Illegal Fishing in the South China Sea:
Why a United States–Indonesia Partnership on Illegal, Unreported, and
Unregulated Fishing Complicates Matters for China

Louis M. McCray
Captain, United States Navy
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A paper submitted to the Faculty of the United States Naval War College Newport, RI in partial
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CAPT Louis M. McCray

Naval War College - Joint Military Operations Department
686 Cushing Road
Newport, RI 02841

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The United States should reinforce its partnership with Indonesia on the issue of illegal, unreported, and unregulated (IUU) fishing in order to challenge the legitimacy of excessive Chinese claims in the South China Sea. The central idea of this paper is to propose a way to challenge Chinese legitimacy by focusing attention on the illegitimacy of its actions.
Abstract

The United States should reinforce its partnership with Indonesia on the issue of illegal, unreported, and unregulated (IUU) fishing in order to challenge the legitimacy of excessive Chinese claims in the South China Sea. Indonesia’s aggressive stance against IUU fishing could have larger implications in the Indo-Pacific region for the United States. Since excessive claims are a trademark of Beijing’s approach to statecraft, reinforcing the United States–Indonesia partnership on illegal fishing could be a way to fight back against China without risking military escalation. In essence, such a partnership would focus on challenging Chinese legitimacy. Simply put, China’s approach to statecraft only works if its actions are seemingly legitimate, or at least legitimate enough, under international law. The central idea of this paper is to propose a way to challenge Chinese legitimacy by focusing attention on the illegitimacy of its actions. With regard to IUU fishing, since international law does not recognize China’s nine-dash line, fishing without permission by Chinese vessels in its neighbors’ EEZs is by definition illegal. This paper makes three main points why a reinforced United States–Indonesia partnership would be an effective way to counter Chinese claims. First, Indonesia is well-postured to be a regional leader against illegal fishing, given its embrace of its maritime identity. Second, Indonesia’s aggressive stance against IUU fishing makes it an ideal partner for the United States to counter Chinese claims in the South China Sea. Third, the United States has a window of opportunity to use IUU fishing as a strategic narrative against China, while Indonesia is on the United Nations Security Council from 2019 to 2020.
INTRODUCTION

"Oceans, seas, straits, and gulfs are the future of our civilization. We have been showing our backs [to them] for too long..."¹
President Joko Widodo, Indonesia’s 7th President

At the November 2014 East Asia Summit, newly elected Indonesian President Joko “Jokowi” Widodo declared his ambition to transform Indonesia into a maritime power.² The leaders of the Association of Southeast Asian Nations’ (ASEAN) 10 member countries, as well as the presidents of the United States, Japan, and India, were all in attendance as President Jokowi unveiled his Global Maritime Fulcrum.³ The vision alluded to the need for Indonesia to protect its maritime resources by combatting illegal, unreported, and unregulated (IUU) fishing in its waters. Since President Jokowi’s announcement, some reports estimate that Indonesia has reduced IUU fishing by foreign vessels in its exclusive economic zone (EEZ) by 90%.⁴ The Jokowi administration’s success in combatting IUU fishing is good news for Indonesia, but it also has broader implications for the Indo-Pacific region.

 Particularly for the United States, finding effective countermeasures to excessive Chinese claims in the South China Sea is a problem that continues to vex United States’ presidential administrations. Indonesia’s crackdown on illegal fishing could provide an opportunity for the

United States to counter those claims. The United States and Indonesia could build on their existing relationship on IUU fishing under the United Nations Agreement on Port State Measures as a way to fight back against China without risking military escalation.\(^5\) In essence, such a partnership would focus on challenging Chinese legitimacy, since making excessive claims under international law are trademarks of Beijing’s approach to statecraft.\(^6\) Targeting legitimacy matters because lulling adversaries to believe they are not in conflict with China is at the heart of how Beijing pursues its goals.\(^7\) Simply put, China’s approach to statecraft only works if its actions are seemingly legitimate, or at least legitimate enough, under international law. The central idea in this paper is to propose a way to challenge Chinese legitimacy by focusing attention on the illegitimacy of its actions. With regard to IUU fishing, since international law does not recognize China’s nine-dash line, fishing without permission by Chinese vessels in its neighbors’ EEZs is by definition illegal.\(^8\)

