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UNITED STATES DEPARTMENT OF COMMERCE**

**BEFORE THE  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**REGARDING THE U.S. ROLE IN INTERNATIONAL FISHERIES  
JUNE 12, 2003**

Mr. Chairman and Members of the Committee, thank you for inviting me to testify on topics related to international fishery conservation and management. I am Rebecca Lent, Deputy Assistant Administrator for Regulatory Programs in the National Oceanic and Atmospheric Administration, Department of Commerce.

Within the Bush Administration, NOAA Fisheries and our federal partners at the Department of State and the Department of Homeland Security, working in concert with state, tribal, and other Native American groups, have and are continuing to accomplish an impressive program of international living marine resource conservation and management.

The United States has one of the most comprehensive systems of fisheries management. The commercial fishing industry in the United States is required to comply with extensive science-based regulations that are more robust than those found in industrial fishing countries world-wide. Moreover, the United States has led efforts to reduce overfishing and fishing industry capacity under many international agreements. The United States continues to be a world leader in compliance with these international fisheries agreements. Hopefully, other industrial fishing countries, such as members of the European Union, will recognize the benefits of sustainable fishing practices and improve compliance with these international agreements.

I would like to emphasize, however, that many of the challenges we face in international fisheries management will require broad international cooperation if we are to be successful in our efforts to mitigate the decline and collapse of major fish stocks. These challenges include:

(1) eliminating overfishing; (2) rebuilding overfished stocks; (3) managing the needs of highly migratory species; (4) managing fisheries sustainably; (5) recovering protected species; (6) conserving habitats; (7) improving the science that guides management; (8) working toward ecosystem-based management; and (9) addressing problems of bycatch and harvesting capacity.

I will provide an overview of our efforts to address these issues in several international fora including (1) ICCAT (*International Commission for the Conservation of Atlantic Tunas*), (2) CCAMLR (*Convention on the Conservation of Antarctic Marine Living Resources*), (3) IWC (International Whaling Commission), (4) NAFO (Northwest Atlantic Fisheries Organization), (5) FAO (*Food and Agriculture Organization of the United Nations*), (6) WTO (*World Trade Organization*), (7) CITES (*Convention on International Trade in Endangered Species of Wild Fauna and Flora*), (8) the growing focus of attention and concern regarding deep sea fishing on seamounts and mid-oceanic ridges, and (9) recent press accounts about the status of the world's fish stocks and their management.

### **ICCAT (*International Commission for the Conservation of Atlantic Tunas*)**

ICCAT coordinates the international management of tunas and tuna-like species. The organization currently has 35 members. Primary U.S. objectives over the last several years have included seeking measures to rebuild overfished stocks and improve adherence to ICCAT rules by members and non-members. The United States has also focused on measures to address bycatch issues.

With regard to rebuilding, we have had a number of successes, including the adoption of rebuilding plans for western bluefin tuna (1998), North Atlantic swordfish (1999), and blue and white marlins (2000). The sacrifices made to rebuild North Atlantic swordfish began to show results last year with a significant increase in biomass, which subsequently led to increases in quota allocations. On the compliance front, ICCAT has adopted a variety of state-of-the-art measures. ICCAT can and has imposed penalties (e.g., quota reductions, trade sanctions) against members for infractions. The Commission has also adopted action plans that contemplate the use of trade sanctions against countries that diminish the effectiveness of ICCAT, with sanctions having been imposed in several instances. These measures have been successful in reducing illegal, unregulated, and unreported (IUU) fishing in the Convention area. Most recently in its fight against IUU fishing, ICCAT adopted a vessel list program that provides a basis to limit market access to only those products taken by authorized vessels.

Regarding bycatch issues, ICCAT has adopted proposals to improve data collection and reporting on sharks and seabirds. A similar proposal for sea turtles will be under consideration at the 2003 ICCAT meeting. The ICCAT measure also encourages releasing sharks taken as bycatch, and minimizing shark waste and discards. A shark assessment is planned for 2004.

Despite the strides made at ICCAT, particularly over the last decade, a number of difficult issues remain. Data collection and reporting continue to be a challenge for some parties, and a special meeting will be held in the fall 2003 to consider this matter. Moreover, the stock structure of Atlantic bluefin tuna, currently managed as two separate stocks, remains in question and ICCAT

agreed to convene a meeting of scientists and managers in November 2003 to look into this issue. In addition, ensuring ICCAT rebuilding plans stay on course and new programs are developed for other overfished stocks (such as bigeye tuna) will be important in upcoming meetings. We intend to ensure that ICCAT continues to make needed progress in improving member compliance and non-member cooperation, including addressing IUU issues.

