishing, and they're not only fishing all over the place and fishing in other people's EEZs, but this is also sort of a tool that they're using to intimidate, harass, and disenfranchise, you know, other smaller, less powerful states, namely in Southeast Asia. And so there's a part here too on freedom of the seas and showing presence to back up our partners and allies in a way where they don't solely have their rights and their economic resources eroded. And also in a way where sort of international rule of law and norms continue to be degraded. in that sense.

And then I'll just end real quickly on sort of the global aspect of all this, right? Obviously, a billion people depend on fish and protein from fish. And there's many nations, such as Vietnam, but there's also many communities, important communities, you know, throughout the world – Africa, South America, et cetera – that are very dependent on fishing and definitely dependent on others not abusing their resources. And so we need to focus on it globally also, and not just in the send of great-power competition. And, you know, it's become – it's become sort of even more prominent than piracy once was. But if you go back and actually look at the source of the piracy problems we had 15-20 years ago, they were illegal fishing, right?

So all of the IUU activity off the coast of East Africa led to fishermen in Somalia going out and taking matters in their own hands, and taking some of these trawlers for ransom. Because that became so profitable and lucrative, and they were successful at it, they moved on to bigger and bigger vessels. And then we had the big piracy problem that we had off the coast of East Africa, like, about in the 2010 timeframe. So, you know, there's also those kind of problems in the maritime sphere that can arise from IUU. So it's all integrated and complex. And I'll stop there.

Dr. Saumweber: Thank you, Steve. That was awesome.

So we're going to turn to Max now and talk a little bit in terms of some concrete data. And you have a report that you just released today. And you're going to be able to talk a little bit about the scope and scale of the kinds of activities that we're talking about. Turning to you.

Dr. Valentine: Thank you, Whit.

So, as sort of my fellow panelists have illustrated, IUU fishing is about more than the state of our global fisheries. It's also a global security threat that can undermine the sovereignty of our allies. And IUU fishing,

as Steve just said, is driving instability in regions where the United States has longstanding partnerships. And it's really reshaping the balance of power on the world's oceans. When these large fleets are ignoring international rules and depleting fish populations, they destabilize coastal economies and create opportunities for corruption and exploitation. And this can drive migration, often forcing local fishers out of work, making them fish in more dangerous, distant waters, or, in some instances, driving them to piracy.

And all of this creates friction where the United States needs these stable, cooperative relationships. This is happening in West Africa, in Southeast Asia, in the Indo-Pacific, in Latin America. And there's serious IUU fishing in these regions that is fueling economic desperation and really undermining maritime governance. And one of the most serious perpetrators of IUU fishing is China. They are widely and have long been recognized for violating conservation measures, and breaking international laws, and committing human rights abuses and forced labor at sea. And their presence is more than just fish. It's also a broader, long-term campaign about strategic influence and access to resources. It's part of this pronounced soft power campaign as China pairs this activity with investment in port infrastructure, and loans, and development aid, that really strengthens its influence in countries that have been long-term strategic U.S. allies.

About 39 minutes ago Oceana released a new report highlighting China's global fishing footprint. Before I jump into that, I want to take a second to thank two of my research analysts who are in the room today, Anne Jastrzebski and Michael Chen, who did a lot of this research that we were able to put out today. And it wouldn't have been possible without them. But our analysis found that there are over 57,000 fishing vessels flagged to China that have fished for more than 110 million hours in the last three-year period, from January of 2022 through December of 2024. And these vessels were responsible for over 44 percent of the global fishing activity.

And while the vast majority of that activity is occurring within China's own waters, more than 30 million hours were spent fishing either on the high seas or in other nations' exclusive economic zones. We saw so much fishing occurring in South Korea, and Taiwan, and Japan, and in other nations. Not a little fishing. We're talking thousands of vessels fishing for millions of hours. So China fished in more than 90 other nations' exclusive economic zones for more than 22 million hours over the last three years.

And much of that distant water activity also occurs in areas that are contested, where China's growing presence can really strain

relationships with their neighboring countries. One example of this is the conflict between China and South Korea in the Yellow Sea. China and Korea are very close maritime neighbors. And they've shared this body of water that has become a real hot spot for conflict, because both of these nations have overlapping claims and differing ideas about jurisdiction and ownership of these waters, and who should have access to fishing rights as well as access to other resources. And this has really contributed to overfishing in this region.

About 23 years ago the two nations signed a bilateral agreement saying they were going to share this water, these waters, but slowly scale back their fishing efforts, receding onto the various sides of this particular border. They call it the provisional measures zone. But since these zones have been established, Chinese fishing vessels and Korean coast guard vessels have frequently clashed, and sometimes violently whenever Chinese vessels are making incursions into South Korean territory.

And despite the agreements that they made 20 years ago, Chinese fishing continues to dominate the activity in this jointly managed area. During the three-year period, South Korea only fished for about 66,000 hours in this jointly managed region, whereas Chinese vessels appeared to fish for more than 8 million hours, over 100 times more than South Korea. There was also a real outpacing of fishing by China in their transitional zones on the other side, either side of this border, where South Korea was out-fished by more than 36 percent, as China had more than twice the number of active fishing vessels in this area.

And so all of this competition – this is just one example of many, many fishing stories around the world. But all of this competition for marine resources really matters for the United States. It's really threatening our maritime security by allowing strategic competitors, especially China, to expand their presence in key waters under the cover of fishing. Chinese distant water fleets are often operating alongside their coast guard and their maritime militia vessels, which kind of blurs the line between that commercial fishing activity and state-sponsored activity. And this introduces a lot of risk on the oceans, but also to our seafood supply chain.

When illegal, unreported, and unregulated seafood is entering our global market, often with no traceability or labor protections, it drags down prices, it bypasses our trade laws, and it really hurts our domestic fishers and our seafood industry-related jobs, and our consumers. In January of this year, the FDA released a new analysis that said that more than 90 percent of the seafood we eat in the United States is imported. And if we have really weak traceability regulations, it's impossible for us to know whether it is the product of forced labor, whether it was caught

illegally, or in an unregulated or unreported fashion. And so those products can really easily slip onto our dinner plates.

So, I don't know, what do we do about this? I kind of see a three-pronged approach. We need transparency. We need to know who, where, what, under what conditions fish is being caught, and where this activity is occurring. We need strong traceability laws and import control regulations in every major market state, not just the United States. And we really should be supporting the enforcement and capacity building for our allies by providing them with the data, and training, and infrastructure they need so that they can assert control over their waters, over their fishing fleets, and ultimately stop IUU fishing at its source. Thank you all.

Dr. Saumweber: Thank you, Max. That was great. And really puts a nice – excuse me – nice, tangible perspective on some of these concepts that we're talking about.

I was struck that each of you used the word "presence," in different ways. Max, you were talking about it in terms of the presence of the Chinese fishing fleet in contested waters. And just the mere fact – the physical presence of these vessels conferred some kind of stake, if you will, an investment, not necessarily sovereignty but at least to provide sovereignty, in fact, if not in legal purpose. Steve, you talked about presence, in terms of our presence, the United States security apparatus' presence, in the waters of our partners. Our ability to show presence as a way of support, of – to help their sovereignty with either maritime domain awareness, or in terms of enforcement, or to help enforce their sovereignty, essentially, or help to support their sovereignty. And, Kelly, you talked about presence in terms of institutional presence, in terms of presence here intra-government, the presence between agencies, presence and work together, and presence abroad.

And I was hoping maybe you guys could each just reflect a little bit on that word. Am I – am I getting that correct? Maybe, Kelly, I'll start with you, the idea of presence and what that means in an actual, literal sort of sense. If you're at an RFMO or not, what kinds of things are you getting or losing without presence there?

Ms. Kryc: Yeah. Thank you.

I led U.S. delegations to three different fisheries multilateral negotiations. And I think if you look at the spectrum of where the U.S. participates in these multilateral discussions, there's some in which we have a fleet operating and then there's a whole bunch where we don't.

And the way that the United States can exert power in those discussions changes depending on whether or not we have economic interests at play, or maybe future economic interests. So in the places where we don't have a fleet operating, the U.S. shows up with a pretty strong ability to push other countries towards much stronger measures that hold other countries so much more accountable.

And that's been just a role that the United States has played because consistently we hear from our fishing industry, we would like a level playing field. We regulate our fisheries differently from the rest of the world. Because of that, we have fish in our waters. We have sustainable fisheries. So there's a give and taken in that dynamic. In places where we have fleets operating, we have to do – we have to split our interest between what's best for the ocean, what's best for holding others accountable, but also what's best for our fleets.

And it struck me, as Max was saying, 57,000 vessels. Here's what we have operating in the Western-Central Pacific, 13 purse seine vessels. Thirteen, OK? Out of Hawaii we've got a little more than a hundred longliners. And then we also have a couple, like a handful, of longliners operating out of American Samoa and out of Washington State. That's it for the Western-Central Pacific Ocean, 100-plus. Nowhere near 1,000, OK?

So – but because we have those fleets, we also exert this power. We are a Pacific state. We can come in. And so the strategy we use in multilateral negotiations can change. But it doesn't matter the size of the fleet. The United States, and the presence of the United States here, gives us the ability to be at the table, to advocate not just for our own fisheries, but to ensure that we are lifting up the standards of everybody else operating in the high seas.