The United States should reinforce its partnership with Indonesia on the IUU fishing issue in order to challenge the legitimacy of excessive Chinese claims in the South China Sea.\(^9\)

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\(^5\) The Food and Agriculture Organization (FAO) of the United Nations Agreement on Port State Measures has 56 party nations and focuses on eliminating IUU fishing. It will be discussed in greater detail later in this paper.

\(^6\) This paper uses “statecraft” as a shorthand to describe either the individual or integrated use of instruments of national power in state competition other than armed conflict in order to achieve political aims. As the term statecraft relates to “gray zone strategies,” there is no common definition of what constitutes a “gray zone.” In the context of this paper, Chinese statecraft is synonymous with the vaguer term “gray zone strategies.” It is also worth noting that this paper borrows from the United States’ joint military definition of legitimacy, which describes it as “actual and perceived legality, morality, and rightness of...actions from the various perspectives of interested audiences.” Joint Staff, “Joint Publication 3-0, Joint Operations, Appendix A-4,” (January 17, 2017), accessed October 12, 2018, [http://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/ip3_0_20170117.pdf](http://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/ip3_0_20170117.pdf).


\(^9\) “Reinforce” in the context of this paper follows the Joint Staff’s Joint Concept for Integrated Campaigning definitions for cooperative relationships. Namely, reinforced relationships are described as follows: “independent actors may already have taken action, of their own accord, that aligns with our interests. In these cases, we seek to support their actions and do not necessarily need to take the lead (though that may change with continual assessment).” Joint Staff, “Joint Concept for Integrated Campaigning,” (March 16, 2018), 20, accessed October 12, 2018.
This type of partnership makes sense for three reasons. First, Indonesia is well-postured to be a regional leader against illegal fishing, given its embrace of its maritime identity. Second, Indonesia’s aggressive stance against IUU fishing makes it an ideal partner for the United States to counter Chinese claims in the South China Sea. Third, the United States has a window of opportunity to use IUU fishing as a strategic narrative against China, while Indonesia is on the United Nations Security Council from 2019 to 2020.

LEADERSHIP ON ILLEGAL FISHING IS KEY TO MARITIME IDENTITY

Indonesia’s embrace of its maritime identity under President Jokowi’s Global Maritime Fulcrum has resulted in greater focus on illegal fishing. In March 2017, President Jokowi released his long-awaited Sea Policy, which elaborated on the maritime vision he announced at the 2014 East Asia Summit. The policy expanded on the original five pillars by adding two additional pillars and providing a framework for implementation. Of particular note, one of the manifestations of the Global Maritime Fulcrum initiative has been Indonesia’s clamp down on IUU fishing. This trend likely will continue as the Jokowi administration further implements its maritime vision under the more comprehensive Sea Policy. Since aggressively combatting

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illegal fishing has been one of President Jokowi’s more successful efforts, it stands to reason that IUU fishing will gain greater importance as Indonesia continues to define its maritime identity.

Furthermore, Indonesia’s size, geographic location, and desire to control its EEZ also contribute to why it is well-postured to emerge as a regional leader against IUU fishing. As the world’s largest archipelagic nation with the world’s fourth largest population, commercial fishing rights are an important strategic issue for Indonesia. In 2016 alone, the United Nations estimated that Indonesia generated 14.3 million tons of seafood, which made it the second largest seafood producer in the world. Indonesia also is located on the periphery of China’s infamous nine-dash line, with Indonesia’s EEZ around the Natuna islands overlapping China’s nine-dash line claim. These competing claims over the waters around the Natuna islands directly relate to illegal fishing, since an essential part of having an EEZ is being able to protect the resources in it. Indonesia’s archipelagic nature, dependency on its fishing industry, and need to secure its fishing rights are all contributing factors to why Indonesia could be an influential leader on IUU fishing.