With respect to compliance issues in ICCAT fisheries, the Secretary of Commerce recently (April 25, 2003) sent letters to the European Commission (EC). Secretary Evans noted the importance of the conservation of marine fisheries and expressed concern about actions and positions taken by the EC at ICCAT in 2002—particularly regarding EC support of an eastern bluefin tuna total allowable catch far in excess of scientifically recommended, sustainable levels. Secretary Evans stated that positions such as these have the potential to threaten the long-term future of shared resources and to lead to serious friction in U.S.- EC trade relations. As an example, the Secretary pointed to a petition filed and later withdrawn by a recreational fishing organization under Section 301 of the Trade Act of 1974 that sought relief from allegedly unjustifiable acts, policies, and practices of the EC related to ICCAT. In his letter, the Secretary urged the EC to take prompt action to improve their compliance with existing ICCAT measures and to reconsider accepting science-based conservation measures in the future.

In addition to this action, NOAA Fisheries has received a request to certify the EC pursuant to the Pelly Amendment to the Fishermen's Protective Act of 1967 for diminishing the effectiveness of ICCAT. The decision on certification has been left open for the time being while we monitor the activities of the EC and its Member States. In this regard, Assistant Administrator Hogarth recently sent a letter to the EC Director General for Fisheries explaining the request, noting its seriousness, and indicating that we intend to investigate it fully. He has also been in contact with the head of the EC delegation to ICCAT concerning this matter, and we continued our dialogue at the ICCAT intersessional meetings in Madeira in late May 2003. We have been stressing the importance of EC implementation of its ICCAT commitments and will continue to do so.

### ***CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources)***

Due to the scale of IUU fishing for toothfish in and beyond waters subject to CCAMLR, a Catch Documentation Scheme (CDS) for toothfish was adopted in 1999. The CDS identifies the origin of toothfish imports, determines if the toothfish were harvested consistent with CCAMLR conservation measures, monitors international trade, and provides catch data for stock assessments in the Convention Area. Although NOAA Fisheries has fully implemented the CDS in the United States, it recently published final regulations streamlining administration of the program and enhancing efforts to prevent the import of illegally harvested toothfish. Effective June 16, 2003, NOAA Fisheries will operate a pre-approval system for toothfish imports. Pre-approval will allow the agency to review toothfish catch documents sufficiently in advance of

import to facilitate enforcement and provide additional economic certainty to US businesses in the toothfish trade.

Information provided to CCAMLR has indicated high levels of IUU fishing in the Convention Area. The majority of CCAMLR Members agreed that catches reported as harvests from FAO Statistical Areas 51 and 57, high sea areas in the Indian Ocean adjoining the Convention Area, were not credible and were in all likelihood fish pirated from within the Convention Area. They also expressed concerns, shared by the United States, that information reported in catch documents did not match scientific understanding of toothfish distribution and potential biomass of toothfish on the high seas. Therefore, also as of June 16, 2003, no imports of fresh or frozen toothfish represented as harvested within FAO Areas 51 or 57 will be allowed entry into the United States. Importers applying for a pre-approval certificate for fish that has been harvested from either of these areas will be denied pre-approval.

### ***IWC (International Whaling Commission)***

The 55<sup>th</sup> Annual Meeting of the International Whaling Commission (IWC) will be held in Berlin June 16<sup>th</sup> through 19<sup>th</sup>. The Bush Administration reaffirms longstanding principles that will guide United States policy at this meeting: we will support the IWC's commercial whaling moratorium, support aboriginal subsistence whaling, oppose lethal research whaling, and oppose the international trade of whale products.

Iceland recently rejoined the IWC with a reservation to the commercial whaling moratorium. The Bush Administration welcomes Iceland as a member of the Commission, but the United States recently filed a formal objection to Iceland's reservation. In addition, Iceland recently submitted to the IWC a plan to conduct lethal research on whales. The United States opposes lethal research and urges Iceland not to begin this program. Likewise, Japan continues to conduct lethal research with the take of up to 700 whales per year. The United States continues to urge Japan to cease the killing of whales under scientific permits. Germany will put forth a resolution on scientific whaling at the annual meeting that we intend to support.

