

**TESTIMONY OF  
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**BEFORE THE HOUSE SUBCOMMITTEE  
ON FISHERIES, WILDLIFE, AND OCEANS**

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Madam Chairwoman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you to discuss the challenges and opportunities we face in working to combat illegal, unreported, and unregulated fishing and improve the conservation and management of sharks worldwide.

**Introduction and Overview**

Illegal, unreported, and unregulated (IUU) fishing undermines efforts to conserve and manage shared fish stocks and threatens the sustainability of all fisheries. While the most visible face of IUU fishing is formerly legal vessels now unsupervised and fishing under “flags of convenience,” it occurs in every fishery, in every registry. Estimates of the global value of IUU catch range around \$9 billion each year, and illegal fisheries are often intertwined with drug trafficking, labor exploitation, environmental degradation, and organized crime. The large number of developing countries that depend on fisheries for food security and export income are particularly vulnerable.

Along with overcapacity and overfishing, IUU fishing is one of the main impediments to the still-elusive goal of managing the world’s fisheries on a sustainable basis. The UN Food and Agriculture Organization (FAO), in its most recent survey of the state of the world’s fisheries, estimates that one quarter of commercially exploited fish stocks for which adequate data exist are overexploited or rebuilding from a depleted state, and slightly more than one half are fully exploited, unable to produce additional sustainable harvest. This situation has not changed appreciably over the past two decades. But even as global capture fisheries production has leveled off, the demand for seafood has continued to increase. Much of this increased demand is driven by developing countries whose citizens depend on fish and seafood as a critical source of low-cost protein. Higher incomes and a desire for a healthier, more varied diet have also led to increased fish consumption in many developed countries, where the most prized fish are often also the most depleted.

Sharks are particularly susceptible to overexploitation because they are typically long-lived, slow-growing, and produce few offspring. According to the FAO, few fisheries exist that do not result in the bycatch of sharks and other related species. Studies show that some shark populations have declined by 90 percent, and most stocks

face a very slow recovery once depleted. Sharks are also subject to the wasteful practice of “finning,” where shark fins are removed and kept and the carcass is discarded at sea. Poor management of shark fisheries threatens not only shark stocks and the stability of marine ecosystems, but also sustainable traditional and recreational fisheries, as well as food security in developing countries.

We have two reasons for hope, however.

First, international fisheries issues have taken a much more prominent position on the policy agenda. Thanks in part to more extensive media coverage of these issues, we see much greater awareness of the problems at hand and more insistent calls for solutions to those problems. Second, we have created an international governance structure for fisheries that is strong and growing stronger. The international community has forged a robust international law framework at both the global and regional levels and has developed a broad range of new tools for managing shared fisheries. The entirety of this framework rests on the 1982 Convention on the Law of the Sea, which established the overall structure for international fisheries management.

Building on the Law of the Sea framework, we have a series of other treaties for the management of international fisheries to which the United States is party, including the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement. The United States is also a key member of more than 10 RFMOs and is leading international efforts to strengthen these organizations and to create new ones. Complementing these binding mechanisms are a number of voluntary instruments, including the FAO Code of Conduct for Responsible Fisheries, international plans of action that address bycatch of sharks and seabirds, capacity management, and IUU fishing, and a number of other technical guidelines and model instruments to guide further cooperation, including one for improved data collection and sharing.

The creation and adoption of this international law framework is an important achievement. But its implementation at a regional and national level remains imperfect. There remains a genuine need for stronger action by Nations and RFMOs – including better cooperation on monitoring and enforcement – to ensure sustainable fisheries and end IUU fishing.

### **IUU Fishing**

IUU fishing continues to plague virtually all fisheries, in areas under national jurisdiction and on the high seas. The international community has recognized this, and has created a set of new tools to deal with this phenomenon, some of which seem to be helping. But more needs to be done.

Keys to tackling IUU include finding ways to deprive fishers of the economic benefits of illegal fishing, increasing leverage on Nations to effectively monitor and control their fishing vessels, and building capacity for enforcement and good governance in developing countries.

The 2001 FAO International Plan of Action (IPOA) to Prevent, Deter, and Eliminate IUU Fishing lays out a suite of measures that individual Nations – whether acting as flag States, coastal States, port States or market States – and regional fisheries management organizations (RFMOs) can implement to reduce the incidence of IUU fishing.