Critics may argue that Indonesia is not well-positioned to be a regional leader on combatting illegal fishing for two important reasons. First, even though Indonesia’s EEZ around the Natuna islands overlaps with China’s claim, Indonesia technically considers itself a non-claimant in the South China Sea disputes. Second, taking a regional lead against IUU fishing could antagonize China, which potentially could jeopardize Chinese investments in Indonesian infrastructure projects. Some estimates project that Indonesia’s cash-strapped government needs

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14 Parameswaran, “Indonesia Wants Global War on Illegal Fishing.”
15 Ibid.
16 Adelle Neary, “Jokowi Spells Out Vision.”
anywhere from $157 to upwards of $500 billion dollars to fund its infrastructure initiatives, with
China as a potential source for at least some of those funds. To the first point, regardless of
Jakarta’s official diplomatic position on the South China Sea disputes, Indonesia stands to lose if
China is successful in codifying its nine-dash line. Even more to the point, Indonesia’s tack into
the winds of maritime relevance almost certainly puts it on a collision course with China. To
the second point, even though China is the third-largest foreign investor in Indonesia with 3.36
billion dollars in 2017, this does not mean Indonesia wants to be a client of China. Granted the
Jokowi administration should assume that there are strings attached to Chinese infrastructure
investments, since using foreign aid as leverage is a common Chinese ploy. However,
Indonesia ultimately has the last say with regard to how deeply it allows China to involve itself
in Indonesian affairs. Given President Jokowi’s focus on Indonesian sovereignty, it seems
unlikely that Jakarta would allow Beijing to gain too much leverage over it.

As strong as both of these counterpoints are, it is unlikely that Indonesia would acquiesce
to China on a fundamental issue of sovereignty such as fishing rights around its islands, given
the importance of the fishing industry to Indonesia. Additionally, combating IUU fishing has
emerged as a key element of both President Jokowi’s Global Maritime Fulcrum and his more
comprehensive Sea Policy. Trading access to fishing rights for money would be politically risky

in-nation-building-plan.
18 Joe Cochrane, “Indonesia, Long on Sidelines, Starts to Confront China’s Territorial Claims,” The New York Times
19 Rachmadea Aisyah, “Chinese Investments trending in Indonesia.” The Jakarta Post (May 2, 2018), accessed
20 The Hambantota port in Sri Lanka is one of the more notorious examples of Chinese predatory lending. In that
case, China gave Sri Lanka money, which Beijing knew its poorer neighbor could never repay, to revitalize the port.
When Sri Lanka failed to make its payments, China leveraged those debts to coerce Sri Lanka into signing over
rights for 99 years to the 15,000 acre port. Maria Abi-Habib, “How China Got Sri Lanka to Cough up a Port,” The
for Jokowi, especially since he is up for reelection in 2019. For now, Indonesia seems to have chosen a middle road between pursuing regional leadership on illegal fishing and neither antagonizing nor acquiescing to Chinese pressures. However, this position could easily change if China continues its ascendancy and Indonesia were to feel isolated. This is why a closer relationship with the United States on illegal fishing may be an attractive option to Indonesia.

WANT AN AGGRESSIVE PARTNER? FIND A COMMON ISSUE

Indonesia’s aggressive stance against IUU fishing, and demonstrated willingness to take action, make it an ideal partner for the United States to counter excessive Chinese claims. Indonesia’s efforts to protect its maritime resources have resulted in an overall reduction of IUU fishing nationwide, including a reduction of illegal Chinese fishing in the Natuna Sea. Under the charismatic leadership of Marine Affairs and Fisheries Minister, Susi Pudjiastuti, the task force President Jokowi established in 2016 to curb illegal fishing has captured and destroyed hundreds of illegal fishing vessels. Later that same year, Indonesia and China engaged in three maritime skirmishes over fishing rights around the Natuna islands. As New York Times correspondence Joe Cochrane points out, Indonesia’s pushback against China’s claims around the Natuna Islands takes direct aim at Beijing’s nine-dash line, and adds yet another player to the high-stake competition for maritime rights in the South China Sea. In addition to its enforcement actions, Indonesia also increased its military presence on the Natuna archipelago, and renamed the waters around the islands the Natuna Sea. China responded to Indonesia’s actions by publicly

