

**TESTIMONY OF  
AMBASSADOR DAVID A. BALTON  
DEPUTY ASSISTANT SECRETARY OF STATE  
FOR OCEANS AND FISHERIES**

**BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE  
ON WATER, POWER, AND OCEANS**

**March 1, 2016**

Mr. Chairman and Members of the Sub-Committee:

I appreciate the opportunity to testify today on two international fisheries agreements: the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (NPFC Convention); and the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (SPRFMO Convention).

International cooperation is required to ensure the long-term conservation and sustainable use of highly migratory fish stocks, fish stocks that straddle areas within and beyond national jurisdiction, and certain discrete high seas fish stocks. The United States is a strong advocate for the development of effective regional fisheries management organizations (RFMOs) that, along with other relevant agreements, provide a framework for cooperation in the conservation and management of living marine resources.

The Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean established the North Pacific Fisheries Commission (NPFC), and the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean established the South Pacific Regional Fisheries Management Organization (SPRFMO). Both RFMOs were developed in response to growing awareness by the United States and other states and stakeholders that enhanced international cooperation was required to manage certain high seas fish stocks and protect vulnerable marine ecosystems in select areas of the high seas. Concern about the potential impact of certain fishing practices like bottom trawling in areas not previously covered by international agreements and controls had led the UN General Assembly to call upon states to establish relevant regional fisheries organizations or arrangements, and to adopt and implement interim measures until

such organizations were established. This growing international concern was reflected most clearly in United Nations General Assembly (UNGA) Resolution 59/25, adopted on November 17, 2004, in which the UNGA:

“[Called] upon States urgently to cooperate in the establishment of new regional fisheries management organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems in areas where no such relevant organization or arrangement exists.”

The United States played an instrumental role throughout the process of developing interim measures and negotiating the NPFC Convention and SPRFMO Convention, which have each entered into force. Indeed, the United States chaired the concluding rounds of negotiations that produced the NPFC Convention. In carrying out these negotiations, the U.S. delegations consulted with a broad range of U.S. stakeholders, several of whom served as members of those delegations.

U.S. interests would be served by U.S. ratification of the NPFC Convention and SPRFMO Convention, which requires the passage of implementing legislation. Although the United States does not currently have high seas fisheries for the stocks covered by NPFC and SPRFMO, the U.S. exclusive economic zone abuts their respective Convention Areas. The United States also has a general interest in promoting best practices in international fisheries management, and preserving its options and interests in the event U.S. fishers wish to enter fisheries managed by NPFC and/or SPRFMO in the future.

The United States has a strong record of international leadership to conserve and manage shared fishery resources in a sustainable way. In fact, doing so is vitally important to our efforts to manage resources in waters under U.S. jurisdiction. The United States is already a party to more than a dozen such regional agreements governing such diverse resources as tunas in the Pacific and Atlantic Oceans, groundfish in the North Atlantic Ocean and the Bering Sea, and salmon in the North Pacific and North Atlantic Oceans, among others. We are also a party to the two most significant fisheries agreements adopted at the global level – the 1993 FAO High Seas Fisheries Compliance Agreement and the 1995 UN Fish Stocks Agreement – and will soon be party to the 2009 FAO Agreement on Port State Measures. Because activities that take place on the high seas and in waters under the jurisdiction of other countries can have a direct impact on important U.S. fisheries, being a member of these regimes – and especially having a seat at the table in these organizations – is imperative.

My colleague Russell Smith, Deputy Assistant Secretary for International Fisheries at NOAA, will discuss the substance of these agreements from a conservation and management perspective and how their provisions support and enhance U.S. domestic fisheries management, while protecting the marine ecosystem. The remainder of my testimony will focus on how each of these agreements advances our international goals and objectives, including broad foreign policy objectives, and promote responsible and sustainable use of our oceans resources.

