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S. RES. 92

Expressing concern that illegal, unregulated, and unreported fishing threatens security, prosperity, and biodiversity in Latin America and the Caribbean and facilitates human trafficking, including forced labor, and other inhumane and criminal practices in the region.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2023

Mr. MENENDEZ (for himself, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing concern that illegal, unregulated, and unreported fishing threatens security, prosperity, and biodiversity in Latin America and the Caribbean and facilitates human trafficking, including forced labor, and other inhumane and criminal practices in the region.

Whereas illegal, unreported, and unregulated fishing (referred to in this preamble as “IUU fishing”), which are defined in paragraphs 3.1, 3.2, and 3.3 of the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, includes fishing activities that—

(1) are in violation of applicable national, regional, or international laws, regulations, or obligations;

(2) are not reported or misreported to relevant authorities; and

(3) occur in areas or for fishing stocks for which there are no applicable conservation or management measures;

Whereas in 2020, the United States Coast Guard declared that IUU fishing has replaced piracy as the leading global maritime security threat;

Whereas the United Nations Office on Drugs and Crime has expressed serious concerns about the fishing industry's vulnerability to several forms of transnational organized crime, including trafficking in persons, money laundering, and smuggling of drugs and weapons, which are often linked to IUU fishing;

Whereas, according to the International Labor Organization's 2022 Global Estimates of Modern Slavery, approximately 128,000 fishers are subjected to forced labor aboard fishing vessels around the world in conditions characterized by extreme isolation, hazardous working and living conditions, and gaps in regulatory oversight, and IUU fishing is closely linked to these and other forms of human trafficking;

Whereas IUU fishing threatens biodiversity and marine ecosystems, increases the risk of food insecurity, and creates unfair competition in the marketplace for lawful seafood industries;

Whereas approximately 600,000,000 people worldwide are partially dependent on fisheries and aquaculture for their lives and livelihoods, and the National Oceanic and Atmospheric Administration reports that IUU fishing de-

prives law-abiding fishermen and coastal communities of up to \$23,000,000,000 in seafood products annually;

Whereas, according to the United States Government's Global Food Security Strategy, the percentage of stocks fished at biologically unsustainable levels increased from 10 percent in 1974 to 34.2 percent in 2017, with IUU fishing being a key factor affecting the sustainability of fisheries;

Whereas, according to a 2017 report by the Food and Agriculture Organization of the United Nations—

(1) IUU fishing off of South America's Southeast Pacific coast and Southwest Atlantic Oceans contributes to the second highest proportions of biologically unsustainable fishing stock levels in the world; and

(2) transformative changes are needed to address growing threats to sustainable fisheries and food security globally;

Whereas large-scale operations of distant-water fishing fleets, particularly such fleets that are provided with billions of dollars in subsidies annually by the People's Republic of China, are primarily responsible for IUU fishing along the Pacific Coast of South America and the Southwest Atlantic Ocean, while small-scale artisanal fleets are primarily responsible for IUU fishing in the Caribbean, Mexico, and Central America;

Whereas Chinese industrial fishing in the South Pacific coast of South America increased 13-fold between 2009 and 2020, contributing to a significant rise in IUU fishing in that region;

Whereas, between July and August 2020, 350 Chinese distant-water fishing vessels disabled required tracking sys-

tems and engaged in 73,000 hours of fishing off the exclusive economic zone of the Galapagos archipelago, which is a United Nations World Heritage Site;

Whereas, in November 2020, the Governments of Ecuador, of Chile, of Colombia, and of Peru—

(1) jointly condemned IUU fishing perpetrated by large fleets of foreign vessels; and

(2) pledged to increase cooperation through regulatory bodies, such as the Permanent Commission for the South Pacific;

Whereas the United States, Canada, and 12 countries in Latin America and the Caribbean are parties to the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, Agreement, done at Rome November 22, 2009 (commonly known as the “Port State Measures Agreement”), which was facilitated by the United Nations Food and Agriculture Organization and entered into force in June 2016, setting standards for the reporting and inspection of fishing activities of foreign-flagged vessels at port;

Whereas governments in Latin America and the Caribbean often lack the capacity to effectively monitor and prosecute IUU fishing, with many countries in the region investing less than 10 percent of their fisheries budgets on monitoring and surveillance;

Whereas regional fisheries management organizations, such as the South Pacific Regional Fisheries Management Organization and the Caribbean Regional Fisheries Mechanism, establish conservation and management standards, but face difficulties in enforcing such standards and executing coordinated action to counter IUU fishing;

Whereas Uruguay is seeking to advance the creation of a regional fisheries management organization with Brazil and Argentina to combat IUU fishing in the Southwest Atlantic Ocean, which is the only sea area in the world without a fisheries management government structure;

Whereas the United States–Mexico–Canada Agreement, which was approved by Congress under section 101(a)(1) of the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. 4511(a))—

(1) prohibits subsidies for vessels or operators involved in IUU fishing;

(2) requires customs inspections for shipments at ports of entry;

(3) prohibits the importation of goods made by forced labor; and

(4) requires efforts to seek the elimination of forced labor;

