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TRANSCRIPT

Event

Ocean Security and Human Rights Forum  
**Fireside Chat with Sen. Sheldon Whitehouse (D-RI)**

DATE

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FEATURING

**Senator Sheldon Whitehouse (D-RI)**

*Ranking Member, Committee on Environment and Public Works,  
United States Senate*

CSIS EXPERTS

**Dr. Whitley Saumweber**

*Director, Stephenson Ocean Security Project, and Senior Associate (Non-resident), Asia  
Maritime Transparency Initiative, CSIS*

*Transcript By*

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Dr. Whitley  
Saumweber: Hi, everybody. Whit Saumweber once again. And I just want to say a huge thank you to Andrew and his wonderful panel once again. That was a really deeply insightful, enlightening conversation, and a great sort of complementary discussion about human rights and labor and the people that are at stake in this industry and under these particular challenges that we face from IUU fishing and global ocean governance concerns. So really, really thankful to Andrew for leading that discussion, and thanks again to his panelists.

I am incredibly pleased and honored to be joined onstage here with Senator Sheldon Whitehouse from Rhode Island, my home state and so my senator.

Senator Sheldon  
Whitehouse (D-  
RI):

(Laughs.)

Dr. Saumweber: So thank you, sir.

Sen. Whitehouse: The Rhode Islanders are plotting. Look out. (Laughter.)

Dr. Saumweber: That's right, we're taking over the world. Small but mighty.

And also want to just say that this is a great kind of full-circle moment because the senator was here for the launch of the Stephenson Ocean Security program in 2019. So great to have him here. And I think it says something about his passion and his commitment to these sensitive issues that he's still coming to talk to us about it, but also about the challenge that we face because we're still here talking about these issues.

So maybe I'd like to start with that, Senator, and just say again thanks for coming and also offer you a moment to talk about why you care so much about IUU fishing, human rights issues. Why is it relevant to you and to the United States?

Sen. Whitehouse: Well, thank you, Whit. And also thank you to the Stephenson Foundation, and to Phil and his team, Eugen and others, for putting all this together. I'm very grateful to Phil for his work in this space.

The pirate fishing bill I prefer to call it, because "IUU" is just so boring – the pirate fishing bill intersects a lot of important issues for our country and for my constituents. First of all, when you've got massive amounts of crooked pirate fishing taking place, it necessarily depresses prices in the market and hurts fishermen everywhere. Second, when they're ravaging vulnerable stocks, then you have a real environmental problem of what's happening to the world's fisheries.

And then you can layer on top of that that the true pirate fishers are actually running really evil enterprises. I mean, they're basically running slave ships while they are doing all this other damage, and very often turns out they're available for different nefarious activities. Once you're operating illegally, then why stop at illegal fishing? Why not transit arms or, you know, deal with human trafficking or whatever?

So then you switch over to the Chinese fishing fleet, which is operating equally piratically, and that has very significant national security overtones to it. There's some real advantage to dealing with the Chinese fishing fleet with our friends and allies who are coastal countries. A lot of this got kicked off when the head of AFRICOM made a presentation to our Munich Security Council (sic; Conference) delegation and volunteered, without me having prompted him, you know, we could really use some help with our coastal partners at helping them fend off the Chinese fishing fleet – know when they're there, know which ones they are, have some way to do identification, and maybe even a modicum of enforcement. So I was like, could you repeat that?

And at that point – she was a Marine general, I believe – the Navy took an interest, which had been telling us to go pound sand, this was not a concern of theirs. But once – (laughs) – once the Marines took an interest, suddenly the Navy popped up and said, OK, well, maybe we're interested as well.

Dr. Saumweber: (Laughs.)

Sen. Whitehouse: But when I traveled, I traveled a lot with John McCain. We traveled a lot through Asia. So it's not just Africa. In Asia, really wherever we went when you asked the local military leaders, when you asked the local heads of state, so, how are things going with the Chinese in your EEZ, in your fisheries, it was – (makes sound) – it was like putting a match to a bucket of gasoline. They were just lit up. So we have a real opportunity to create friendships and allegiances and friends with opposition and defense against the predatory Chinese fishing fleet. And of course, the Chinese fishing fleet, too, is doing a lot more than fishing.

When I was at the oceans conference in Palau, there was a Chinese “fishing” vessel that was parked offshore engaged in behavior that no fisherman would think was fishing unless they were, like, dropping a line in the water. But they were just still over where the land – the cables went and obviously doing signals intelligence work. And there was a terrific New York Times article a little while ago that tracked the transponders of the Chinese fishing fleet in the Pacific and how on a certain command – they were just randomly distributed all over the place – they suddenly come into alignment along one longitude line as a sort of physical barrier, clearly a practice move of some kind but, again, not fishing behavior.