And I think that that's a role that we – that we should embrace, and that we should not abdicate, because there are others who are very willing to step into the vacuum if the United States leaves. And they do not have the same standards that we do. So you could see a race to the bottom here happen very, very quickly.

Dr. Saumweber: Yeah, it always struck me, you know, the relative size of our fleets, the physical numbers, I think, it really belies their importance domestically here, I think, from an economic and a political standpoint. So the longline fleet, 100 boats, but still critically important to the state of Hawaii, culturally, economically. Really, important. The purse seine fleet, tiny by international standards, and yet gives us this presence – back to that word again – on the international stage, in the WCPFC. And then I was going to say, the South Pacific Tuna Treaty. Can you talk about that

for a moment, explain for our audience maybe a little bit about what that is and what that can be as a vehicle for things?

Ms. Kryc: Yeah. And, sorry, I've been doing this for so long. I should have specified. That fleet that I was talking about was tuna. It was just the tuna fleet. We've got – we've got some other fleets that are much bigger. Yeah, the South Pacific Tuna Treaty is something that we entered into agreement with a number of the – really, most of them, the Pacific Islands. And when I looked at the flags that Max showed with respect to Kiribati and Papua New Guinea, that treaty gives the United States the ability to fish in those countries' waters. And we enter into agreements to pay a day rate to go in, as China would in Kiribati's waters.

And so there's a – there's a kind of economic quid pro quo going on. Those are the most lucrative tuna fishing grounds in the world. We want access to that. We fish a lot there. Our waters, we have the largest EEZ in the world, depending on who's counting and when. But France sometimes likes to claim they do too. But our Pacific waters, as big as they are, are not where our fleet likes to hang out. There's just – the fish aren't there as regularly as they are in the center of gravity, which is Kiribati and this stretch around the Marshall Islands and elsewhere. We want access to that. And the South Pacific treaty gives – the South Pacific Tuna Treaty gives us the ability to work bilaterally with countries to gain access.

And the benefit to that is that when we fish in the Western and Central Pacific, in those waters, our fish go to the American Samoan territory, where there is a tuna cannery. And it's the last tuna cannery left in the United States. The tuna that is supplied there goes to feed our military, and goes into school lunches. So there's a federal interest in maintaining that cannery, and also the presence of our fleet – I'll say it again – presence of our fleet gives us visibility in this vast area of the ocean. It helps our Coast Guard. It helps our Navy Just being out on the water we can see things and report them.

Dr. Saumweber: Yeah. I believe is was in 2023 Vice President Harris went to Fiji as part of this Oceana Partnership Agreement that Steve was referencing, and announced \$650 million of aid over 10 years. She didn't discuss it, because it seems pretty wonky, but that vehicle was actually through the South Pacific Tuna Treaty. So it's weird to say, but this fish treaty is actually essentially one of the primary diplomatic engagement opportunities that we have for many of these island states, that are incredibly strategically important for lots and lots of reasons, in the Western-Central Pacific, and serves as a vehicle for aid, and for support, and for working – again, back to that kind of presence that we're talking about.

Steve, when we talk about presence, you were talking – you know, I think, famously, the Navy has engaged – most famously, meaning the thing that people may have read about in headlines – is Navy conducting freedom of navigation operations, FONOPs, in South China Sea, to demonstrate, to support the idea of the U.N. Convention on Law of the Sea, and its primacy in terms of setting norms and standards for operating at sea and what's appropriate. And that's an example of presence, right? Of the Navy demonstrating presence and using presence to make a statement about international standards.

But we're also talking about presence in terms of working with partners. Are those kinds of mission sets within the Navy seen differently? So if you were talking about doing a freedom of navigation operation, versus, say, working with a partner to help secure their EEZ or their sovereignty, how is that viewed within the Navy, would you say? Is there a tension or are they seen as kind of the same mission?

Mr. Brock:

And there's a tension for a different reason. You know, obviously, if you're talking about something in the first island chain, there's prioritization of that. There's resources put to that, right? If you're talking globally, you know, we don't have nearly the presence that we could have because – you know, most of the discussion right now the national strategy is focused on high-end conflict, right, trying to prepare for a conflict like we haven't seen in a long time, largely based around the Taiwan Strait. But, you know, there's other contingencies too. But there's a tension there, right? You can either prepare for high-end conflict or you can prepare for doing all the things you need to do day to day for the security of the world, right? And the Navy is tasked with both.

And so – and that's only sustainable so far, right? And so the discussions within the Pentagon are should we be spending a lot of money on the old things the Navy used to do, or should we be spending a lot of money on, you know, new things that are going to help us defeat, you know, China in a matter of days in the Taiwan Strait, right? And we argued that you need to do both. And some of the things that we've done traditionally actually help you not end up in that position, right? So it's a big ocean, right? These EEZs are really big. The Navy only has so many resources. And that's why I alluded earlier to the first language ever in Title 10 about our peacetime mission, right?

We're not a garrison force. We can't just wait around for the big conflict. We have to be out there all the time doing all of these things. And we need to be out there – out there with greater presence, right? So, you know, we have a debate about, you know, should we build as many

amphibs as we're building? There was a drive to sort of cancel that program and put a lot of money into really high-end weapon systems, right? But is an unmanned thing going to show up after a typhoon hits a Pacific island partner and give them medical support, you know, food, water, and those kind of things? No, right? And if you don't do that, is that country going to drift into the Chinese security orbit, because the Chinese are coming with a big suitcase of cash for elite capture?

So there are things, right, that it isn't simple, it isn't black and white. And so if you focus only on the high end, right, you risks – you know, if you fail to curb the gray zone, these are all gray zone things we're talking about – if you fail to curb the gray zone you risk ceding – you know, if you risk curving the gray zone to territorial exploitation by others, and you were ceding the international rules and norms, you know, to very low-end threats, right? You know, small things that we could be doing. It's the old, like, you know, people breaking windows, whatever, leads to bigger crime in the city, right?

So I think that you all need to realize that there's – you know, that we're not going to do it all. And your voice is important in saying that you want a maritime security apparatus in this country that can do all the things that America has expected from its maritime services since the founding of the country. Namely, freedom of navigation, freedom of the seas, you know, prosperity of the country, enforcement of rules in the high seas. And not only a maritime service that's focused on one specific thing that might never happen. And while the thing might never happen, that peer competitor will be doing all sorts of things around the world in these areas that we'll cede our power to, and then suddenly we'll be in a less advantageous position because we prepared for something that that, you know, their strategy was incrementally pushing us, you know, in areas like South China Sea or illegal fishing, while we were preparing for something that that may or may not happen.

If that makes – and on the partner side of it, to your question, I brought up the unmanned technologies and some of the task force that we've done to demonstrate those capabilities as a way to help partners that don't have a lot of money. It costs a lot of money to run ships and aircraft and man them, and to, you know, have MDA and actually go in force. So these unmanned sensors cost a lot less money. And if they're networked into other partners' unmanned sensors it's a really low-cost way of helping – via technology transfer and bringing them into these innovative maritime technologies – it's a very low cost way of giving nations that don't have the money to have big coast guards or big navies the ability to have some semblance of awareness in their EEZs, and then to queue us, perhaps, or to queue other partners that have manned



resources to come in and do the enforcement, right?

So it's more presence from us. That costs money and prioritization. And more presence from our partners. And that costs helping them with low-cost solutions.

Dr. Saumweber: Yeah. I liked how you started that argument around how – or not argument, really, but a debate, an ongoing debate about what is the right way to prioritize costs. And are we – are we prioritizing effort, capacity on things that are staring us right in the face and are sort of tangible, versus the things that may ultimately going to come around and kind of eat away at our foundations, and ultimately leave us vulnerable in ways we don't see? And that is an ongoing challenge. And I think it's going to be ever-shifting, right? Because whatever we sort of reorient to try and deal with will also shift again. And our competitors understand that. They understand that there's a – that's the nature of asymmetric conflict, right, is to find ways and things that your competitor are not prepared for.

One of the areas that I've sort of become interested in recently is this idea of alternative economies, which is maybe an example of this. The example that has been in the press over the last couple of years has been around global capacity for oil and gas transport, maritime transport on the high seas. And the current estimates are that somewhere between 20 and 25 percent of global carrying capacity for oil at sea is what we call ghost fleet or dark, unregistered vessels. And largely it is carrying sanctioned oil from Russia, Venezuela, Iran to willing consumers in China and India, and a few other states. But primarily China and India.

That's a quarter of the global trade in oil. That's a crazy volume, a crazy amount of money. And we would view that as an illicit trade in illicit commodities. And yet, if it's 25 percent of the global trade – (laughs) – is it not just an alternative economy? We sort of have to ask ourselves. There's a lot that falls onto that. That means that those vessels are uninsured. They're not necessarily following the laws of safety of life at sea or any of the other U.N. provisions under UNCLOS. One of the things from the report that Max was talking about that really struck me is maybe related to that. Max, can you talk a little bit about – and this is bringing it back around to this asymmetric idea, about the stateless fleets that you saw, and kind of its relevant presence on the ocean?

Dr. Valentine: Yeah, absolutely. To explain how we get the data, vessels have devices on them. They're called automatic identification system devices or vessel monitoring system devices. And so these send signals to satellites and to terrestrial receivers that give the vessel's information, their ID,

their speed, their location, some more of their behavioral activity. And a lot of that is self-reported. So you manually enter into the device your maritime mobile service identification number, your flag state, et cetera. And so we sometimes find that vessel operators, particularly those that are unscrupulous, will put in false information or no information. And so what this creates are – they're not a ghost fleet, but kind of.