Whereas similar provisions related to IUU fishing have not been enshrined in other free trade agreements in North America;

Whereas, at the 12th Ministerial Conference of the World Trade Organization in June 2022, member states reached a multilateral agreement to prohibit certain harmful subsidies for fishing activities that threaten the sustainable use and conservation of marine resources, including subsidies to vessels engaged in IUU fishing;

Whereas, the Maritime SAFE Act (subtitle C of title XXXV of Public Law 116–92) established an interagency working group to develop a 5-year strategic plan to counter IUU fishing, which was released in October 2022, and has identified—

(1) Chile, Colombia, Costa Rica, El Salvador, Ecuador, Guatemala, Honduras, Mexico, Panama, and Peru as Tier I priority regions at risk for IUU fishing; and

(2) the rest of Latin America and the Caribbean as Tier II priority regions at risk for IUU fishing; and

Whereas the United States Government has undertaken several initiatives to counter IUU fishing in Latin America and the Caribbean, including—

(1) conducting joint cooperation exercises in January 2021 involving the United States Southern Command, the United States Coast Guard, and partners in Brazil, Guyana, Portugal, and Uruguay;

(2) certifying countries based on their actions to curb the flow of IUU fishing through the National Oceanic and Atmospheric Administration, including issuing a negative certification in August 2021 for Mexico and a positive certification for Ecuador;

(3) issuing National Security Memorandum 11 on June 27, 2022, which directs Federal executive departments and agencies to coordinate with each other, foreign governments, multilateral organizations, and other public and private stakeholders to combat labor abuses and other crimes associated with IUU fishing;

(4) carrying out the first United States Coast Guard IUU fishing patrol under the auspices of the South Pacific Regional Fisheries Management Organization, in August 2022 off the exclusive economic zone of the Galápagos archipelago, during which the Coast Guard conducted high seas boardings and inspections of vessels suspected of engaging in IUU fishing;

(5) issuing sanctions on December 9, 2022, against entities based in the People's Republic of China that are implicated in global activities related to IUU fishing, in-

cluding activities in Latin America and the Caribbean;
and

(6) proposing that Chinese flagged vessels suspected of engaging in IUU fishing that refuse to allow on sea boarding and inspection be included in the South Pacific Regional Fisheries Management organization's IUU vessel list: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) underscores the urgency of combating IUU
3 fishing and its associated crimes, including human
4 trafficking, and protecting oceanic biodiversity, the
5 livelihoods of coastal communities, regional licit
6 economies, human rights, and hemispheric security
7 from the People's Republic of China, other extra-re-
8 gional actors, and transnational criminal organiza-
9 tions engaged in IUU fishing in Latin America and
10 the Caribbean;

11 (2) calls on the United States Government and
12 governments in Latin America and the Caribbean to
13 incorporate concerns regarding human trafficking
14 and violations of labor rights, when determining
15 whether activities qualify as IUU fishing;

16 (3) encourages greater coordination among the
17 Governments of Latin America and of the Caribbean
18 to facilitate information sharing and law enforce-
19 ment responses to IUU fishing, including by acced-
20 ing to the Port State Measures Agreement, strength-

1 ening existing regional fisheries management organi-
2 zations, and creating a regional fisheries manage-
3 ment organization for the Southwest Atlantic Ocean;

4 (4) encourages the Office of the United States
5 Trade Representative, in coordination with the De-
6 partment of State, to consider the implementation of
7 IUU fishing provisions within current and future
8 free trade agreements with countries of Latin Amer-
9 ica and the Caribbean to enhance accountability over
10 such activities; and

11 (5) calls on the Secretary of State, in coordina-
12 tion with the Administrator of the United States
13 Agency for International Development and the heads
14 of other relevant Federal departments and agencies,
15 to counter IUU fishing by—

16 (A) undertaking public education initia-
17 tives in Latin America and the Caribbean to
18 elevate awareness of the harms caused by IUU
19 fishing and its associated crimes;

20 (B) assisting with the monitoring and dis-
21 semination of information regarding the activi-
22 ties of Chinese and other distant-water fishing
23 fleets, and using multilateral fora, including re-
24 gional fisheries management organizations, to
25 address such concerns;

1 (C) limiting the importation and consump-
2 tion of fish and seafood caught by IUU actors,
3 and use the United States role and influence in
4 global markets to drive change in global seafood
5 supply chains;

6 (D) using sanctions and visa restriction
7 authorities to hold accountable entities that are
8 credibly suspected of engaging in IUU fishing,
9 including—

10 (i) distant water fishing fleets from
11 the People’s Republic of China;

12 (ii) other extra-regional actors; and

13 (iii) transnational criminal organiza-
14 tions; and

15 (E) utilizing available resources to support
16 and assist the Office of the United States
17 Trade Representative in reaching a final multi-
18 lateral agreement under the World Trade Orga-
19 nization that—

20 (i) addresses the use of forced labor
21 on IUU fishing vessels;

22 (ii) strengthens relevant reporting re-
23 quirements; and

- 1 (iii) addresses harmful subsidies that
- 2 contribute to fishing fleet overcapacity.

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