So national security reasons, environmental reasons, criminal misbehavior reasons. There are a great number of reasons. And I'm informed in all of this by being married to a marine biologist, so, like you, I get it at home pretty strong.

Dr. Saumweber: (Laughs.)

Sen. Whitehouse: Like, why are you not doing better on the pirates robbing our oceans?

Dr. Saumweber: (Laughs.) Well said. I like to say that fish is quite literally the coin of the realm – coin of the realm in many parts of the world that we care most about and which are in some ways the most complicated to travel in. And so if we can't sort of be responsive to those issues in those regions, then we're sort of doing a pretty poor job of being a partner.

Sen. Whitehouse: Shooting ourselves in the foot in some respects.

Dr. Saumweber: That's right.

And back to your AFRICOM point, I remember hearing a very similar briefing from AFRICOM at one point where they talked about these sort of opaque fishing agreements as literal vectors for corruption.

Sen. Whitehouse: Yeah.

Mr. Saumweber: So you've just listed a host of issues as to why this should be something that we, the United States, care about broadly. And I think that is indicated or represented by the fact that it remains a very bipartisan issue in a time when that is increasingly rare. And you and Senator Sullivan from Alaska, your good friend, have cosponsored this pirate fishing bill that you've mentioned, the FISH Act.

Sen. Whitehouse: Yeah.

Dr. Saumweber: And I wonder if you could talk a little bit more about that –

Sen. Whitehouse: Sure.

Dr. Saumweber: – and sort of its approach, and your thinking behind it.

Sen. Whitehouse: The weakness, if you will, the opportunity with the pirate fishing fleet – and a lot of the Chinese fishing fleet, they're not necessarily flying under a Chinese flag; they are out there Chinese, but they're operating through the customary array of false flags, shell corporations, misidentification, and all of that that creates secrecy around the piracy. And what the FISH Act is designed to do is

to shine some transparency into that so that we're looking at the false-flag operations, and if countries are allowing pirate fishing fleets to operate under their flag there should be consequences; looking at the shell corporations and who is behind them, and doing the kind of investigation you do in money laundering operations to figure out who the true what they call beneficial owners are, the actual people behind in some cases multiple screens of shell corporations and trusts and so forth. So digging through all of that, and then at the end of the day being able to take ships and owners and flags and penalize them with sanctions and blacklisting so that they're put out of business.

Dr. Saumweber: Dr. Perry, who was here earlier, the deputy assistant secretary of state for oceans, talked about how, you know, we have a variety of enforcement tools potentially –

Sen. Whitehouse: Potentially, exactly.

Dr. Saumweber: – but it requires the will to use them.

Sen. Whitehouse: That's the problem. Yeah.

Dr. Saumweber: And so would you say this is something that sort of tries to get at that?

Sen. Whitehouse: Yeah. The way I simply describe it is fishing ain't about fish anymore. It's about a lot more than that. But it's kind of customary, and particularly in what is referred to as the blob, the sort of defense industrial think tank complex –

Dr. Saumweber: Proud members here. (Laughter.)

Sen. Whitehouse: – that there are certain issues that are cool ones and then there are others that don't get any attention at all. And if you go to the blob and ask about fisheries, everybody just rolls their eyes because, like, fisheries is about fish, and who cares about fish? So educating the blob that there's a lot more going on around the pirate fishing operation than just fish – you know, you'd like fish to be enough when you consider the damage that gets done to global fisheries and the effects on our different, you know, fishing fleets. But when that's not enough, well, there's the rest of the case, which is: How do we get along better with our African and Asian allies? How do we punish very bad misbehavior? How do we clear crime out of the unpoliced zone of the open oceans? And how do we monitor PRC misbehavior masquerading as fishing?

Dr. Saumweber: That's a great segue, I think, to the subject of our earlier panel, which was ocean governance more broadly and this idea that illegal fishing/pirate fishing is a – one way to sort of think about, but just an aspect of a broader suite of challenges about ocean governance, around this idea that we treat

the oceans as a commons but it's really a commonwealth, and that we all have shared responsibility for it.

Sen. Whitehouse: Yeah.

Dr. Saumweber: Do you think of these things in that way? Do you think of fishing in that way?

Sen. Whitehouse: Yeah. And you know, there are plenty of other treaties, always going back to the Law of the Sea, that we've kind of taken for granted for a variety of reasons. And I think we need to step up and formally join all of those treaties.

With the Law of the Sea, what we've customarily done is allow Canada to be the interlocutor for us in the meetings. And that was all fine when there – the stakes were very low and when Canada was a reliable friend, but once we started kicking Canada in the teeth and mocking them as a 51st state and whacking them with tariffs and all of that, we've created a real political backlash. And I think if Prime Minister Carney were to tell his parliament, well, we're going to the next Law of the Sea Treaty conference and we're going to have the United States' back because they're such close friends of ours, you'd probably get booed out of question time. So that relationship has been damaged enough that it's hard – unfair to expect Canada to put our interests ahead of theirs.