In 2004, the United States became one of the first Nations to adopt a national plan of action to give operational effect to this IPOA. An increasing number of Nations have by now adopted their own National Plans of Action on IUU fishing. RFMOs have also adopted measures to address IUU fishing, including requirements to improve monitoring, control and surveillance (MCS) of vessels, restrictions on transshipment of fish at sea, catch and trade documentation schemes, lists of both authorized vessels and vessels identified as having engaged in IUU fishing, market-related measures and port State controls, to name some. We have also seen increasing cooperation between and among RFMOs, particularly those in adjacent areas (such as the Northwest Atlantic Fisheries Organization and the Northeast Atlantic Fisheries Commission) and those that deal with fisheries for similar species (such as the five RFMOs that manage tuna fisheries around the world).

For example, the five tuna RFMOs met jointly for the first time in Kobe, Japan in January 2007. The meeting agreed to four immediate areas of coordinated work: harmonizing and improving trade tracking programs, creating a global IUU vessel list, harmonizing transshipment control measures, and standardizing the presentation of stock assessment results. Work on the first is well underway, and the United States has also supported efforts among RFMOs to work towards a global IUU vessel list by contributing to a process that provides for inclusion of vessels identified by one RFMO on the lists of others, while taking into account any due process concerns that may arise.

We are also pursuing stronger port controls. Because fish must be landed before they can get to the market, controlling the landing point often presents the best and most effective chance to combat IUU fishing. Stronger agreed standards for port States to regulate the landing and transshipment of fish in port can complement the market-related measures already in place through several RFMOs. The United States strongly supported the development through the FAO of a voluntary model scheme to facilitate coordination and cooperation among port States to address IUU fishing. Last year, the FAO Committee on Fisheries agreed to create a new, binding agreement based on the Model Scheme. I was pleased to chair the initial expert consultation that developed a first draft of this agreement. This draft will form the basis of negotiations that will begin in earnest this coming June. Our goal is to complete the negotiations in time for the next meeting of the Committee on Fisheries to adopt an agreement in March 2009.

The United States continues to advocate for other measures to combat IUU fishing. Through FAO, we are pressing for the development of a global record of fishing vessels – including transport and support vessels – that would include unique vessel identifiers and comprehensive ownership information. At the RFMO level, we are

seeking stronger MCS measures, including broader access to data from vessel monitoring systems, increased vessel observer programs, stronger documentation schemes, etc.

Cooperative mechanisms such as the International MCS Network, which facilitates cooperation and information-sharing between monitoring, control, and surveillance officials in different countries, are increasingly important. Recognizing the connections among vessels involved in or supporting IUU fishing, we have also strongly supported the FAO and the International Maritime Organization's joint working group on IUU fishing, and in particular efforts to create a global record of all fishing vessels.

The Administration understands very well that Congress shares our desire to crack down on IUU fishing. The 2006 Magnuson-Stevens Reauthorization Act has provided new tools in this regard. We also see other major markets moving towards stricter controls. The European Union, for example, is considering a sweeping set of new policies intended to prevent access of IUU-caught fish to its market and to strengthen internal information collection and enforcement within its member Nations.

I note that the U.S. IUU National Plan of Action contained a number of recommendations for stronger statutory and regulatory tools to combat IUU fishing. While the provisions of the 2006 Magnuson-Stevens Reauthorization Act took up some of these recommendations, we support efforts to address others that would strengthen our ability to enforce both domestic rules and international conservation and management measures.

## **Sharks**

In addition, ensuring effective conservation and management of sharks is a high priority for the United States. Their life history characteristics make most sharks particularly susceptible to overexploitation if human impacts on their populations are not managed carefully. Many shark species are apex predators, and can be vital to the health of the ecosystems in which they occur, so their conservation and management is an integral part of ecosystem-based fisheries management.

Sharks are currently taken in directed fisheries and as bycatch. In the North Atlantic, for instance, blue sharks are caught in directed tuna and swordfish fisheries. In the central Pacific, purse seine fisheries that set on floating objects and fish aggregating devices also take a large number of sharks. Sharks are also subject to a practice known as finning. Shark finning refers to the removal and retention of shark fins and the discard of the carcass at sea. Shark finning is particularly wasteful because other parts of the shark are not retained or used. Finning practices are driven by high prices for shark fins in Asian markets where they are used in shark fin soup.