In addition, Norway and Iceland have initiated the first international trade of whale products in 14 years. The Bush Administration has urged both countries to halt this trade. Last year, Japan submitted a resolution for the consideration of Japanese community-based whaling. This resolution contained a marked change from previous proposals whereby the quota would be non-commercial, and based on the advice of the Scientific Committee. Japan is expected to present a proposal regarding this matter. We have not yet seen this proposal, but will only consider supporting it if these two criteria (non-commercial – i.e., the proposal would establish sufficient safeguards to ensure that whales that would be taken under the program are not used for commercial purposes -- and based upon the advice of the IWC Scientific Committee), at a minimum, are met.

Mexico plans to put forward a resolution to create a Conservation Committee that is meant to reaffirm the conservation objective of the Convention. The United States intends to support the creation of this committee, as it would improve the governance of the Commission's work.

Italy intends to put forth a resolution on bycatch of whales. The United States intends to support this resolution, since we recognize bycatch as a serious conservation issue and it would be synergistic with the National Bycatch Strategy recently issued by NOAA Fisheries.

The United States continues to work in good faith to establish a Revised Management Scheme (RMS) for commercial whaling. However, the last round of working group meetings were disappointing in that representatives of the whaling nations and their supporters did not accept any compromise put forth by the United States and others. The United States has repeatedly demonstrated its willingness to develop a science-based and enforceable RMS. Our efforts, however, have been thwarted by the pro-whaling nations, which, to date, have been unwilling to agree to the incorporation of adequate monitoring measures into the RMS. At the annual meeting, Japan will likely put forth a proposal on the RMS. However, Japan's proposal last year lacked the necessary components for a credible scheme and would have eliminated the commercial whaling moratorium and whale sanctuaries.

Finally, the United States intends to support Australia and New Zealand in their proposal to establish a South Pacific Sanctuary, and Brazil's proposal to establish a South Atlantic Sanctuary. Both of these sanctuary proposals are science-based and would help the recovery of depleted whale stocks.

### ***NAFO (Northwest Atlantic Fisheries Organization)***

NOAA has provided leadership on U.S. delegations to NAFO meetings since the United States joined the organization in 1996. NAFO manages groundfish, flatfish, and shellfish (many of which are under zero directed take regimes) in the waters of the northwest Atlantic beyond areas of national jurisdiction. Some of these stocks are rebuilding and one, yellowtail flounder, has recovered sufficiently to reestablish a directed fishery. A U.S. priority within NAFO is to reform allocation practices and obtain greater access for U.S. vessels to fish for recovering stocks. NOAA Fisheries hosted a NAFO Working Group meeting in Miami earlier this year to press for more progress in this area, but it has been slow. On the other hand, we have made considerable gains within NAFO on transparency, implementing a risk-based approach, effectively dealing with problems of fishing by non-members, and upgrading NAFO mechanisms and processes for monitoring compliance by NAFO members. Nevertheless, the issue of obtaining benefits for U.S. fishermen commensurate with the considerable financial and other contributions the United States makes to NAFO has led us to begin a reassessment of our proper role within the organization.

**COFI/Capacity (*Committee on Fisheries, Food and Agriculture Organization of the United Nations*)**

A major and common problem that plagues a large number of domestic and world fisheries is overcapacity in the harvesting sector. The United States has recognized this global problem for more than a decade, and has worked for years to address the issue of overcapacity in the harvesting sector through technical and policy-level consultations held under the sponsorship of FAO. Accordingly, we agreed in 1997 to consultations leading to an international plan of action for the management of fishing capacity (IPOA) and joined all the other FAO Members in approving the IPOA on this subject in 1999. NOAA Fisheries played an active role in the technical and policy-level meetings to bring these negotiations to a successful conclusion. In particular, I would like to single out the efforts of NOAA Fisheries technical experts who developed definitions and measures of capacity and overcapacity for marine capture fisheries that were later endorsed by FAO, and have become the world standards.

The IPOA for the management of fishing capacity included a provision calling on all signatories to develop a national plan of action for the management of fishing capacity. NOAA Fisheries has been working on this task for the last few years, but crafting a national plan of action for the management of fishing capacity has been a challenge. The Magnuson-Stevens Fishery Conservation and Management Act does not mandate the regulation of fishing capacity, and certain tools that would enable the Councils and NOAA Fisheries to manage capacity were either legally unavailable - - in the case of individual fishing quotas until October 2002 - - or were untried and therefore untested - - in the case of Fishing Capacity Reduction Programs under Section 312(b)-(e). Nevertheless, NOAA Fisheries has prepared a draft national plan of action that we believe is consistent with our legal mandates and authorities.