### NPFC Convention

As with the SPRFMO Convention, discussed below, negotiations toward the NPFC Convention were initiated in response to the growing concern of the international community toward the impacts of certain deep sea fishing practices, taking place outside areas of national jurisdiction, on a range of unique and endemic deep-sea marine ecosystems including sea mounts, hydrothermal vents, deep sea and cold water coral communities, and sponge fields – collectively referred to as “vulnerable marine ecosystems.”

In response to this growing concern, delegations from Japan, Korea, Russia and the United States met in Tokyo, Japan in August 2006, to begin negotiations that led to the 2012 adoption of the NPFC Convention. Initially, the negotiations had a much narrower focus than the Convention that is the subject of discussion today. Between 2006 and 2008, the negotiations focused exclusively on bottom fisheries in the Northwest Pacific Ocean. In particular, the discussions focused on bottom fisheries conducted by Japan, Korea and Russia on the Emperor Seamounts, a chain of seamounts that extends from the North Hawaiian Ridge in the south, almost to the Aleutian Islands in the north.

As the discussions continued, the United States pressed to expand the scope of the negotiations in two ways. First, our delegation pressed to expand the geographic scope of the Convention to ensure that the waters adjacent to the U.S. exclusive economic zone of Alaska and the Pacific west coast (Washington, Oregon, and California) were included within the Convention Area. Second, we worked to ensure that the Convention established management authority not only for bottom fisheries, but for all high seas fishery resources not covered by an existing international management regime. Other than the bottom fisheries on the Emperor Seamounts, the primary pelagic fisheries included under this expanded scope include the fisheries for Pacific saury and squid. This expansion of the

scope of the negotiations brought Canada, China and Taiwan (which participated as the fishing entity of Chinese Taipei) into the negotiations, in addition to the original four States listed above.

As a demonstration of U.S. leadership in the NPFC process, I was honored to Chair the last several sessions of the negotiations that led to the adoption of the Convention in 2012. Furthermore, one of my colleagues at the State Department served as Chair of the Preparatory Conference (PrepCon) over seven meetings, since the inception of the PrepCon in 2011 through the first meeting of the Commission in 2015.

The NPFC Convention was adopted on February 24, 2012, signed by the United States on May 2, 2012, and transmitted to the Senate on April 22, 2013. The U.S. Senate provided advice and consent for the Convention on April 22, 2014. The Convention entered into force in July of 2015; 180 days after the fourth Party completed its ratification process. Now that the Convention is in force, it has established the North Pacific Fisheries Commission (NPFC) through which the Parties are beginning to cooperate to ensure the long-term and sustainable use of fisheries in the Convention Area. Presently, all of the participants in the negotiations of the NPFC Convention (Canada, China, Japan, Korea, and Russia), with the exception of the United States, have ratified the Convention and are able to participate in NPFC as members. Chinese Taipei has signed an instrument declaring its firm commitment to abide by the terms of the Convention, and is participating as a member of the NPFC.

The first meeting of the NPFC was held in September 2015 in Tokyo, Japan. The United States and the Republic of Vanuatu attended the meeting as observers. The Commission has already adopted Rules of Procedure, Financial Regulations, Staff Regulations and Grievance Procedure, 2015-2017 Budgets, and reached Agreement regarding Privileges and Immunities. The NPFC also adopted conservation and management measure for Pacific saury that requires members to refrain from rapid expansion in the Convention area until a stock assessment has been completed in 2017.

U.S. ratification of the Convention will protect and advance important and significant U.S. interests. In particular, the Convention Area includes areas of the high seas immediately adjacent to the U.S. exclusive economic zone off Alaska, the Pacific west coast, Hawaii, and other U.S. territories and possessions in the North Pacific. U.S. ratification is vital to ensuring that the United States has a strong voice in managing fishing activities outside the U.S. EEZ that could have a

direct impact on resources within waters under U.S. jurisdiction. U.S. ratification will also ensure that U.S. fishers can participate in fisheries within the Convention Area on an equitable basis.