We don't know who they are. And we see this a lot of times in our analysis. And so China fished for 110 million hours during this period that we did our investigation. But there were also several thousand vessels that fished for an additional 17 million hours that we don't know who they are. We don't – there's no registry information. There's no ID that we can figure out who owns these vessels, what ports are they going to, to be inspected at? And that's a serious problem, when you've got China and a mysterious fleet and then millions of lower hours later then we get South Korea, as the next largest fleet that's operating in the world.

And we have a lot of concern about that, because if we don't know who they are they're likely not following labor requirements. It's probably incredibly unsafe. And where there's one crime, there's usually another. And so there's likely serious IUU fishing happening on these vessels. And for just countless hours. And that's seriously impacting our environment.

Dr. Saumweber: Yeah. The second-largest operational fishing fleet in the world is essentially unknown, stateless. So, once again, we have this question of, is this an alternative economy? What kind of rules are they operating under? None. And what kind of responsibilities are they taking? And some of it may be fine, it may – but who knows? Bad things happen in the dark, typically.

Ms. Kryc: Can I just add something to that?

Dr. Saumweber: Please, go ahead.

Ms. Kryc: Yeah. The way that we decide how much fish to take on the high seas is based on stock assessments. It's based on reported landings. If there are 17 million hours of fishing that it's not being reported, not being captured, it puts at risk our ability to make scientifically informed decisions about how much you can take. That puts at risk the health of the stock. It undermines the assumptions we're making. Is this stock healthy? Is it not healthy? And the managers who show up to negotiate how much you can take me that information to ensure that you can fish in perpetuity. And so that this undermines the governance structure at so many levels.

And I just have to throw in, it also impedes our ability to watch for unintended by-catch. What are you taking? It might not be a commercially viable species, but all of these other species in the system that hold our ecosystem together, through – you know, through all of their relationships. If you're taking the apex predators, if you're taking the cetaceans, the sea turtles, the rays, the sea birds, and you're not being – and you're not reporting and monitoring that, it sets up a cascading effect where you can throw the ecosystem itself off too. And that puts at risk the larger, commercially viable fisheries.

Dr. Saumweber: Yeah. Great point. I want to get to audience questions, but I wanted to – I think it'd be remiss since, Max, you called this out as one of the three pillars of action, to talk about capacity building, and how this is a huge change over the last four months that's happened in the United States. USAID has effectively been shuttered. Its grants going out have been shut down. And there is a significantly reduced amount of money coming from State for these matters. I think actually the U.S., the South Pacific Tuna Treat did – I think it got opened up, but unclear.

So maybe you all could say a few words about the role of capacity building in combating IUU fishing and human rights abuses in seafood abroad. Kelly, actually, maybe I'll start with you, because I know that that was a big focus at NOAA. We had our difficult conversations with NOAA about how they were going about dealing with some of these challenges. But I think one of the areas that everybody agreed upon was that capacity building was an important part of what they were doing, and how they worked with USAID to go about doing this work.

Ms. Kryc: Yeah, that's right. As I as I mentioned in my opening remarks, stopping IUU fishing at the source is a place where the United States, Europe, Canada, and others are really investing. And I think that the key that all of these countries have recognized is that we cannot overcome this issue by ourselves. It's not something the United States can tackle independently or unilaterally. And so in looking really critically at how you do that, it requires increasing the capacity of other countries in the legal structure that they have. Many of these countries don't have fisheries laws. If you don't have a fishery law, you can't have an inspector that goes to the port and inspects what's coming in or what's going out.

These are really fundamental things that are kind of easy to fix if you have a willing partner. And in our assessment, in doing the five-year strategic plan, we learned that we do have willing partners. These countries want to change their practices, but they need help to do it. And so by sending experts, the legal experts, the enforcement experts,

sending our Coast Guard to do more of the enforcement capability, our trade experts – we are replete with experts. And that's a real gift. And so between NOAA, Coast Guard, State Department, we would send those experts. But NOAA didn't actually have funding to do that. That was all coming from USAID.

And so in the cooperative arrangement in the interagency we were all working together to make those changes. And they were having an impact. And so my hope would be that we look critically at the things that were working, that were having an impact and resulting in the change we were looking, which is, it's the policy of the United States to prevent and combat IUU fishing. This was a really key way in which we were doing that. And it was successful.

Mr. Brock: You know, on that point, you know, this administration is not all that interested in multilateral efforts. They focus, exclusively almost, on bilateral. And so what I would tell those that have engagement with either organizations or governments abroad, right, is to have them raise it in a security framework in those bilateral engagements, right? So we would go, secretary – we would go to our counterparts abroad, and we would raise how to help them on things like this or the existential threat of climate change to them as a way to show how the Navy can help them in our naval diplomacy efforts to, you know, keep those security resolutions on.

The reverse can happen, right? If current administration officials go without this on their agenda and meet with their counterparts abroad, and their counterparts bring it up in a sense of, hey, we want to work with you for maritime domain awareness, for countering China, say all the right things, that, I think, will have greater potential for success than trying to push it internally here, to get our side to bring it up, right? Because it's just a different way that they do business. And if there's something to be traded on it, there might be some sort of arrangement where extra unmanned sensors from the Office of Naval Research, or whatever, get delivered to a country in exchange for something that ends up helping that country combat IUU.

Dr. Saumweber: Yeah. And supports a relationship and that word presence, again. Max, any thoughts?

Dr. Valentine: I'm so glad we're talking about USAID. The loss of those programs, the loss of the work that ILAB was doing, is devastating for fishing communities around the world. These programs helped fishermen get the resources and support and education and protection that they needed. And when we lose that, when we lose that presence, I'm going to use that word again, it means people are having to turn to

alternatives. If your family is starving and piracy is the choice that you have, you're going to do it, right? You're going to protect your family. And so when we're not capacity building, when we're taking those resources away, it's going to result in more instability, more illegal fishing, more geopolitical conflict.

And that's just incredibly frustrating. And when we pull out of these bilateral multilateral conversations, when we stop sending NOAA folks to RFMO meetings and international engagements where we have this opportunity to dialog and make connections, we are ceding our spot at the table and we are giving it to those who are willing to take it. And it really feels like a step backwards on an issue that we were really starting to make progress on.

Dr. Saumweber: OK. We've got a couple more, but I want to make sure we have an opportunity for the audience. Anybody have a question? We got a mic coming around, I think.

Question: Hi. Good morning. My name is Eugen Babau. I am with the Stephenson Foundation.

A two-pronged question for the panelists. Assuming that – well, first, do you expect a further erosion or reversal of policy from the U.S. administration, insofar as IUU fishing enforcement goes? And if that were the case, how do you find efforts, such as the Outlaw Ocean Project of Ian Urbina to be filling the gap, so to speak, in terms of raising awareness and creating action? Thank you.

Dr. Valentine: I could speak to the Outlaw Ocean and filling some of that gap. Back to this concept of capacity building, if governments aren't doing it, it oftentimes falls on civil society to step in and make those changes. That's why investigations like Oceana did are so critically important. That's why Ian Urbina's, you know, fight to find people who are in forced labor situations is important.

I'm going to give an example from the Philippines, where Oceana has an office. We created something called the Karagatan Patrol, where we worked with the municipal fisheries officials and with enforcement agencies to create a platform. It's really cool. You can see vessels at night by the lights they have on it. And so if these vessels aren't transmitting a signal, a radio frequency, we can use their lights to do targeted enforcement activities. And so it's going to fall on us to fill some of those gaps, and to continue to raise awareness, and to get public outrage. It's going to take public outrage to get our decision makers to make some of these changes. But there are so many gaps, we can't – we can't plug them all. We can really just highlight some of the big stories that are

happening to try and push change.

Dr. Saumweber: It was actually a question I had, Eugen, thank you for asking it, was –

Question: I read your mind. (Laughter.)

Dr. Saumweber: Yeah. Was what we might expect from this administration. And I know we're – none of us are a part of this administration. We are just forecasting here. But, Kelly, as you pointed out, it is the policy the United States to combat IUU fishing. And that that policy has been a bipartisan policy. That has been a policy that has gotten clear guidance from Congress, from both parties of Congress. We've gotten key policy initiatives from President Obama, from the first Trump administration, from President Biden, and now the new Trump administration. In each administration we've had clear direction, clear prioritization that IUU fishing should be a key part of our foreign policy, for various reasons.

What do you all think? Do you think that this is going to be something that the Trump administration focuses on this time around? And if so, are there avenues, are there places that we might see initiatives come out of this administration?

Ms. Kryc: I'm going to reflect on something Steve said, which is look at the budget. And the budget will tell you what the policy priorities end up being. And that has always been the case. The administration puts out their budget, but Congress is the one that enacts that. And so I would look to Congress for leadership on this issue, and continue to fund this work. It's a – it's a fiercely nonpartisan issue. Our fishermen don't want this. Our NGOs don't want this. Civil society doesn't want this. And so – and in my opinion, this is an issue we can make progress on, and we were making progress. So thank you for saying that. And I'll just keep that short. It takes resources, though, to do it.

