

TESTIMONY OF AMBASSADOR DAVID A. BALTON,
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FISHERIES
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUB-COMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR
AFFAIRS

APRIL 3, 2014

Mr. Chairman and members of the Sub-Committee, I am Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries. I am pleased to testify before you today on HR 69 and the draft bill titled the “Pirate Fishing Elimination Act.”

The agreements that would be implemented by these bills are the Antigua Convention and the Port States Measures Agreement. These international agreements advance our international goals and objectives, including broad foreign policy objectives, and promote responsible and sustainable use of our oceans resources. The agreements represent significant progress in protecting U.S. interests, advancing our international policies and priorities to conserve and manage shared living marine resources, to protect the broader marine environment from the effects of destructive fishing practices, and to prevent illegal fishing activities from undermining our global and regional efforts toward these ends. Both of these agreements have strong support from a broad range of stakeholders, including representatives of the U.S. fishing industry and the environmental and scientific communities, many of whom participated actively in the negotiations.

HR 69 and the Antigua Convention

HR 69 contains implementing legislation for an agreement called the Antigua Convention, which updates and is to supersede the 1949 Convention establishing the Inter-American Tropical Tuna Commission (IATTC). In 2003, with invaluable assistance from the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, the Department of State led the negotiation of the Antigua Convention and strongly supports the result of those negotiations. The United States signed the Convention on November 14, 2003, and the Senate provided advice and consent to ratification on November 17, 2005.

The negotiation and adoption of the Antigua Convention allowed the United States and the other participating countries to modernize the original Convention that established the IATTC in 1949 to reflect the evolution of the practices of the IATTC and the international community in managing highly migratory fish stocks, including moving from managing just target species to incorporating some of the broader effects of fishing on the marine ecosystem in management decisions.

The Antigua Convention also incorporates important changes in international law governing the conservation and management of living marine resources that have taken place since 1949, and provides for membership in the IATTC of both the European Union and Taiwan. In particular, the Antigua Convention incorporates many of the elements of the 1995 United Nations Fish Stocks Agreement, including: coverage of virtually all highly migratory fish species in the Convention Area, a precautionary approach to conservation and management of the species covered, provisions for conservation measures for non-fish species affected by fishing operations for tunas, enhanced provisions for monitoring, surveillance and enforcement, and other measures. The United States is a party to the United Nations Fish Stocks Agreement – we were the third country to ratify that Agreement, which now has 81 parties.

The Antigua Convention entered into force in 2010 and now has 21 parties. The United States remains a Member of the IATTC by virtue of our being party to the 1949 Convention. Although the United States could implement much of the Antigua Convention under existing statutory authority, it is envisaged that certain changes in domestic law are needed before the United States can deposit its instrument of ratification. We look forward to working with Committee staff on this issue.

“Pirate Fishing Elimination Act” Draft Bill and the Port State Measures Agreement

The Pirate Fishing Elimination Act draft bill contains implementing legislation for the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Port State Measures Agreement). This is a global agreement, and is in fact the first binding global agreement specifically intended to combat illegal, unreported, and unregulated – or IUU – fishing. The United States signed the Port State Measures Agreement on November 22, 2009. The President transmitted the Agreement to the Senate for advice and consent November 14, 2011.

IUU fishing undermines efforts to conserve and manage shared fish stocks and threatens the sustainability of all fisheries as well as other living marine resources taken as bycatch. Estimates of global losses due to IUU fishing range from \$10 to \$23 billion each year.¹ The large number of developing States that depend on fisheries for food security and export income are particularly vulnerable. A secondary benefit to ratification of the Port State Measures Agreement and the other treaties under consideration is that it will give the United States additional tools to address illegal activities that are often intertwined with IUU fishing, including drug and human trafficking, labor exploitation, environmental degradation, and organized crime.

Since IUU fishers can operate anywhere, detecting activities at sea is difficult and expensive. But, in order to sell or trade their illegal catch, they ultimately need to bring the fish to a port for landing or transshipment. The Port State Measures Agreement establishes standards and requirements for port States to ensure IUU-caught fish will not be landed, transshipped, packaged, or processed in their ports.

Here again, the Department of State and NMFS took a leadership role in the development of this Agreement, hosting and chairing the initial informal meetings that led to the Agreement to engage in formal negotiations toward a legally binding instrument. Timely ratification would again underscore the commitment of the United States to strengthening efforts at the global and national levels to detect, deter and eliminate IUU fishing. We look forward to working with Committee staff.

Conclusion

In closing, I would simply reiterate the importance of these agreements to advancing U.S. economic interests and fisheries management objectives at the international level.

Thank you very much. I am happy to answer any questions you may have.

¹ Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries (Marine Resources Assessment Group Ltd, London, United Kingdom, June 2005; <http://transparentsea.co/images/5/58/Illegal-fishing-mrag-report.pdf>).