22 Joe Cochrane, “Indonesia, Long on Sidelines.”
23 Ibid.
claiming for the first time that its nine-dash line included fishing waters inside Indonesia’s EEZ. 24 Although tensions over fishing rights in the Natuna Sea have not derailed Indonesian-Chinese relations, they have complicated them. Jakarta’s actions to protect Indonesia’s sovereign rights demonstrate that it does not want to be subservient to Beijing. Indonesia’s actions also show that President Jokowi’s Global Maritime Fulcrum is more than just rhetoric. Particularly with regard to IUU fishing, Indonesia has shown a willingness to take a proactive role in protecting its maritime resources. The issue is also one on which the United States and Indonesia can find common ground.

Specifically, the illegal fishing issue fits into the Trump Administration’s views on Chinese actions in the South China Sea. In his National Security Strategy, President Trump highlights China’s use of non-military methods of statecraft to advance its aims. 25 The Trump administration prioritizes a vision for the Indo-Pacific in which all nations are potential partners against forces attempting to subvert sovereignty. 26 In keeping with its renewed emphasis on the region, the administration also has established a schedule of regular freedom of navigation operations (FONOPS) in the South China Sea, which is a major change from the Obama administration which infrequently used FONOPS. 27 The Trump administration’s emphasis on sovereignty aligns well with the Jokowi administration’s focus on IUU fishing, since this issue as it relates to China is also fundamentally one of sovereignty. 28 The United States’ intention to increase FONOPS in the region is further evidence of its renewed commitment to challenge

24 Ibid.
26 Ibid.
28 Although EEZs are in international waters, according to UNCLOS coastal states have the right to enforce sovereign rights in this zone for economic purposes. United States Navy, Naval Warfare Publication 1-14M: The Commander’s Handbook on the Law of Naval Operations, (Norfolk: Department of the Navy, 2017), 1-9.
aggressive Chinese statecraft in the Indo-Pacific. However, increased naval operations alone have been ineffective, since “gray-zone aggressors deliberately refuse to breach the threshold between uneasy peace and armed conflict.” This aspect of so-called gray-zone conflict suggests the need for a more creative approach. A reinforced United States–Indonesia partnership to combat IUU fishing is such an option that would bridge the gap between inaction and military escalation.

Aligning national interests may prove to be easy, since an effective United States–Indonesia partnership aimed at China’s excessive claims could build on the diplomatic framework already in place to reduce IUU fishing. The United States and Indonesia work together to implement the United Nations Food and Agriculture Organization (FAO) Agreement on Port State Measures, which focuses on eliminating IUU fishing. The current partnership focuses on a number of interagency programs coordinated by the United States Embassy in Jakarta. The FAO agreement has been a good framework for United States–Indonesia cooperation on IUU fishing, but it could serve a broader purpose. Namely, both nations could use the agreement to more closely link China to illegal fishing. This connection would be easy to make for two reasons: 1) As a non-party to the agreement, China is vulnerable to charges that it is working against the international community when it comes to stopping illegal fishing, and 2) China’s nine-dash line essentially enables illegal fishing by Chinese vessels in its neighbors’ EEZs.