Mr. Brock: And this administration looks at resources, like, in a very macro way, right? I mean, they just cut all foreign assistance. There wasn't any sort of vetting of if it was aligned with their agenda or not. It was just it's all frozen, right? And then, you know, the debate over this bill right now.

Dr. Saumweber: You mean that budget bill?

Mr. Brock: Yeah. And in how much it's going to cost, and, you know, how much is going to be cut from X, Y, and Z. So while it might be the policy of the United States, there's thousands of things that are the policy of the United States. Are they willing to spend money on it in a situation where they want – they might be wanting to spend that money somewhere else, or putting it towards tax cuts, et cetera, right? So it's all about the

budget. It's all about are you really going to do what you're saying you're going to do, or is this going to be – I don't think they're going to erase it from it from policy documents. But just how much is actually going to be done? And, you know, what kind of effort's going to be put to it is an entirely different question.

And so I go back to the security side of it. If the traditional areas of funding aren't there anymore, there might be a way to get things like the Navy more involved. Not under the that heading, but the technology, the presence that then have the residual benefit of helping in this regard in other ways, right? So go to where the money is and cast it as competition with China and security.

Dr. Saumweber: Yeah. The first Trump administration, I think some of the first elevation and really prioritization about IUU as an issue came from SOUTHCOM, from Admiral Sadler talking about its priority, you know, at the highest levels there within the combatant command structure, and how it was relevant to their activities in South America, in particular. And similarly you heard the same thing, you know, out of AFRICOM, as to how it was a really significant issue there as well. And so, yeah, to your point, maybe that would be the areas for action. But we should obviously keep an eye on what happens to NOAA in the budget, and if they are going to be able to do anything realistically on it.

Other questions? Yeah.

Question: I guess I'll stand up.

Dr. Saumweber: We have a mic coming around, yeah.

Question: Oh. Oh sorry. Sorry about that. My name is Jack Graman. Im with Austin College and NBR.

I just had a question. So I know you all talked about Chinese vessels harassing our allies' vessels, like, particularly in fishing. What avenue do you see for protecting our allies' fishing vessels from Chinese harassment? Thank you.

Ms. Kryc: I'm going to – I'm going to speak really quickly to this. There's been a lot of news, particularly in the Philippines. We do not experience that. You know, there was a lot of – there's been a lot of concern. I think this is a little bit more of a discrete issue. And there's a territorial dispute going on. But I will say, in my experience doing multilateral negotiations, what happens domestically is one thing, but the Chinese want to be seen as good global partners.

They want to uphold an international norm. And so when you negotiate, you get the sense that there's some good acting going on. But in that high seas area, it could be detrimental to that carefully crafted perception if they started harassing American vessels or other vessels. So I'll just throw that out, from the visibility I had on what was happening, kind of what happens. And little areas might be different to that, but in the high seas space it can be – there's interest in everybody following the rules.

Mr. Brock: Do you want to answer?

Dr. Valentine: You go ahead.

Mr. Brock: You know, the difficulty here is the gray zone aspect of it, right? These are maritime militia, you know, shadowed by PRC Coast Guard. Its harassment of Vietnamese, Philippines, et cetera, fishing vessels. And it's how they operate, right? They're incrementally pushing a change in the status quo in the South China Sea by – this harassment actually is a tool. They're doing it on purpose to intimidate and disenfranchise the weaker nations, you know, in that area.

The difficult part on our end is, how much do we – how much presence do we spend resources on, and then how much do we get involved in a gray zone incident that escalates into something we all don't want to have happen, right? So it's a very difficult calculus. You know, on the security side of things, and with the commanders in Hawaii and in the region and back in Washington, you know, how much do we want to sort of escalate a situation that then could escalate into something that, you know, we don't want to be in, because we can't de-escalate at that point, right? So it's much more complicated from that aspect than people realize.

Dr. Saumweber: And judging that risk is – it's a little bit of what folks are counting on, right? Is that this is – it is below the threshold where the other player wants to be escalatory. And when you're dealing with fishing, oh, it's just fish. Why are we arguing about fish? Why do we want to start World War III over fish? And yet, if you start enough of those small, little actions, you eat away at sovereignty and authority.

Mr. Brock: I mean, their goal is to not escalate to conflict with us. They're really good at finding where they can push, and where we won't react.

Dr. Saumweber: Well, and this is where regional frameworks become really important.

Mr. Brock: And it's not just fishing. It's energy exploration. It's all kinds of things in that region, right? But presence does help. If you're there, you know, the



behavior is a bit mitigated.

Dr. Saumweber: Yeah. One last question from the audience. Sure. Go ahead, in the back.

Question: Hello. My name is Christina Hansen. I work on labor issues at the Department of State.

Dr. Valentine, I really appreciated you bringing up the concerning disparities between South Korea and China and their treaty catch area. I have two questions. I was wondering, have we seen any signaling from South Korea that they also view this as a concern? And then also, is it safe to assume that the Chinese catch from that area is shipped to Dandong, you know, the Chinese fish processing hub, that's been implicated?

Dr. Valentine: Yeah. So last month South Korea actually hosted this huge international convening, the Our Oceans Conference. And their head of their fisheries department made really strong statements about South Korea's approach to IU fishing and regulating fishing within their own waters. The dialog between China and Korea is ongoing, but it is still an incredible conflict. South Korea is a nation I'm really excited about. They have taken this idea of IUU fishing, and the impact on its economy, very seriously. And they're implementing traceability import control programs on seafood coming into Korea to model what we have in the United States with the Seafood Import Monitoring Program. They're investing in their version of the coast guard and enforcement operations. So that's really incredible.

As to where the seafood goes, well, without traceability, we don't know. We don't know once it goes into China does it go to Russia, does it come to the U.S., does it go to South America? Unless we have that catch documentation that follows a product through its entire journey, I don't know, it's going to take investigations by NGOs, Ian Urbina, to make these complaints to draw attention to that, until we've got those resources.

Ms. Kryc: And to be clear, there's a lot of American-caught fish in U.S. waters that goes to China. It gets processed. It comes back as a Chinese product. And so these things are hard to untangle. It's part of a global marketplace. But you are – you might be, if you're eating a fish stick, eating an American-caught fish, but it will be labeled and imported as a Chinese product. And these are really difficult. And we get – when I was at NOAA, we got a lot of questions about preventing that because Russia has a very big pollock fleet. Same thing. As soon as it goes to China, it gets labeled as Chinese. Is legal to import that into the United States.

And it becomes part of this very non-transparent system. And really, getting at that is maybe the hardest part of the three pillars of the five-year strategy. How do you get the traceability aspect on these products, so that American consumers and global consumers can be confident that the fish that they're eating was caught in a sustainable way, it was caught legally, through the global governance structure, and it was caught without the use of forced labor?

Dr. Saumweber: OK. Thank you.

I want to close just by asking you all, in one sentence what is one thing that you hope the Trump administration picks up on, or carries forward, or does in the continuing fight against IUU fishing and human rights abuses in our seafood supply chain? Let's start with you, Max, on the other end.

Dr. Valentine: No, not me.

(Laughter.)

One thing I hope? Well, we've seen from the seafood executive order that IUU fishing is a priority. But I hope that the Trump administration takes into account all stakeholders in the conversation about what we need to do about it and how we address it, and not listen to just a few specific industry voices. Because there are so many people – fishers, processors, packagers, et cetera – who are part of this issue and need to be included.

Dr. Saumweber: Ok. Steve.

Mr. Brock: I'm going to be pragmatic and practical. So continue the information sharing coming out of the IC, and, you know, push forward on the sharing of technologies with partners to enhance their maritime domain awareness.

Dr. Saumweber: Great. Kelly.

Ms. Kryc: Don't give up U.S. primacy on the multilateral front. We have immeasurable power through those relationships that's not driven by enormous fleets. We have the ability to lift everybody up through U.S. participation, to hold them to our standards. And so maintaining our ability to continue participating effectively in the multilateral dialogs, and to continue upholding our side of the global order.

Dr. Saumweber: Great. Excellent. Thank you. Wonderful way to end. And please join me in a round of applause for our panelists.

(Applause.)

We're going to take a 15 minute break. For those of you here in the room, there's coffee and refreshments. For those of you online, we'll be back in 15 minutes. We're also going to show in here and online a clip, as I mentioned, of the film, "Before you Eat," which was produced by the Indonesian Migrant Workers Union, talking about the plight of migrant workers in distant water fleets. So please feel free to stay in here or watch online for that. And then we'll see you again here in 15 minutes for panel number two. Thank you all.

(A video presentation is shown.)

(Break.)

Andrew  
Friedman:

All right. All right, if we could – if we could get seated and get the second panel started. All right, everybody. Welcome again. Thanks so much for joining us. And I'm glad for those of you who were able to join for the first panel, it was wonderful, as well as the documentary that you just saw. Thank you for sticking around. I'm Andrew Friedman. I'm a senior fellow at the Human Rights Initiative here at the Center for Strategic and International Studies. And I'm honored to be on stage with these three wonderful lawyers, doing incredible work in this space. So let me quickly introduce them to you.

So to my immediate right is Allison Gill. She's the legal director for Global Labor Justice. She's a human rights lawyer, researcher, and advocate with more than 20 years of experience with Global Labor Justice. She works to hold corporations and investors accountable for gross violations of human rights, labor rights violations in their supply chain, and advocates for policies and laws that prevent forced labor, child labor, and protect decent work and just migration. In addition to forced and child labor, she's researched and advocated on a wide range of human rights issues, including torture, ill treatment, rule of law, religious persecution.