The Shark Finning Prohibition Act of 2000 banned finning in all U.S. federal waters, and directed fisheries for sharks are subject to strict domestic management measures. The United States believes that banning finning is an important step that countries can take in pursuing sustainable conservation and management of sharks.

To this end, the United States spearheaded a series of successful shark resolutions in RFMOs, beginning with the 2004 resolution in the International Commission for the Conservation of Atlantic Tunas that constituted the first international ban on shark finning. Similar measures are now in place in most RFMOs, including the Western and Central Pacific Fisheries Commission, the Inter-American Tropical Tuna Commission, and the Northwest Atlantic Fisheries Organization.

With regard to the draft legislation that was circulated last week, referred to as the Shark Conservation Act of 2008, I will leave it to my colleagues in NOAA to describe the regulatory and enforcement implications of the changes being proposed. I note, however, that part the basis for the United States Government to lead international fora to take actions to prohibit shark finning was the provisions of the Shark Finning Prohibition Act and the Magnuson Act, including the 5% fin-to-carcass weight ratio. We look forward to working with the Congress, NOAA and other agencies to ensure that changes to U.S. law or regulations allow the United States to maintain the strong standards we've helped set for the international community and the global shark conservation agenda we've helped establish.

But prohibiting shark finning is just one component of a broad suite of measures that will be necessary to achieve the long-term sustainability of shark populations. We believe it will be particularly important to work with other countries and in regional fora to collect basic data in order to assess the status of shark stocks, as well as data on shark catches on a species-specific basis, and the trade in shark fins and other products.

The United States led efforts at the UN General Assembly to adopt language in the 2007 fisheries Resolution that calls on Nations and RFMOs to take immediate and concerted actions to improve shark conservation and management and to better enforce existing rules on shark fishing. The Resolution calls for improved compliance with current bans on shark finning, which could include requirements that sharks be landed with fins attached. Perhaps more importantly, the Resolution calls for improved management of directed fisheries through establishing limits on shark catches, improving assessment of the health of shark stocks, and limiting shark fisheries until management measures are adopted.

The United States also promotes shark conservation and management in other international organizations such as the Convention on International Trade in Endangered Species (CITES). With U.S. support, whale sharks, great white sharks and basking sharks have been listed in Appendix II of CITES as species that may become threatened with extinction unless trade is regulated.. Last year, we successfully proposed several species of critically endangered sawfish for listing on Appendix I of CITES, which effectively bans all trade in sawfish parts and fins. We also supported proposals by Germany to list spiny dogfish and porbeagle shark. At U.S. urging, CITES is currently working to identify key shark species threatened by international trade and consider possibilities for additional listings, to examine the linkages between trade in

shark meat and fins, and to make recommendations to improve shark conservation and the management of international trade in shark species.

The Department and NOAA are working through the Asia Pacific Economic Cooperation (APEC) forum to promote regional cooperation and fund science capacity building to improve the conservation and management of shared shark populations in that region. The U.S. government is contributing \$105,000 towards an APEC-hosted “science tools” workshop this summer. Harmonizing conservation and management practices on a regional scale is essential to ensuring long-term sustainable shark fisheries in the Eastern Pacific in particular, where there is strong fishing pressure on sharks throughout the waters of Latin American coastal Nations.

The United States attended the first international meeting to identify and elaborate an option for international cooperation on migratory sharks convened by the Secretariat of the Convention on the Conservation of Migratory Species (CMS) in December 2007. Although no concrete decisions were reached at the first meeting, momentum seemed to favor a global instrument that would address a broad suite of issues relating to shark conservation and management, including both fisheries and non-fisheries issues, and would provide for cooperation and immediate engagement with the FAO, RFMOs, and the fishing industry.

Most of the major RFMOs have now adopted measures banning finning, promoting the collection of catch/effort/discard/trade data and sharks-related research, and encouraging the live release of sharks caught as bycatch. While adoption of these measures is a significant step forward, we remain concerned that the measures have not been fully implemented or effectively enforced, shark-related data continues to be seriously lacking, and the measures do not go far enough to provide real conservation benefits for vulnerable shark species. More importantly, only one RFMO – the Northwest Atlantic Fisheries Organization – has adopted explicit fishery management measures for a shark-like species, and only one RFMO – the Commission for the Conservation of Antarctic Marine Living Resources – has banned directed shark fishing due to the insufficiency of scientific information.