Additionally, the July 2016 ruling by the United Nations’ Permanent Court of Arbitration against China in its dispute with the Philippines provides legal clarity on China’s nine-dash line. The court’s ruling only strengthens the connection between IUU fishing and the broader EEZ disputes in the South China Sea. This link also further calls into question the legitimacy of Beijing’s claims, and provides a rationale for the United States and Indonesia to characterize Chinese encroachments into its neighbor’s EEZs as crimes. In fact, this is exactly how Indonesia has treated incursions by foreign illegal fishing vessels into its EEZ under the Jokowi administration. Treating these incursions as crimes is a brilliant move by Jakarta, since it is a logical way to interpret Chinese actions through the lens of the 2016 ruling. Considering illegal fishing as a crime also undercuts China’s sovereignty argument, since looking at the issue as a legal matter presumes that the South China Sea disputes are settled international law. Approaching the connection between illegal fishing and EEZs in legal terms complicates matters for China, and allows the United States to reinforce its partnership with Indonesia without being explicitly anti-Chinese.

A fair critique of this argument is that despite Indonesia’s aggressive actions against IUU fishing, a reinforced United States–Indonesia partnership on the issue will have little impact on Chinese actions. To paraphrase Feng Zhang from Australian National University, the paradoxical effect of the United Nations Arbitration Court ruling is that although Beijing has hardened its stance on the nine-dash line, it also seems more willing to negotiate. Even if China is not yet ready to give up on its nine-dash line, Beijing is also not ready to go to war over

it. As Michael Mazzar argues, China is well aware of the advantages of being seen as a responsible global actor.\textsuperscript{34} This presumably is why China continues to aggressively pursue its gray-zone strategies as opposed to either military escalation or giving up on the nine-dash line. Although China has chosen to continue pursuing its excessive claims since the court ruling, "[i]n terms of international law, the arbitration award was a humiliating defeat for Beijing."\textsuperscript{35} Herein lies the strength of a United States–Indonesia partnership centered on illegal fishing to counter China. By emphasizing the connection between illegal fishing and EEZ disputes, the United States and Indonesia could steer the narrative away from just international law to one that also includes a more compelling story about illegal fishing. The attention the Jokowi administration has gotten regarding its approach to the issue should be a good indicator as to the potential strength of illegal fishing as a strategic narrative. More to the point, the United Nations' court ruling got China's attention. An additional challenge to its legitimacy by connecting China to illegal activities such as IUU fishing would be difficult for Beijing to ignore.

**THE STRATEGIC NARRATIVE OF ILLEGAL FISHING**

A strategic narrative drawing the connection between Chinese statecraft through intimidation, EEZ disputes, and IUU fishing would further complicate matters for Beijing. Two aspects of a strategic narrative that could resonate with a large international audience are 1) the nexus between transnational crime, human rights abuses, and IUU fishing, and 2) the environmental impact of the practice.\textsuperscript{36} Both are potentially useful themes for the United States.

\textsuperscript{34} Michael J Mazarr, *Mastering the Gray Zone*, 82.
\textsuperscript{35} Feng Zhang, "Assessing China's response."
\textsuperscript{36} The reason why an illegal fishing strategic narrative would resonate is because people can relate to narratives about food access, restricting food access through coercion and crime, and the negative environmental impacts of overfishing. International law on the other hand, though important, is much more difficult to understand. In simple terms, all people eat; most people like nature; few people practice law; even fewer practice international maritime law. Why not tell a story people can understand?
With regard to transnational crime, in 2015 the Associated Press reported on fishermen from Myanmar, Thailand, Cambodia, and Laos who were essentially slave labor for the illegal fishing industry in Benjina, Maluku, Indonesia. The Indonesian government immediately cracked down on the operation and evacuated 300 of the fishermen to safety. The incident prompted Fisheries Minister Susi Pudjiastuti to comment, “One of the reasons I prioritize the eradication of illegal fishing is not only because we are losing trillions of rupiah due to illegal fishing, but also because illegal fishing is often a vehicle for other crimes, such as people smuggling, drug smuggling, and slavery.” Fast forward to June 2018. As Indonesia continued to aggressively fight illegal fishing, it also secured 144 of 190 country votes to gain a non-permanent seat on the United Nations Security Council from 2019 to 2020. Even though Indonesia did not earn its Security Council seat because of its stance on illegal fishing, it does have credibility on the issue and potentially could use its seat to discuss the criminal aspect of IUU fishing from a global platform. Although Indonesia did not articulate maritime security as one of its four priorities for its tenure on the Security Council, in 2017 Minister Pudjiastuti did call for the United Nations to designate IUU fishing as a transnational crime. Given Minister Pudjiastuti’s interest in illegal fishing, President Jokowi’s overall emphasis on maritime security, and the emergence of the

