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BEFORE THE SUBCOMMITTEE ON
OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

SEPTEMBER 18, 2018

Mr. Chairman and Members of the Subcommittee, I would like to thank you for this opportunity to testify in today's hearing focusing on ocean fisheries. My name is David Balton and I am currently a Senior Fellow at the Woodrow Wilson International Center for Scholars, working primarily on issues relating to the two Polar Regions, the Arctic and Antarctica.

As you know, Congress created the Wilson Center fifty years ago as the official memorial to President Wilson. We serve as the nation's key non-partisan policy forum, fostering independent research and open dialogue to help guide the policy community.

Before I joined the Wilson Center this year, I worked for 32 years at the U.S. Department of State, the last fifteen years serving as Deputy Assistant Secretary for Oceans and Fisheries. In that capacity, I participated in numerous efforts to advance our nation's interests relating to the oceans, including the effort to secure sustainable ocean fisheries. My testimony today draws largely on my experiences in that regard.

State of the World's Fisheries

While the focus of this hearing is on ocean fisheries, and the problem of illegal, unreported and unregulated (IUU) fishing in particular, I believe that it would be useful to take a quick look at the broader picture. The world's ocean as a whole is not in good shape. As highlighted by the series of Our Ocean Conferences launched by the United States several years ago, we face three serious and interrelated challenges in respect of the ocean:

- unsustainable fisheries;
- marine pollution; and
- a range of adverse effects caused by climate change and related phenomena, such as ocean acidification.

The good news is that, through hearings such as this one and countless other events in the United States and around the world, the ocean and its problems are receiving significant

attention. This attention has produced some high-profile commitments, and some concrete actions, aimed at remedying the ocean's ills—by nations, international organizations, the private sector, philanthropies, scientific bodies and civil society. Much more needs to be done, however.

With respect to ocean fisheries, we must successfully address three main issues if we are to achieve long-term sustainability: (1) we must end overfishing, which is driven in large part by excess fishing capacity; (2) we must continue to combat IUU fishing; and (3) we must prevent damage caused to marine ecosystems by certain types of fishing practices. Since the focus of this hearing is on IUU fishing, most of what follows addresses item (2). But first, a few words about items (1) and (3).

Overfishing

The Food and Agriculture Organization of the United Nations (FAO) produces a biennial publication known as the State of World Fisheries and Aquaculture (“SOFIA”), which most experts generally regard as the best source of overall statistics in this field. The 2018 SOFIA reveals that, while the total amount of fish captured in the ocean has remained relatively stable over the past few decades, there are some alarming trends in these capture fisheries:

The state of marine fishery resources, based on FAO's monitoring of assessed marine fish stocks, has continued to decline. The fraction of marine fish stocks fished within biologically sustainable levels has exhibited a decreasing trend, from 90.0 percent in 1974 to 66.9 percent in 2015. In contrast, the percentage of stocks fished at biologically unsustainable levels increased from 10 percent in 1974 to 33.1 percent in 2015, with the largest increases in the late 1970s and 1980s. In 2015, maximally sustainably fished stocks (formerly termed fully fished stocks) accounted for 59.9 percent and underfished stocks for 7.0 percent of the total assessed stocks.

In other words, overfishing remains a real concern. The percentage of fish stocks harvested at unsustainable rates has increased steadily in past decades and today represents roughly a third of such stocks. If this trend continues—and unless further action is taken to reduce overfishing and excess fishing capacity, we should expect it to continue—serious consequences for food security and the marine environment will follow.

Destructive Fishing Practices

Over the past 25 years, the United States and other nations have restricted the use of several types of fishing gear and certain fishing practices with the potential to cause significant harm to the marine environment. That harm may include, among other things:

- excessive bycatch, particularly of juvenile fish and species at risk such as seabirds, sea turtles, marine mammals; and

- damage to sensitive areas such as seamounts, hydrothermal vents and other vulnerable marine ecosystems.