To her right, we have Martina Vandenberg. She's the founder and president of the Human Trafficking Legal Center. She spent more than two decades fighting human trafficking, forced labor, rape as a war crime, and violence against women. She's represented victims of human trafficking pro bono and immigration civil and criminal cases, and she's also trained more than 5,000 lawyers on how to handle human trafficking cases – a very, very difficult specialty that requires immense

training and immense sensitivities.

And then over there, we have Nathan Rickard. Nathan's a partner with Picard, Kents, and Rowe. And he's represented U.S. industries and matters related to trade remedy laws since 2001. His practice focuses on the effectiveness of trade remedies and, in particular, how to use access to the U.S. market to change behaviors of corporations overseas. He's assisted in developing and prosecuting petitions for anti-dumping, countervailing, and safeguarding duties before both the Department of Commerce and the International Trade Commission.

I'll get us started, and then I'm going to throw over to my esteemed panelists for some thoughts on the state of affairs. But I wanted to contextualize what we're trying to do with this panel, which is what you saw on the first panel was a really broad, high-level discussion that is incredibly important about why things like IUU fishing matter from a geopolitical and security context. I want to take this opportunity with this panel to kind of step in a layer and talk about the human beings and human rights that are associated with those broad geopolitical issues.

The industry, seafood, fishing, it's driven by people. And in it, there are rampant human rights violations – things like forced labor, wage theft, and other violations and exploitations. Those of you that were able to watch it would have seen that in the documentary. And I just want to highlight one particular instance that that really shows what can happen in these kinds of situations. In a fairly prominent ongoing litigation, one of the plaintiffs has alleged that while on a fishing boat he had a gash. He had a health issue that was so painful that he was not able to sit down anymore. When he finally realized that he was not going to receive medical care ever for this, when he finally realized that it was not going to be assisted, he decided it was time for him to leave. The captain of the boat told him, if you want to leave, that's fine. You can swim in the ocean home.

Now I want to turn – I'll start with Allison. I'd like to open up the floor about how we use trade laws to protect human rights.

Allison Gill:

OK. Well, good morning. And thank you for the opportunity to be part of this really important conversation, particularly at this moment when trade is really at the forefront of the national and international conversation.

As you heard, I'm the legal director of Global Labor Justice. But I wanted to say just a couple words about Global Labor Justice because it will help you understand where the rest of my remarks are coming from. We're an independent nonprofit. We're dedicated to supporting

workers and unions around the world in exercising their right to freedom of association. We believe that individuals have the right to interact and organize amongst themselves freely, without interference. They can collectively express, promote, pursue, defend their common interests. And that includes the right to form trade unions, collectively bargain, and enforce their contracts.

And our work on fishing centers on this principle, that combating labor exploitation in IUU starts with centering the people at the heart of the work. And that is the fishers. Worker power, worker empowerment, trade unions are not some kind of nice-to-have or side part of the conversation around combating IUU. It is really central. I think there's a lot of talk in the seafood space about stakeholder engagement, and about apps, and grievance mechanisms. And somehow this is talked about in somewhat aspirational or slightly mysterious terms. But fishers are on fishing boats. They are the ones doing the work.

Right now, there is no insight into the working conditions at the place of work at the moment the fishers are working unless they have Wi-Fi on board their vessels. So there can't be a conversation about corporate due diligence, about trade, about really anything else that is seriously dedicated to combating IUU and forced labor, unless there is a conversation about how fishers can exercise the right to freedom of association and to communicate while they're at sea. There isn't another industry that I know of, and we work across a number of sectors, where companies would say with a straight face, we can get no information from the workers in our supply chain at their place of work while they're at work. That just doesn't happen. In a garment factory, you know, that would just be – (laughs) – it would be laughable.

So I just wanted to start the conversation there, because to the extent that trade policy can help us promote these things, we want to see the right to fundamental labor rights, including the exercise of freedom of association, embedded in trade agreements. We saw 21CT. We saw in the previous administration's negotiation with Taiwan, for example, the 21st century trade framework that was being negotiated. We saw the labor chapters that were proposed included access to right to communication. We would very much like to see those kinds of policies be pursued now in trade agreements.

Somehow, amidst the sort of noise of the tariff discussion, there should be a discussion about fundamental rights. Because without that, you know, trade can't be fair. Workers in the global economy are not in competition with each other. Until there is some equality of rights, wages – there's a race to the bottom. Corporations exploit labor arbitrage. They exploit cheaper production. And they're going to move

the production to the cheapest place, with the lowest wages, and the weakest working conditions.

So I want to talk about trade, but I also want us to really talk about supply chains, because this is a trade problem but it's also a supply chain problem. And some of this can be – trade is one tool in a toolbox, but it's not the only tool. And one thing that I worry about in this administration is that we've really narrowed the aperture to really thinking about trade and trade enforcement and trade remedy as the only tool. And it becomes then a hammer or a battering ram. We also need a supply chain analysis.

When tuna is set at \$2,000 for a ton, there isn't more money in the supply chain to pay anybody more, to improve the working conditions. Who is setting the price of tuna? It's not the fishers. It's not the vessel owners. It's not the production countries. It's not even the brands whose name is on the tuna cans that are in American stores. It's actually the retailers. It's Costco, it's Walmart. You know, it's the high-import retailers who set these prices, who control the pricing. And they sell it low because tuna is a loss leader. It gets people in the store to buy other things. And so I think without that lens it's very, very difficult to sort of use only one tool in the toolbox to shift a conversation about protecting human rights in the supply chain.

I have lots to say on this subject, but I'm going to leave it there for the moment.

(Laughter.)

Mr. Friedman: Martina, over to you.

Martina Vandenberg: Terrific. Thank you. It's an honor to be here at CSIS, and wonderful to be here to talk about forced labor and IUU fishing.

And this all grew out of a labor rights IUU fishing coalition, as Whit mentioned at the beginning. So could I just ask the people who are members of the IUU Forced Labor Coalition who are here in the audience to stand up and be recognized? Thank you all. (Applause.) Thank you.

It's an enormous amount of work to bring together two movements who do not speak one another's languages, right? And so we have been embarked on a project of sort of translation, right? The translation of rights talk and lawyers who focus on human rights, together with people who focus on IUU fishing. And so those negotiations, those discussions, have been taking place over a period of about two or three

years now.

The important thing, in terms of trade, and part of the language that we're all learning from one another is the language of trade, is how to use trade and trade policy as a tool to eradicate forced labor, to stop forced labor. So I'm going to start with something ripped from the headlines. Some actually good news, which is so rare in this environment. But good news ripped from the headlines. Last week, Customs and Border Protection issued what's called a withhold release order. A withhold release order is really nothing more than instructions to the officers at port that if a particular shipment of goods comes in, and it comes from the subject of this withhold release order, then it cannot enter the U.S. market.

Now, imagine for a moment that you are a U.S. corporation and you have just brought in, and your container has just arrived at port, a ton of squid. If that ton of squid comes from the Zhen Fa 7, a vessel harvesting squid, then it cannot enter. And that is immediately an enormous financial blow. It is a financial blow in an environment of forced labor where we have universal impunity, almost near impunity. We were grasping for years for tools that would actually create risk for corporations. And what the enforcement of Section 307 of the Tariff Act of 1930 has done is create real risk.

The law that then grew out of the Tariff Act of 1930 Section 307, that is even broader, is the Uyghur Forced Labor Prevention Act, which bans all goods made in the Uyghur region or made by Uyghur workers. Bans all of that because we believe it is tainted with forced labor. So between Section 307, and the Uyghur Forced Labor Prevention Act, we actually have real tools creating real risk. And then we also have an amazing secret weapon known as Ian Urbina.

And Ian Urbina's name has already come up this morning because Ian Urbina embarked, with his team at the Outlaw Ocean Project, on a four-year investigation. Because we did not get to the May 28th withhold release order from nothing. We did not get to that withhold release order without the dedication and the investigative journalism of Ian Urbina and the Outlaw Ocean Project over a period of years. I have said in IUU fishing contexts and conversations before that Ian Urbina is a national treasure. I will just repeat that today, because it is true.

And let me give you an example of why we now have a withhold release order. Again, not an accident. Also, not something that the U.S. government did by itself. Something that the U.S. government must have partners in the investigative journalism community and in the CSO community. There was a petition that was submitted by the Outlaw

Ocean Project and the Human Trafficking Legal Center, the organization I work at. Anasuya Syam, please stand up. Anasuya Syam is our trade policy and human rights director. And Anasuya worked very closely with Ian's team.

Because the raw data of an investigation like Ian's, which includes interviews with fishers but very creative interviews with fishers. Literally, Ian chased these vessels, put rice in bottles with little note cards asking questions, and included a pen. And then followed these vessels, which he could not board, threw the bottles onto the vessel, and then hoped that the fishers would find a minute to grab the pen and write an answer, and then throw it back overboard for Ian to collect with his team. That is some pretty gonzo human rights reporting. I used to work at Human Rights Watch. I like – we love gonzo. This was gonzo stuff. (Laughter.)