And of course, everybody's interests have popped up a lot as climate change has thawed out the Arctic and opened shipping. And now – you know, the Chinese are now pretending that they're a semi-Arctic country so that they can argue for shipping rights through to Europe.

So the stakes have gotten much, much, much, much higher, and our interlocutor no longer has the same motive to be our interlocutor. So we really ought to just step up and do this, and I think more and more Republicans are beginning to see that.

Dr. Saumweber: Yeah. We are, unfortunately, with the very few countries not have ratified the Law of the Sea, with such luminaries as Iran and Russia.

Sen. Whitehouse: Yeah. And we're with them on ocean plastics too, you know? (Laughter.) Got to make sure we stick with the worst countries in the world when it's pollution that's an issue, my lord.

Dr. Saumweber: (Laughs.) Yeah, so I appreciate that greatly, and this idea that fish is, obviously, both important to individual nations in key parts of the globe but also that it is representative of this broader challenge.

We spoke earlier – Erik Giercksky, a member of our panel earlier, talked about this idea that there is a ghost fleet in fisheries and a shadow fleet in oil. Do you see something similar?

Sen. Whitehouse: Yeah. Oh, absolutely. I mean, the methodology of how you obscure the ownership of a vessel and operate, you know, off of the transponders, out of legal authority, without subjecting yourself to inspection in ports, and all things like that – the craft of how you ghost or shadow your fleet is pretty much the same. So what I am very much hoping is that the skillset that develops in government once they have the direction to perform that transparency work with respect to the fishing pirate fleet, that becomes a skillset that transfers very readily over to the oil shadow fleet. And so it's a – it's a skillset that we need to be much better at, and have every reason to be much better at. And so let's start with fisheries, where we have this law, and maybe the rest of the government will come around and learn, hey, that's actually kind of a good thing to know how to do; let's be better.

Dr. Saumweber: Yeah. And about creating expectations as well, an expectation for transparency versus an expectation for opacity –

Sen. Whitehouse: Yeah.

Dr. Saumweber: – because we know bad things happen in the dark. Can we have an expectation of transparency on the high seas and all that comes with it?

Sen. Whitehouse: One interesting angle on all of this is how satellite and other tracking helps civil society watch what the hell is going on. So Global Fishing Watch and their satellite oversight coordinate group; there are a handful of very, very good private-sector groups that track all of this stuff.

I've been working for a long time to try to get them and the intelligence community to work more closely together, and that has – that began to happen a little bit in the Biden administration. I don't know how much that's gone asunder in the Trump administration. I hope it's continuing, but I don't have the same visibility into it. But you know, you could do simple things like have a pretty real ticket every time your transponder goes off.

Dr. Saumweber: Condition for market access, potentially.

Sen. Whitehouse: Yeah. And you know, pretty much when the transponders go off, it's a sign that somebody's up to no good and they're either running anonymously to a point where they can transfer their illicit cargo to another ship and try to launder the cargo, or they're going into a protected fishing area and going to scoop out the fish. Knowing who's out there and where they are ought to be pretty simple, and if the transponder goes down that should be a fairly significant penalty just for that, like a speeding ticket. And then you can find

out more if it becomes, you know, regular. If you can look into why they did it, then the penalties go way, way, way up. But just having your transponder go off ought to be an event that merits some initial sanction and some inquiry.

We know how to build transponders. They don't usually go off for mechanical reasons. Usually somebody's flipped a switch to go and do something that's pretty evil.

Dr. Saumweber: Again, that expectation of transparency.

To connect it to the human rights panel, there was a lot of discussion about the availability of wi-fi at sea so that workers/seafarers just had the opportunity to communicate, and how much that would make a difference to their ability to have a life free from abuse.

Sen. Whitehouse: Yeah. "My bunkmate got injured and last night they threw him over the side" – that's the kind of communication you'd like to be able to receive from the crew on a pirate fishing vessel.

Dr. Saumweber: Yeah. Yeah.

We have just a couple more minutes. I do want to open up to any folks here who might have a question for the senator. Sure. This side.

Q: Thank you. Very informative.

How about educating the consumer about these abuses? You talked about the blob, but many consumers are not aware. We've got animal welfare labeling on products, but what if supermarkets could also be forced or pressured to add some labeling about the workers conditions of a particular seafood product that they're consuming? Thank you.