The United States can point to some real successes in this endeavor. For example:

- we championed an initiative to prohibit the use of large-scale driftnets on the high seas;
- we led the effort to reduce the mortality of dolphins in the purse seine tuna fisheries of the Eastern Pacific Ocean;
- we prompted other nations to use turtle excluder devices, thus reducing sea turtle mortality in their shrimp trawl fisheries;
- we pushed the United Nations and regional fisheries management organizations (RFMOs) to limit bottom trawling operations in areas known to have vulnerable marine ecosystems; and
- we have secured bans on shark-finning and pursued sustainable shark fisheries.

Again, more needs to be done in this space, particularly to reduce the mortality of endangered species in certain fisheries.

IUU Fishing

Even in cases where governments, individually or collectively, have set responsible limits on the harvest of marine fish and have enacted or adopted other necessary management measures, some fishers violate those rules. The term “IUU fishing” has come to represent a wide range of activities that undermine sustainable fisheries.

I have seen any number of estimates of the amount of IUU fishing taking place and of the value of illegally harvested fish. My own view is that those estimates are probably not reliable, simply due to the difficulty of obtaining hard data on this topic. Nor can we know for certain whether the overall amount of IUU fishing is increasing or decreasing. What I do feel safe in saying is that IUU fishing remains a serious threat to fisheries worldwide.

Over the past two decades, nations have taken many steps—at the global, regional, and national levels—to combat IUU fishing. To highlight just a few:

- As part of Agenda 2030, the United Nations adopted Sustainable Development Goal 14, which includes the following target:

By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

- The Port State Measures Agreement (PSMA), negotiated under the auspices of the FAO, has entered into force and now has 55 parties, including the United States. Meetings of the parties to the PSMA have started to take place, with the aim of ensuring effective implementation of its provisions. One key to this effort will be to provide developing countries with the training, expertise and resources they need to prevent illegally caught fish from being landed, transhipped, packaged or processed in their ports. I am aware that the United States is actively engaged in such capacity building efforts, providing both financial and technical support.
- Another critical step will be to facilitate the exchange of information about IUU fishing activities—among States, RFMOs, and others—that the Agreement envisions.
- Many RFMOs have taken aggressive action to address IUU fishing, such as the creation of “black lists” of IUU vessels that are denied fishing opportunities, stronger requirements on the monitoring, control and surveillance of vessels, institution of trade-tracking and catch-documentation schemes, etc.
- A number of new RFMOs have come into existence in the past decade or so, including in the North Pacific and South Pacific, with the aim of bringing effective management to certain previously unregulated fisheries.
- In 2015, the United States and the Russian Federation signed a bilateral agreement to combat IUU fishing. Despite serious friction in the U.S.-Russian relationship on other matters, this agreement is allowing the agencies of both governments to cooperate more effectively in dealing with IUU fishing, particularly in the Bering Sea and North Pacific regions.
- In early October, the United States, eight other States and the European Union will sign the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean.
- Over the past few years, both the United States and the European Union have instituted a variety of controls to prevent the importation and sale of illegally harvested fish in their respective markets.

I wish I could say that these actions, and others like them, have solved the problem of IUU fishing. Although they constitute significant and commendable efforts—and reflect a remarkable degree of political will of many nations to address this problem—we need to do more.

Next Steps in Combatting IUU Fishing

1. Promote widespread adherence to, and full implementation of, the PSMA.

The entry into force of the Port State Measures Agreement in 2016 represented a true milestone in the fight against IUU fishing. It gave the international community, at the

global level, its first legally binding tool with which to prevent illegally harvested fish from entering the stream of commerce. Now we must ensure widespread adherence to, and full implementation of, this key treaty. That the United States is a party to the PSMA gives us the legitimacy our nation needs to work with others in doing just that.

At this stage, I recommend a focus on three things simultaneously. The United States should:

- Encourage more States to join the PSMA, particularly developing States whose ports are used often by vessels for landing, transshipping, packaging and processing fish. Some significant States that currently remain outside the PSMA are China, Brazil and Mexico.
- Contribute further expertise and resources to developing States, directly and/or through the FAO, both to help those States that are already parties to the PSMA implement its requirements and to encourage other developing States to join and implement the PSMA.
- Support FAO in creating a global mechanism to facilitate the exchange and publication of information relating to the PSMA, which will, among other things, help States determine whether particular vessels seeking entry into their ports have engaged in or supported IUU fishing.