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38 Ibid.
39 Ibid.
administration's fight against IUU fishing as one of its most visible success stories, Indonesia seems well-postured to use its seat on the Security Council to advocate against IUU fishing. If a strategic narrative about illegal fishing is to have any credibility on the world stage, the United States must have a strong partner in the region who is willing to tell the story. Indonesia is potentially that partner.

Messaging the environmental impact of illegal fishing would be equally problematic for China. According to the world's largest conservation non-governmental organization, the World Wildlife Fund, "more than 30 percent of the world's fisheries have been pushed beyond their biological limits and are in need of strict management plans to restore them." The World Wildlife Fund further points out that 85% of fishing stocks are at risk from IUU fishing, and that the practice is a major contributor to overfishing. Although the World Wildlife Fund has a bias, the point of highlighting its reports is to illustrate that illegal fishing already has international attention and an audience. Connecting IUU fishing, transnational crime, and overfishing in the South China Sea to China is both a compelling story to tell and a difficult one for China to deal with.

Some may argue that even if illegal fishing makes for a compelling story, it would not be an effective strategic narrative against China. Coupled with China's increased economic power, as well as Indonesia's reliance on Chinese money to fund its infrastructure projects, it might be difficult to convince Indonesia to support Security Council measures that could alienate Beijing. Although this argument is not insignificant, and suggests that there is little incentive for

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Indonesia to support what essentially sounds like a “feel-good” initiative with the United States, how the story is crafted is what matters. Ironically, even though this paper has spent a great deal of effort drawing linkages between China and illegal fishing, how one goes about telling such a story need not be so direct. An effective strategic narrative should be informed by common interests between the United States and Indonesia, such as the criminal aspect of illegal fishing. This would enable the United States and Indonesia to use IUU fishing as leverage against China on the Security Council, without forcing Indonesia into an openly anti-China position.

In order to ensure Indonesian buy-in to an illegal fishing narrative, the United States should emphasize human rights, environmental, and economic impacts of the practice. These three key pieces of the story are not explicitly anti-China, thus avoiding direct conflict, and align with Indonesia’s stance on IUU fishing. They also potentially place China on the horns of a dilemma. By introducing a measure to the Security Council that designates illegal fishing as a transnational crime, China would be forced to choose between two bad options. If it were to choose to vote for the measure, China would draw attention to illegal fishing by its vessels in its neighbors’ EEZs. If China were to choose either to veto the measure or abstain, then it essentially would be supporting criminal activity. As a single issue, China might be willing to take that risk; however, context matters. Beijing’s actions seem much less reasonable when measured against data points such as China’s unwillingness to join the Agreement on Port State Measures, its encroachments into its neighbors’ EEZs, the 2016 United Nations’ court ruling, and China’s proclivity to use statecraft to bully its neighbors. Simply put, if China opposes international efforts to stop illegal fishing, then it will invite even more criticism of the legitimacy of its actions in the South China Sea.
CONCLUSIONS

Unifying a partnership around illegal fishing would benefit the United States and Indonesia because of the dilemma it would create for China. The more the United States uses the international system it built to consider, talk about, and encourage rules against practices such as IUU fishing that China is a party to, the more China’s legitimacy will be called into question. Although effective, China’s aggressive statecraft is not ironclad, especially when it comes to the legitimacy of Beijing’s actions. China might want regional hegemony in Asia; however, Beijing’s actions are constrained by the fact that it has “no desire to collapse global economic institutions or create spiraling regional instability.”

To this end, China has chosen non-kinetic means and methods to achieve its objectives. To counter that approach, the United States must use the international system to call out China’s behavior as unacceptable. Specifically, the United States must focus on issues such as illegal fishing, which are easily understood by large international audiences and call into question Beijing’s adherence to international law.