But the beauty of this work is that it didn't just end with a New Yorker article. The beauty of this work is that it didn't just end with what we would normally couch as, you know, public awareness, because public awareness is not enough. It ended with strategy – meticulous strategy over a period of years to file a petition that then resulted in U.S. government action. And so now no squid, no seafood at all, from the Zhen Fa 7 can come into the United States. The purpose of our work using trade policy is not just to block containers, right? Anasuya and I are not in the business of blocking containers for the sake of blocking containers.

We are doing this work, and Ian is doing this work, because forced labor is a feature, not a bug, in global supply chains, just as Alison has alluded to. And because of that, we need larger systemic frameworks to deal with the forced labor that we see on the high seas, but the forced labor that we see in supply chains more generally. So I just want to talk about what the end game truly is. And, again, picking up on what Alison just said, and a report that Allison's organization with others just released, which I commend to you. The end game here is rights for workers. And rights for workers will be achieved through freedom of association. And rights for workers and fishers will be achieved through unions.

And so, again, thinking strategically not just about how we block goods at port, but how we use this trade tool, which was not even effective until the law was amended in 2015-2016, how to use this trade tool so that risk to corporations translates into transformation of supply chains. Thank you.

Mr. Friedman: Thank you, Martina.



Nathan, I think that's a great thread for you to pick up on. So, given the work that you do in the private sector – as Martina mentioned, a lot of times in particular foreign supply chains forced labor is a feature, not a bug. I'm just wondering, those types of regulations, the utilization of this kind of work from an American context, to keep out products that have used this type – what do American companies think about that? How do American companies work with – whether they're human rights laws, environmental laws? What's the – what's the view from the private sector, from your standpoint?

Nathan Rickard: Thank you. And I appreciate it. Thanks for having me here this morning.

I am much less sophisticated than the two of the presenters here, Allison and Martina. We are mostly just blunt instrument. And so I wanted to just introduce how trade policy has been used with respect to other parts of the seafood supply chain in terms of trying to improve activities and behavior overseas. So, as Andrew said, I am Nathan Rickard. I act as trade council of the Southern Shrimp Alliance. And I just want to say, I love the title of this panel because it's a question American shrimpers have been asking throughout the 20 years that I have worked here. Which is, why isn't access to this market conditioned on better practices for foreign seafood supply chains?

American food producers operate in a heavily regulated environment. You heard about – a little bit about that in the first panel this morning. The vast majority of the food that's sold in the United States is produced in this country. The FDA estimates that the U.S. imports just around 15 percent of the food that we consume here. So whatever faults people may find with our systems of oversight, for most food you consume, you can generally assume that folks are being held accountable for how that food was produced. But this is not true for seafood.

As Max noted this morning, the FDA estimates that just – that over 94 percent – sorry – 94 percent of the seafood that we consume comes from overseas. There are other estimates out there that peg the number a little bit lower, in part because of that American-caught fish that goes to China and is brought back as a foreign product. But there is a general agreement that the vast majority of seafood in our market is foreign. And the trade data show that imported seafood has grown at an incredible clip over the last decade.

In 2010, the value of seafood imports was \$14.6 billion into the United States. In 2022, the total value of these imports had more than doubled to \$29.6 billion. Last year, that number came down a bit to just under 25 billion (dollars). But even with that recent decline, there is a whole lot of seafood coming into this country from abroad. Yet, the federal

government asks very little of exporters who want to sell into our market.

The American shrimp industry knows that access to this market can be leveraged to improve practices overseas. This is because the U.S. market is incredibly important to foreign producers and foreign supply chains. Imported shrimp makes up 93.2 percent of the shrimp that's harvest – that's consumed in the U.S. market. And of that \$24.9 billion worth of imported seafood last year, 6.1 billion (dollars), or around a quarter of it, was imported shrimp. Since 1989, under Section 609 of Public Law 101-162, the United States has prohibited the importation of certain shrimp dependent upon how that shrimp is caught.

At the time it was adopted, the law was intended to provide assurances to consumers that all wild-caught shrimp available in this market had been harvested in a manner that minimized damage to sea turtle populations. The U.S. Trade Representative even was able to successfully defend that import prohibition at the World Trade Organization going forward. Nevertheless, for a long time the law was not actually enforced. In order to export wild-caught shrimp to the U.S., Section 609 requires the State Department certify that a foreign shrimp fishery is not harming local sea turtle populations. Without a certification, shrimp harvested from that foreign fishery is not eligible to be imported into the U.S.

The wild-caught shrimp industry in India, for example, has never received one of these certifications. And yet, up until 2019 we actually never stopped importation of wild-caught shrimp from India, 30 years after the law was initially passed. What has happened with the Indian industry in the five years since they actually had this prohibition now put in place? Well, the reporting in Indian news coverage is that Indian shrimp trawlers are adopting turtle-excluder devices in their nets in order to win access to the U.S. market again.

In comments made on Tuesday at another one of the Capitol Hill ocean weeks events, Dave Hogan, who's the director of the office of marine conversation at the State Department – conversation – conservation. (Laughter.) I got that. At the State Department explained that Section 609 has led to the adoption of turtle excluder devices in shrimp fisheries around the world. In sum, the Section 609 law works exactly as it was intended, and stands as a shining example of how access to this market can be used as leverage to reach an outcome that is good for everyone.

Now we are about to see how this works on a much broader scale, with the import provisions of the Marine Mammal Protection Act of 1972. We

have now gone over half a century without these provisions being enforced by NOAA officials. Back in 2016, in response to lawsuits, NOAA finally promulgated regulations on how to enforce those import provisions. However, NOAA has given itself numerous extensions of time to implement those regulations, and there's been no impact in the market. Now, however, in response to yet another lawsuit, a settlement was reached earlier this year requiring the law be enforced by no later than January 2026.

Like the State Department's enforcement of Section 609, NOAA Fisheries intends to enforce the import provisions of the MMPA through a certification scheme. Any foreign fishery, any foreign fishery at all, wishing to export to the U.S. must receive a comparability finding. If no such finding is made, products from that foreign fishery are prohibited from importation into the U.S. Just as with Section 609, the MMPA's import provisions hold the promise of significant improvements in fishing conditions and foreign seafood supply chains, particularly for their impact on marine mammal populations.

The lessons from these laws, I believe, are fully applicable to how we go at IUU fishing, including forced labor and foreign seafood supply chains. Access to our market must be conditioned on meeting basic standards. And when this is the case, we believe that you will tangibly see conditions improve overseas. Thanks for that.

Mr. Friedman: Thank you, Nathan.

I want to quickly foot-stomp two things that were said there. I think it's incredibly important to pull out, there's a – you know, a narrative thread that companies, in particular small and medium enterprises, are opposed to regulation. I think what Nathan said is incredibly telling. It's not an opposition to regulation. It's in opposition to an unlevel playing field. And a level playing field, in particular in the human rights and environmental standards elements that we're talking about, they can lead to real change – real tangible change. Access to the U.S. market is a huge incentive for companies. So leveling that playing field and ensuring that it is workable in a way that is enforced, it can provide tremendous groundswell and tremendous – I'm missing my words. But it can be a very, very strong positive for access – for companies working to access the United States market.

I want to shift gears a little bit. And I want to talk about trends. Martina mentioned the work release order –

Ms. Vandenberg: Withhold release order.

Mr. Friedman: Withhold release order.

Ms. Vandenberg: We call them WRO for short.

Mr. Friedman: WRO, yeah.

Ms. Vandenberg: We're trying to avoid acronyms. (Laughter.) Martina mentioned the withhold release order on the Zhen Fa 7. I think it's worth leaning into what this might mean for the future of CBP enforcement of particular laws, as Nathan raised. So, Martina, maybe I can – I can turn to you to start. Where do you think we're going. Do you think the administration – do you think this heralds a trend for the administration that these will be more enforceable – more enforced? Or do you think this is a one-off based on, as you mentioned, the tremendous work of Ian Urbina and his team?

I am hopeful, because I do think that there is – I think that there is an appetite for continued enforcement under Section 307 of the Tariff Act. And I think that there is also appetite for enforcement under the Uyghur Forced Labor Prevention Act. But let me just say one thing. The work that goes into these investigations, again, it doesn't just happen. And so the fact that the administration has just cut \$500 million from ILAB, the International Programs Division of the Department of Labor, money that supported – not all of it, of course – but some of which supported work on fisheries, that is devastating.

So even if there is an appetite for enforcement, there has to be funding for intelligence, collection of material, but then there also has to be funding for the kind of remediation and capacity building that Max was talking about earlier. If there is not the funding for capacity building and remediation and solving the problems on the ground, creating Wi-Fis on the boats, all of the very intelligent recommendations that fishers have themselves suggested as ways to ameliorate the situation on these vessels. If there's no money for that, then a withhold release order alone, blocking goods at port alone, without remediation, is really an empty gesture.

Mr. Friedman: Understood.

Nathan, maybe I can – I can turn to you on the same question. What are you advising corporate clients? Or what are your clients telling you, in terms of what they think will happen?

Mr. Rickard: Well, one step back for a second. And I appreciate the comments this morning about the importance of multilateral approaches and ways in which you have to work with other countries. But I also think that there

is a very important consideration that has to be front of mind in working on any of these issues, which is how you build coalitions – political coalitions that push and make something a priority. And how we got to the withhold release order stage, and just having that option and possibility of having WROs issued, is, I think, a good example of where that occurs. I happen to be a fan more of unilateralism, but I understand that that is limited in what it can do.