We will work to ensure that RFMOs effectively implement and enforce the shark conservation measures they have already adopted, including finning bans. First, we will seek to set timetables for shark stock assessments and the collection of catch, effort, discard and trade data. Second, we will seek to ensure effective enforcement of current finning bans by promoting the development of observer programs and systems to track fins from landing to export. Third, we will continue to defend against efforts by other Nations to weaken the rules in current finning bans and will promote the interpretation of those rules that yields the best conservation benefit. Third, as adequate data becomes available, we will call for the adoption of shark conservation and management measures.

### **Strengthening RFMOs**

Though RFMOs are imperfect, they are currently the most practical way to manage shared international fisheries. As active participants in many RFMOs, we are committed to multilateral efforts to strengthen fisheries governance in order to ensure the sustainability of target stocks while also conserving associated and dependent species and the habitats on which they depend.

In many ways, we are at a crossroads. Many national and multilateral fora responsible for fishery management are under heavy criticism for failing to take decisions that the science tells us is necessary to ensure sustainability of fishery resources, or to take steps (many of which are widely acknowledged to be effective) to mitigate the impacts of fishing activities on non-target species and habitats. If RFMOs fail to fulfill their obligations, we can expect calls to continue for other organizations to step in and fill that void.

A key outcome of the joint tuna RFMO meeting in Kobe was a commitment among these organizations to undertake performance reviews to assess how each was meeting its mandate and to identify how each could strengthen its functioning. The first three of these reviews are under way, using a common approach and criteria developed through U.S. leadership. Other RFMOs have recently strengthened their mandates and charters to reflect the changes in international fisheries governance and better allow them to manage the full ecosystems under their purview. With new regimes coming on line to fill the gaps in international management, it is vital the United States gives these organizations its full support and participation.

In this regard, I should mention that the Inter-American Tropical Tuna Commission adopted a new treaty, known as the Antigua Convention, to provide it with a comprehensive mandate that incorporates modern standards for international fisheries management. In 2005, the Senate provided its advice and consent to U.S. ratification of the Antigua Convention. However, because Congress has yet to pass legislation to implement the Convention, we have not deposited our instrument of ratification. We therefore urge Congress, and this Subcommittee in particular, to take up this legislation at the earliest opportunity.

### **Capacity building**

While the United States has been a leader in managing its own fisheries and in pressing for stronger international fisheries governance, success depends upon our building strong international partnerships. Effective international governance can only work if all parties have the will and the capacity to implement agreed rules. In some parts of the world, the problems facing fisheries – especially IUU fishing – are inextricably linked to other concerns such as transboundary crime, smuggling, human trafficking, human rights, and environmental degradation. Developing countries need help to build their capacities to effectively address these myriad and interlinked issues. The United States has strongly supported mechanisms like the UN Fish Stocks Agreement Part VII Fund, which provides assistance to developing Nations for implementing the Agreement, and other similar funds within RFMOs.

Building capacity for sustainable fisheries management is important in the big picture, but it sometimes also has a very direct affect on U.S. fisheries. Small tunas born in the Gulf of Guinea, which are subject to tremendous fishing pressure there, form the backbone of U.S. fisheries for yellowfin and bigeye tuna off the East Coast and in the Gulf of Mexico. Likewise, juvenile fish from the Coral Triangle region of the Indo-Pacific eventually replenish adult yellowfin and bigeye stocks of the Pacific that are fished by vessels from many countries, including the United States. Recently, the United States committed \$4.35 million to the development of the Coral Triangle Initiative, a new cooperative framework to protect the world's richest area of marine biodiversity from overexploitation. By promoting regional cooperation (among the countries of Indonesia, Malaysia, Philippines, Papua New Guinea, Solomon Islands, and Timor-Lest), the Initiative will develop mutual conservation and management solutions that ensure the sustainability of these commercially important tunas in their early life before they disperse across the Western Pacific, where they support large and important regional fisheries.

Thank you very much. I would be happy to take any questions.