A reinforced United States–Indonesia partnership on IUU fishing could result in China feeling further isolated from the very international community in which it desires to be a leader. Consequently, this feeling of isolation could compel China to change its behavior. In any case, what is certain is that Beijing’s statecraft will not change if the United States, its allies, and its partners do nothing.

Illegal fishing may not be a silver bullet, but the issue is important since it affects all countries in Southeast Asia. If Indonesia emerges as an effective leader on the issue,  

44 Michael J. Mazarr, Mastering the Gray Zone, 81.  
45 On the other hand, reinforcing the existing United States–Indonesia partnership on IUU fishing is a relatively low cost approach that could yield a good return on investment. What makes this approach potentially useful is that it focuses on a partnership that already exists and on an issue that one partner really cares about. As this paper has discussed, being viewed as a leader on illegal fishing benefits Indonesia both domestically and internationally. For the United States, why not take advantage of that?
then other countries in the region may consider following Indonesia's lead. With that said, one of the important questions raised in this paper is to what extent is Indonesia willing to challenge China? Jakarta has demonstrated some willingness to draw redlines and push back against Beijing when its EEZ is threatened, as illustrated in maritime engagements with Chinese fishing boats in the Natuna Sea. However, Indonesia has appeared to be reticent to take a leading role globally on illegal fishing, as demonstrated by maritime issues appearing nowhere on Indonesia's list of priorities for its term on the Security Council. Nevertheless, if the United States actively supports Indonesia in its efforts to implement the Global Maritime Fulcrum and joins Indonesia to advocate for the elimination of IUU fishing, then the United States stands to gain two strategic advantages: 1) A strong regional partner, and 2) A strong strategic narrative to challenge the legitimacy of Chinese claims in the South China Sea.

**RECOMMENDATIONS**

The United States and Indonesia should introduce a measure to the United Nations Security Council to designate IUU fishing as a transnational crime. The Agreement on Port State Measures has had some effect in reducing IUU fishing; a measure designating illegal fishing as a transnational crime would only strengthen that framework. The United States also must emphasize that the elimination of IUU fishing is a strategic priority in the Indo-Pacific region, and that it fully supports Indonesian leadership on the issue. The measure should include two key aspects: 1) Nations must respect the rights of their neighbors to police their EEZs, and 2) Nations must provide information to an international maritime law enforcement database to track known or suspected illegal fishing vessels. To be effective, the measure must put China in a
position to either come out in favor of eliminating illegal fishing, or argue why illegal fishing is an acceptable practice. Either way, China would be forced to take a disadvantageous position.

In addition to a United Nations Security Council measure, the United States must also support its diplomatic efforts in Jakarta with military resources from the United States Indo-Pacific Command when appropriate. A joint diplomatic–military approach would enhance unity of effort and bring additional resources to bear such special operations forces (SOF), which would be well-suited to support the embassy’s mission. Specifically, inherent to SOF are a number of skillsets and interagency networks that would strengthen a reinforced United States–Indonesia partnership on IUU fishing. Two SOF resources that could be useful, and are worthy of further research, are military information support operations assets and counterterrorism intelligence networks. These capabilities could prove to be essential to both developing and effectively communicating a strong IUU fishing strategic narrative, as well as tracking Chinese illegal fishing vessels.

Finally, the United States must recognize the present state of affairs in the South China Sea as a conflict that is defined by a daily competition for influence and legitimacy. At present, it appears as if Beijing has the wind at its back. However, the international system remains tilted in Washington’s favor. The United States must view Indonesia’s non-permanent seat on the Security Council and willingness to take a leadership role on issues such as IUU fishing as opportunities to reassert influence in the South China Sea. This window of opportunity will not be open forever. As a matter of fact it is rapidly closing relative to the time required for diplomatic actions and the expiration of Indonesia’s time on the Security Council. Put simply, the time to act is now.
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