But in the – in the context of our Section 307 law, up until the law was changed in 2015 in the Trade Facilitation and Trade Enforcement Act, the law that we had on the books was immoral. And it said that we prohibit the importation of goods produced through forced labor, provided that we cannot – provided that we can meet all consumptive demand requirements in the country by U.S. producers. And so for shrimp fishermen, the reason why they got involved in this in the first place is that there had been fantastic investigative reporting of the Thai shrimp industry, about the abuse of migrant laborers in their processing sector. And they went to the federal government, said, can't we do something about this? And they said, can you produce all the shrimp that can be eaten in the United States? And if you can't, that law doesn't apply.

And so that set them off. Because fishermen, whether they're in the United States or anywhere else, are fiercely independent. They have chosen that profession because they want to do what they – the work they want to do when they do it. And they take great umbrage at the thought that somebody could be compelled to be aboard a boat and forced to work on something that they all love, and they think of as a cultural thing. So they worked with a very odd assortment of groups for – given what their political backgrounds are – to try and make sure that that law was changed.

And 80 years after it went in place, it actually – there was an amendment, something that many people didn't think was going to happen. Now we have enforcement focus. And I think what we're – you know, the point that we've taken is that it is up to the industry itself to also continue to push for enforcement. It is not enough that the WRO goes out on a fishing vessel. It's how do we know actually whether the squid is coming from that fishing vessel? And what tools are available that allow Customs to do what they actually want to do, which is do the enforcement?

So we think that there is a future, in addition to the UFLPA, which Martina mentioned, and has made seafood a priority sector of concern in terms of things that come out of China. There's CAATSA, with respect to North Korean labor, that is also present in some of the Chinese

processing plants. For the domestic commercial fishing industries that are worried about their competition with us, they need – they have taken on that they have a responsibility then for working with the agencies to improve that. So very long answer your question. I'm sorry.

So both we believe that there's going to be more WROs, and that is a process that takes a lot of time but that it's going to happen, and then believe that also enforcement is essential to show that it matters, to be able to demonstrate that once you issue a WRO there is an actual impact in the marketplace.

Mr. Friedman: Couldn't agree more. And I thank you for the – thank you for the answer.

Allison, how about you? Where do you think we're going?

Ms. Gill: Well, I don't have a crystal ball, but I have three – I want to make three points. One of them is very wonky and boring. So I'm going to start with that one. (Laughter.)

And that is, CBP has, like, the largest database in the world. We also have a separate database on seafood imports that has – it's called SIMP. It's where your eyes can glaze over. But SIMP tracks the actual vessel level information for all the seafood that's coming into the U.S. It's also in the Customs data sphere. Those two databases don't talk to each other. So a port director enforcing a WRO is going to have to download a PDF and check if the vessel – you know, like, it's just not interoperable. So there's a fix. (Laughs.) I have a 17-year-old at home who likes to code things. Like, he's available to fix this. (Laughter.) He's done some coding for me in my – some of my investigative work. So that was the boring thing.

I think – I mean, I agree with what Martina said, Nathan as well. But look, WROs, they shouldn't be this hard to get. These issues, number one, are largely structural. And so if you're going to do a WRO over here, a WRO over here, one over here, the brands and the importers who profit from the forced labor drop the vessel from their vessel list, and they go somewhere else. They know exactly what is happening on board. They know that the issues are structural. And so it's like a little bit of a game of Whack-a-Mole.

And, again, you know, I want to bring the conversation back to who is profiting. And I also completely agree on the ILAB funding. But the responsibility to address structural forced labor has to, at some point, rest also with those who are profiting from it. And, again, I'm going to turn to some solutions like Wi-Fi, which is now incredibly cost available. We do a lot of work on the Taiwan distant water fishing fleet. It's the

second-largest distant water fleet in the world, after China's. It's one of the largest fishing fleets in the world.

You know, we used to have conversations with the Taiwanese about, you know, how much this is going to cost. Now actually a significant proportion of the vessels have Wi-Fi on it, but the fishers don't have access. So we've – you know, again, that we have to change the profit calculation so that a WRO isn't just hitting a particular vessel, but that the brand who is profiting from those imports can't just drop the vessel and move on to somewhere else, where the problems are exactly the same.

Ms. Vandenberg: Can I just pick up on something that Allison just said? Because it is not enough, as well, to have one country, the United States, issuing and enforcing withhold release orders. So we're also part of a coalition called the Coalition Against Forced Labor in Trade, which is a coalition of 18 organizations in eight different countries trying to make sure that every single country has an import ban, every developed economy that is importing large, large, large amounts of goods has an import ban in place.

And, again, one other thing that gives me some modicum of hope is that the USMCA, the U.S., Mexico, Canada trade agreement, that was actually negotiated under the first Trump administration, had a labor chapter. And in that labor chapter, Canada and Mexico were required to pass import bans, right? They both did. They're not enforcing them. It's a work in progress. But I think that the final sort of idea is that there can be no safe harbor for forced labor anywhere in the world. Now, if a container gets turned around from a port in San Diego, it can be just transshipped to some other destination that doesn't have the same foibles about forced labor. Doesn't have any enforcement to stop goods tainted with forced labor from coming into their market.

And so the reality is that many countries are not just destinations, they are dumping grounds. These countries are becoming dumping grounds for goods tainted with forced labor. And that should be unacceptable to them. So as Alison said, we also believe that all of these bilateral trade agreements, that are supposedly now into negotiation, we hope that they will all have import-ban language. We hope that they will all have language on labor rights.

Mr. Friedman: Can I touch on that, and say – you said you worked with 18 countries on this, on the creation of import bans? Is there anybody that's doing it particularly well? I'd love to have us be on a high note here.

Ms. Vandenberg: So the United States has been – it's been a little bit of a rollercoaster. In the beginning there were, I think, 13 or so, when enforcement really sort of took hold again. There have only been three withhold release orders this year. And I want to give a shoutout to the Corporate Accountability Lab as well, because Corporate Accountability Lab has gotten – has put in a number of petitions also. But the issue is that no other country at this point actually has import bans that they're enforcing, right? The United States is a trailblazer. The United States should just grab that moniker by the horns and continue to lead. So this is a place of real leadership that the United States could actually forge ahead and encourage other countries to pass import bans, but then also encourage those countries to enforce them.

Mr. Friedman: So I have many more questions, but I'd love to open it up to the audience and see if anyone has any questions, recognizing we have about 15 minutes left. So I'm sure there are very smart questions coming out of you all. I see a hand in the back. There should be a mic coming around too.

Question: Thanks very much. I'm Laura Levison from Oceana.

So you mentioned SIMP, so I wanted to get into that a little bit more. For those not familiar, SIMP is the Seafood Import Monitoring Program set up by NOAA under the Obama administration, defended in court by the Trump administration, successfully. It covers 13 species groups considered by NOAA to be high risk for IUU fishing and requires traceability of these seafood – of the seafood from its point of origin to where it enters U.S. commerce. It's certainly a program that needs some improvement. And in fact, NOAA worked very hard with many stakeholders on that over the past year and issued a SIMP action plan in November that has a lot of very strong ideas for strengthening that tool. But I wonder if the panelists, and maybe starting with Nathan, or particularly Nathan, could talk about how this tool, if fully and strongly implemented, would benefit our Gulf shrimp fishers and other American fishers.

Mr. Rickard: You know, thank you for that. The Section 609 program gave the shrimp industry kind of an early traceability requirement on imports. And it requires a Department of State form that comes in with all imports of shrimp. We have used that to address fraud and circumvention in trade patterns, particularly when there was a lot of Chinese shrimp that was coming into the United States through other countries. So we can see the value of traceability. Those documents were essential in being able to make our case. We would find that Malaysian exporters of very large sizes would list down that the farm that the shrimp was originating from was a China town in Sichuan that obviously does not have pond



aquaculture. I think people think of this stuff as paperwork, but we see it as there being some value in it.

Now, whether it's SIMP or something else, there has to be some traceability aspect that goes in. We talked – you talked a little bit about the different types of databases. And we're going to add to this the FDA's database, stuff that has now been delayed, but their requirements in terms of traceability. You have all these different places where they're going in. I think, specifically on SIMP, where that will come to bear the most is on what we're expecting with the Marine Mammal Protection Act. I mean, we really have to understand.

If we're going to say that entire fisheries cannot ship to the U.S., what is the process at which you're telling Customs that they're excluding products overall? It's much – this is not the needle in a haystack thing of a boat, that is one boat operating in the fleet. This is an entire fishery that will not be able to enter its products into the U.S. How we go about enforcement of that without any traceability programs seems very, very difficult.

Ms. Vandenberg: Can I just pick up on that traceability point? And it's not directly related to SIMP, but it is related to something that Max said this morning. Traceability is a fundamental piece that makes trade policy forced labor enforcement possible. So, for example, Ian Urbina and his team, investigators, will find evidence of forced labor. They will find evidence that fishers on board that vessel died, evidence that fishers on board that vessel suffered extreme levels of violence, evidence that there were violations of the International Labor Organization's indicators on forced labor.

What they have a very difficult time doing, what we all have a very difficult time doing, is tracing those goods coming into the United States. Because, again, to get a withhold release sort of the petition has to have two things. One, it has to prove there was forced labor and violation the ILO indicators. But it also has to prove that it's coming into the United States. And while CBP has a vast database, we do not. And so we rely on Panjiva, and ImportGenius, and commercial systems. But those commercial systems only have container ship data. And so we are blind. We do not see goods coming in by air. We cannot see freight coming in by train. And we cannot see freight coming in by truck.