2. Expand fish “traceability” programs.

In an ideal world, a consumer seeking to buy a fish in a market or to order a fish in a restaurant would have access to the information necessary to know where the fish was caught, who caught the fish, that the fish was caught in accordance with applicable rules and that the fish is actually the species that the seller claims it to be. Although we are still many years away from living in such a world, we have begun to take steps to improve the “traceability” of fish products from the moment of harvest to final sale.

We should continue down this road. To do so effectively, the United States Government will need to collaborate not only with other governments and international organizations, but also with many partners in the seafood industry and civil society. I note that quite a few industry and other non-governmental groups in the United States are already working actively in this regard. It also appears that many U.S. consumers are willing to adjust their purchasing behavior in favor of buying fish that they know have been caught legally and sustainably.

3. End subsidies that contribute to IUU fishing.

For years, the United States and other like-minded nations have sought to create a strong set of international rules to end harmful subsidies to the fisheries sector, subsidies that exacerbate overfishing and contribute to IUU fishing. We have repeatedly secured commitments on paper to do just that, including in Agenda 2030. And yet, final

agreement on these “disciplines” on fisheries subsidies has eluded our grasp. We should demand that all States fulfill the pledge they made in Sustainable Development Goal 14 to end such subsidies by 2020.

4. Build the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

This database, constructed by FAO with the support of many States and other entities, contains accessible information about vessels engaged in fishing and related activities. That information includes registration, vessel characteristics and ownership, previous vessel names, previous owners and operators, authorizations to engage in fishing and related activities, history of compliance, etc. Clearly, the availability of such information will aid in the fight against IUU fishing. For example, States will be able to use the Global Record in helping to determine whether to allow a vessel seeking access to its ports to do so.

FAO released the Global Record earlier this year. It is accessible at: <http://www.fao.org/global-record/information-system/en/>. The database currently includes information on more than 8,400 vessels, uploaded by 49 States, including the United States. But it is still a work in progress. The United States will need to work with others to continue building the Global Record, and to keep all of its information up-to-date, with the goal of making it truly comprehensive.

5. Accede to the Law of the Sea Convention.

The United States has been a prominent player in the worldwide effort to combat IUU fishing despite the fact that we have not adhered to the basic international instrument on ocean governance, the 1982 Convention on the Law of the Sea. It is not at all clear, however, that we will be able to maintain a leadership role as a non-party to this treaty.

The most compelling reasons for the United States to join the Convention concern the benefits that that the United States would reap regarding enhancement of our national security interests, recognition of the outer limits of our continental shelf, and the ability to sponsor U.S. companies to engage in deep seabed mining.

But joining the Convention would also lend greater legitimacy to our efforts to urge others in the fight against IUU fishing. Today, other nations reluctant to join the PSMA can point to our non-adherence to the LOS Convention and say that we are being hypocritical. China, for example, makes this point when our government raises concerns about Chinese behavior, including allegations of IUU fishing by Chinese vessels, in the South China Sea.

Preliminary Comments on the Maritime SAFE Act

In late August, a bill was introduced in the Senate called the Maritime Security and Fisheries Enforcement Act, or Maritime SAFE Act. I commend the sponsors of this bill

for their willingness to take on these issues, and am particularly pleased at the bipartisan nature of this proposed legislation.

The basic purposes of the bill are fully consistent with the needs I perceive to take further action against IUU fishing. I support the intention to improve global data sharing, to promote international collaboration, to foster implementation of the PSMA, and to strengthen internal coordination on fisheries enforcement here in the United States.

The bill may well undergo change as it moves through the legislative process. If I can be of assistance to this Subcommittee or to others in the Senate or in the House during this process, I would be pleased to do so.

At this early stage, I might simply note that the bill places perhaps too heavy an emphasis on what the United States can do on its own. While there clearly are things that our government should do unilaterally to advance our efforts, real success will lie in working with other nations, particularly developing States that lack the capacity to fight IUU fishing effectively. We will also need to work with those outside of government, including the fishing industry, scientific organizations, environmental NGOs and others.

Conclusion

Thank you once again for this opportunity to testify. I would be pleased to answer any questions.