Similar to other RFMOs where the U.S. participates as a member, the NPFC represents an opportunity to continue to advance our foreign policy objectives by ensuring that conservation and management measures are based on the best available science and achieve parity among Parties. Even if U.S. vessels do not currently participate in fisheries managed by NPFC, the U.S. would still have a valuable role to play as mediator between other participants that ensures our influence in the region is maintained. Perhaps more importantly, the United States could better ensure that the NPFC manages the high seas fisheries under its purview in a way that prevents those fisheries from having an adverse effect on fisheries conducted in adjacent waters under U.S. jurisdiction.

### SPRFMO Convention

As with the NPFC Convention, the United States strongly supports the SPRFMO Convention and was an active participant in its negotiation. The United States worked with several states – including Australia, New Zealand, and Chile – that initiated efforts in 2005 to establish a RFMO to ensure the long-term conservation and sustainable use of non-highly migratory fishery resources and safeguard the marine ecosystems in which those resources occur in the South Pacific. The resulting SPRFMO Convention was adopted on November 14, 2009 and entered into force August 24, 2012.

The South Pacific Regional Fisheries Management Organization, which is focused on the conservation and management of certain high seas and straddling fish stocks, was established with the entry into force of the Convention. SPRFMO now boasts 14 Contracting Parties. In addition, Taiwan has signed an instrument declaring its firm commitment to abide by the terms of the SPRFMO Convention and participates in the organization. The United States signed the SPRFMO Convention on January 31, 2011. The U.S. Senate provided advice and consent to ratification of the Convention on April 22, 2014.

The SPRFMO Convention Area covers about one-fourth of the world's high seas areas. The most significant commercial resources managed by SPRFMO are pelagic species like jack mackerel and jumbo flying squid. SPRFMO also manages bottom fishing for deep-sea species like orange roughy – often in

association with seamounts – and potential associated impacts on vulnerable marine ecosystems.

SPRFMO has taken strong action to advance regional conservation and fisheries management regimes, and increasingly serves as model for international fisheries cooperation. The underlying Convention reflects an aspiration to develop an RFMO that could build on the best practices of other RFMOs, and to strengthen the implementation of the modern principles of international fisheries management embodied in relevant frameworks supported by the United States. The Convention takes into account many of the U.S. views expressed in the negotiations, including a strong enabling framework for the development of effective fisheries conservation and management measures for both target stocks and bycatch, the protection of vulnerable marine habitats, use of modern compliance and monitoring tools, and procedures to provide for fishing entities such as Taiwan to participate in and be bound to the regimes.

The United States has played a leading role in SPRFMO's design and development. SPRFMO has met four times since it was established. The United States has continued to participate in the work of SPRFMO as a Cooperating non-Contracting Party (CNCP) since the SPRFMO Convention entered into force and while the United States undertook the process to ratify it. However, there will be significant limits on the U.S. ability to exert its influence and protect its interests in SPRFMO until it is able to participate as a full member. Furthermore, continued U.S. participation as a CNCP is at the discretion of Contracting Parties. U.S. CNCP status could be increasingly difficult to defend without implementing legislation that allows the United States to make concrete commitments to the organization.

### Implementing Legislation

Passage of implementing legislation by Congress would allow the United States to ratify the NPFC Convention and the SPRFMO Convention, become full members of the organizations, and solidify our leadership role in the organizations. In addition, with a seat at the table, the United States would be better equipped to advance its foreign policy objectives, promote science-based management and mediate between competing interests, protect the rights of U.S. fishers to potentially participate in related fisheries in the future, and maintain U.S. influence in international fisheries organizations.

## Conclusion

Thank you again for the opportunity to testify before the Subcommittee on international agreements and RFMOs. The Department strongly supports the NPFC and SPRFMO Conventions and will continue working to advance U.S. interests and support the long-term conservation and sustainable use of fisheries resources.

We look forward to working with the Committee on implementing legislation so the United States can ratify the Conventions and participate and influence fishery management outcomes as a full member of NPFC and SPRFMO.