And because of that, there is an enormous blind spot, from the perspective of people who want to submit petitions. And so there are efforts afoot in Congress to try and expand the traceability, expand the traceability so that covers all modes of transportation and importation into the U.S. market.

Mr. Friedman: Whit. It's not always that the moderator from the last panel gets to ask a question, but I think we'll let it happen here.

(Laughter.)

Question: I appreciate that. Yeah, two things. First, I just want to thank you, Martina, for those comments. I just want to make the observation that I think you spoke earlier about – you spoke earlier about how this is as much a translation process, it's about language and getting different communities, political coalitions, as Nathan had said, to speak to each other. And it strikes me that there's a cultural piece here as well. And there's a cultural mode of enforcement within the labor rights community around reliance on civil society and the criticality of organizations like yours, like GLJ, like Outlaw Ocean to play that fundamental almost public-good role of investigatory work to support enforcement actions like WROs. And yet, we also have the need for the government to serve in a public-good role to connect these databases, to provide utility of this kind of information in a way that can better support those kinds of enforcement actions. Is that something you've thought about in this work?

Ms. Vandenberg: There is no way to replace what we have lost with USAID. There is no way to replace what we have lost with ILAB and the cut of ILAB funding. And so we are in a really critical moment because the civil society organizations cannot do this by themselves. Human rights organizations cannot do this by themselves. And investigative journalists can't do this by themselves. And so I – we've been involved in, you know, a campaign to try and get ILAB funding reestablished. There's a lawsuit pending to try and get funding reestablished. But the one piece that I would say is missing in that analysis, Whit – you know, you have the NGOs, you have the government.

We need the workers. And we need the unions. And we need the people who are actually most impacted, the people who are dying on these vessels – I mean, the Pew Foundation has said that there are up to 100,000 fishers who are dying on vessels every year. This is one of the most dangerous jobs imaginable. And so we need unions and actual organizing to look out for the rights of those fishers so that those solutions can be much more organic, right? People in Washington on panels, even at CSIS, we're not going to figure this out without actually working with unions, and workers, and labor organizers.

Mr. Rickard: Can I – sorry. Before you – I want to do this quickly. But this has been really helpful to me in hearing the discussion today in understanding

where there is a deficiency, I believe, in that public good that you're talking about. When we – the shrimp industry, commercial fisheries, see ILAB's importance. They go and they petition, because ILAB has such respect in the work that they're doing. So, like, when we have concerns about how the Indian shrimp supply chain works, that is something that we're going to go petition and argue in front of ILAB, to get that report out.

What is kind of missing from all this, and I think the only thing that is – has fit filled this void was the International Trade Commission did a Section 332 investigation, based off the requests of Congress and NGOs here, as to the impact that IUU fishing had on the commercial shrimp – commercial fishing industry in the U.S. When you say we have one tuna packer left in the United States, question is how did we get to that point? How is it across the board that our commercial seafood industry and our commercial seafood production has collapsed to where we have 94 percent imports? That, I don't see connected.

That is the public good where the government could be really helpful, in understanding how all of these practices and things that we are talking about that are harmful to people overseas, also have an impact here in the U.S. Again, I'm too focused on this, but that's how I think you end up building political coalitions here, as to why you prioritize dealing with these problems.

Mr. Friedman: Did you want to.

Ms. Gill: I mean, I agree with you. And I just want to go back to something I had said earlier, which is that the problems that we've been talking about in IUU and forced labor are systemic. They are structural. And unless there are structural solutions, we aren't going to address the level playing field issue. And we're not going to – you know, WRO is a useful tool, but it's not a structural solution. But unions are. Wi-Fi on board vessels is. Trade agreements that prioritize labor rights and some mechanism to enforce them, with fishers actually being that mechanism, is a structural solution. I don't think there's really a way around that.

But I just want to – I'm going to be the person who keeps talking about the brands or the companies, because they're the ones profiting. And they also know what is happening. And it's – you know, it's brands that we all know that are in U.S. stores, actually. So what is the tariff rate that you would have to put on Taiwanese seafood to make that somehow a viable, you know, U.S. job, or something like that, is the question.

You know, you all know what longline fishing is like, probably. It's incredibly labor intensive. Fishers work up to 22 hours a day, you know,

in violation of ILO standards. Sometimes it's 15 hours, but it's often much more than that. It is one of the most dangerous professions in the world. Indonesian migrant fishers in the Taiwan – in the Taiwanese fleet make about \$550 a month for working 22 hours – 20 hours a day. They start those jobs in debt from recruitment. Several months' worth of their wages are – they owe to the recruiter. They pay for basic necessities so that they don't really make a lot of money doing that job. They don't receive health care when they are critically injured or catastrophically injured. And they don't control the price of tuna. U.S. companies do.

So this is not a tariff problem. (Laughs.) You know, the brands are doing everything, but unions. They're doing FIPs. They're doing MSC certifications. These are not addressing fundamental labor issues. And they're not addressing IUU. You know, I've interviewed dozens and dozens of migrant fishers in Taiwan, some of who have engaged in IUU practices because they're ordered to do so at risk of losing their jobs and being sent back, and reentering the debt and recruitment cycle, which traps them in forced labor, right? These are – these are vulnerable – these are people in vulnerable positions.

The brands also know that the IUU is happening. It's part of the – it's part of the financial calculation that is made, right? It's we have – as Martina has said, we have to increase the risk, certainly. But I wanted just to bring attention very quickly – I know we're almost at time – to the lawsuit that four Indonesian fishers filed in the U.S. against Bumblebee. Because it's sort of another – it's another cut at how we're going to get some accountability. There are four Indonesian migrant fishers, Andrew described some of the conditions. They're very much like the conditions we see in Taiwan.

And they are alleging forced labor and trafficking under the U.S. law on trafficking against Bumblebee. And they were part of a fisheries improvement project run by Bumblebee. You know, this is Bumblebee's sort of flagship effort to do good practices, including labor. Bumblebee oversees the standards, et cetera, et cetera. So, you know, I just wanted to point to that as, like, another moment where I think our attention needs to go to what the problems are, what the supply chain is, and really think about, you know, coming up with some structural – (laughs)

Ms. Vandenberg: – And, Allison, what you say about the brands is so important, because if you actually look at that Bumblebee Tuna complaint, which is very long and very detailed and I commend it to all –

Ms. Gill: But it's easy to read.

Ms. Vandenburg: It's an easy read. It's very narrative.

Ms. Gill: A cogent narrative.

Ms. Vandenberg: But there's a – there's a paragraph in the complaint where Greenpeace sent their findings, right? They sent a letter to the head of the company, saying: We have identified forced labor. They emailed it. They got an email back, which they quote in the complaint. And the email back said, yeah. I got it. But it's really not a priority to read it. You cannot say that you did not know. The brands know. And so the fact that they continue to operate as they do is completely shameful, frankly.

Ms. Gill: Yeah. They know.

Ms. Vandenberg: Yeah.

Mr. Friedman: Well, like any good moderated panel, we are beyond time. (Laughter.) So I'm going to ask our three panelists to give one policy recommendation. We've talked about a lot of solutions here. We've talked about a lot of gaps. So I'm going to ask, very quickly, maybe a minute each, to run through one thing that you would prioritize for improving human rights standards in this space.

Allison, let me start with you.

Ms. Gill: I'm going to go with my predictable answer, which is to prioritize access for fishers to Wi-Fi on board vessels, so that they can engage in their unions, file complaints, receive medical care, track their payments, talk to their families, combat forced labor, combat IUU.

Mr. Friedman: Martina.

Ms. Vandenberg: And because all of this work, human rights work, is all about the art of the possible, I think what is possible right now is more withhold release orders. But what I want is more withhold release orders for Customs and Border Protection with serious remediation on the other end that involves unions and workers.

Mr. Friedman: Nathan.

Mr. Rickard: I think for us it is enforcement and making sure that there is – that that enforcement is – if you've actually reported that you can see that there's some difference, that these interventions are having an impact in the market. But it's not the point of just doing it for enforcement. It is, kind of going to what Allison is talking about, I think that the only solution that the industry sees is when consumers care about this enough to where they're turning and changing the way that they consume

products so that isn't going after the cheapest stuff overall, but actually saying that we care about how our food is produced in the country.

Mr. Friedman: Thank you. If you would all join me and in a round of applause for these incredible panelists.

(Applause.)

I'm going to throw to Whit for some brief final comments. But before I do, I wanted to thank Anne, Lily, and Giselle, who have been incredible in putting this together. So thank you, all three. Another round of applause, please.

(Applause.)

Dr. Saumweber: And thank you, Andrew, as well. We wouldn't be here today without the partnership with the CSIS Human Rights Initiative. They are incredibly valuable to this organization and to how I think we need to think about foreign policy and security abroad. It's a critical part of who the U.S. is and what the U.S. stands for, and likewise, should be a critical part of what we do here at CSIS. So thank you very much.

Thank you all today for taking time out of your week to come and join us. I know it's been a crazy busy Capital Oceans Week. I hope that this was a good capper for you all. We believe that this is a really important part of the story, part of the ocean story, and part of what we can do in the United States to make a better world. So thank you for being part of that process. And we'll look forward to seeing you next time. Take care.

(END.)