Sen. Whitehouse: Yeah. Some of that is being done already at a more kind of high level based on sustainability. Monterey Bay does its evaluations of which fish are sustainably fished and that, therefore, you should feel OK about ordering them in a restaurant; which are not sustainably fished and you should be watchful about ordering. And –

Q: But, sadly, sustainably fished product could still be from a worker that has been abused, so how do we focus on the worker aspect?

Sen. Whitehouse: Yeah. Could be, but not necessarily likely to be.

And then, separately, there is some work being done on forcing some of the big chains to be more responsive to this so that their supply chain tracing – they got to be able to show that they don't track their supply chain back to

these pirate fishing fleets. And I think that is working. There's much more attention in the big processing and, like, Walmarts and so forth that they need to be more responsible for their supply chains. More work to be done, so you raise a really good point, but there's some islands of existing capability in that space that simply need to grow.

Dr. Saumweber: Yeah.

One more question. Here in the middle.

Sen. Whitehouse: The lady here behind the camera. You can't see her.

Dr. Saumweber: Oh. We'll go here and then we'll maybe have one more in the middle, then, after that.

Q: Thank you, Senator, for your remarks.

The seafood supply chain is one of the most opaque supply chains and your office led an effort to expand manifest transparency through the Manifest Modernization Act.

Sen. Whitehouse: Yeah.

Q: So I was wondering if you could speak a little bit to that effort and the current appetite to have that legislation passed.

Sen. Whitehouse: At the moment an air carrier, for instance, is required to declare to the government who's onboard when they come in and the manifest of the passengers is mandatory to declare. This bill, which I've been working on with Senator Cassidy, would apply similar transparency to cargo in order to head off tariff and tax evasion issues. And as you can imagine, the usual suspects want no part of it. So we are continuing to find – look for an opportunity where we can force it into a piece of must-pass legislation.

There is a national security benefit to knowing what's coming in and having much better supply chain transparency, particularly as you see the dangers of, like, AI-generated disease vectors or drones that you can then unpack, like the Ukrainians launched the drones against the Russian airbase from a thousand yards from the airbase because they built them into the container roof of the truck, and the truck came through just looking like a truck, and off you went. So they are – there are real national security advantages to having better supply chain transparency, including through the manifests process. And I think that will become clearer, and we're going to keep pushing, and I think it'll happen.

But it's slow going, as the FISH Act demonstrates. I think we're finally in the final year of the – of the FISH Act. I think it's now going to at last happen. But you know, it's much easier in Congress to say no than it is to say yes.

Dr. Saumweber: OK.

Last question, here in the middle. Yeah.

Q: Thank you, Senator. And it's good to see some other Rhode Islanders, after recently moving to the DMV area from there.

On the pirate fishing act, I'm curious where you see its sticking points, because I appreciate its bipartisanship but to the extent that other congresspeople don't think it's quite time to pass it yet. Is it a messaging issue as far as environmental versus market concerns? Or are there deeper disagreements, maybe, like, concerns for corporate interests?

Sen. Whitehouse: I think the two hurdles we had to get over were: Why does this matter? Isn't it just about fish, and who cares about fish after all? And I think we got over that pretty readily. And then a lot of it was just here are the procedures of getting legislation passed and here are the hoops you have to jump through to get into, for instance, the National Defense Authorization Act. It touched a lot of committee jurisdictions, so we needed a lot of signoff from a lot of chairs and ranking members, House and Senate both. And running all that down made – kept Mariah very busy for a long time.

And then the last one we missed only because of a technical glitch that the House – one of the relevant House committees felt it should adhere to a rule that they don't support measures in their jurisdiction going into the NDAA if they have not had a markup in the committee, and they hadn't done the markup. So they have since now done the mark, so that last little, tiny obstacle which you think in good faith people could have just said, well, yeah, the rule's here for a reason, but let's just have a pass on that one and get this going because this actually does matter, but that's not often the way that Congress works. And the imperatives of the chairman and their staff, and the rules that they seek to enforce, can overwhelm the merits.

But it looks to us like we are through now all of those hoops and over all those obstacles, and it should – (knocks on table) – be in the next NDAA. And it enjoys support from the administration. The deputy secretary of state, Chris Landau, is a convert to this, and enthusiastically so. And as we saw from the repeated emphasis on this from AFRICOM, the military understands this. And there are actually some quite good classified reports that focus on the mischief involved, particularly with the Chinese fleet. So our intelligence community is now starting to watch this better.

Dr. Saumweber: Well, we'll close on that note, then, and the importance of knowing congressional procedure – (laughter) – as a way of having success on these issues.

I want to thank you all again for joining us here today for our Ocean Security and Human Rights Forum. We really appreciate your attention and your interest. It is because of that attention and interest that we can continue to do this and we can continue to make progress. So thank you again. Have a wonderful day. And thank you, Senator.

Sen. Whitehouse: Thank you, Whit. (Applause.)

(END.)