Our national plan of action has gone through internal and public review. We are in the process of making changes in response to comments provided by our constituents through a Federal Register notice of availability. The comment period closed in March of this year. We expect to send the final plan to FAO this year.

The United States, through the Committee on Fisheries (COFI), also provided leadership in the development of IPOAs regarding seabirds, sharks, and IUU fishing. The United States has completed development of its NPOAs relative to seabirds and sharks, and has developed a draft NPOA on IUU fishing that was presented at COFI earlier this year.

**CITES (*Convention on International Trade in Endangered Species of Wild Fauna and Flora*)**

The Bush Administration continues to believe that CITES can serve as a useful adjunct to traditional fisheries management through its comprehensive permitting and trade control protocols. Such systems can deter IUU fishing and assist in promoting domestic management

programs for commercially exploited marine species. CITES was designed to support sustainable international trade in fauna and flora, but is not a substitute for scientific management and domestic regulation of fishery resources. In instances where no RFMO is in place (as is the case with queen conch and sturgeon), a CITES listing can encourage the establishment of regional management mechanisms. In the case of queen conch (listed in 1992), since 1996, NOAA Fisheries and the Caribbean Fishery Management Council have organized the International Queen Conch Initiative, which provides a forum for countries in the Wider Caribbean to develop coordinated approaches to regional management of the species. In the case of sturgeon (listed in 1997), regional cooperation among range States has led to the setting of intergovernmental quotas for sturgeon species in the Caspian Sea region. Closer cooperation between CITES and FAO should further strengthen these efforts, as FAO is experienced in supporting regional fisheries management organizations in developing regions of the world.

The Bush Administration has also supported cooperative efforts between CITES and CCAMLR to improve the management and enforcement of measures taken to conserve toothfish and potentially other Southern Ocean species. In addition, we continue to advocate the continued linkage of CITES listings with actions taken by the IWC to conserve whale stocks, such that the applicable trade prohibitions under CITES reflect the decisions on commercial whaling established by the recognized international management authority.

## **Deep Sea Fishing**

From a global perspective, as more and more fish stocks have become overfished, the search for economically harvestable fish resources has led displaced fishing vessels to deep sea seamounts and mid-oceanic ridges in high seas areas beyond the jurisdictions of any nation and beyond the reach of many international management regimes. These areas have several common characteristics: they are isolated and fragile ecosystems, and there tends to be a paucity of legal frameworks within which to manage the fisheries in these areas in a sustainable or any other manner. Areas of concern include deep sea seamounts and mid-oceanic ridges in the Indo-Pacific Oceans and the Atlantic Ocean. The lack of legal management frameworks makes these areas one of the last frontiers in the world's oceans. Unmanaged and uncontrolled fisheries in these areas represent the greatest threat to the conservation of biodiversity due to human factors, since other threats (e.g., due to ship discharges and other sources of pollution) are already at least potentially addressed by existing international legal frameworks.

There are a number of international meetings dealing with these problems that are scheduled during the balance of this year and beyond. NOAA Fisheries intends to participate actively in addressing these matters because we are all too familiar with the portability of deep sea fishing fleets in the current environment of overfishing and overcapacity. We first faced these challenges with regard to large-scale pelagic driftnet fishing on the high seas. We will bring our responsibilities for recovering and conserving protected species and habitats, and our concern

with reducing bycatch and addressing IUU fishing to bear in addressing these problems as part of NOAA's global marine stewardship mission.

### **The World's Fish Stocks and Their Management**

On May 15, 2003, an article entitled "Rapid worldwide depletion of predatory fish communities" was published in the scientific journal *Nature*. The article is consistent with the current scientific view of impacts of global fisheries on marine ecosystems, but determining that fish stocks worldwide have declined is not a new conclusion. NOAA Fisheries scientists share many of the views identified by the authors of the article. However, there continues to be significant uncertainty regarding what may have gone on before data were collected systematically. Although some conclusions reached by the authors that are global in scope (e.g., regarding overfishing and resource declines) are widely shared in the scientific community, the conclusions reached about specific fisheries and ocean areas are affected by this uncertainty.

We recognize that world ecosystems have been, and will continue to be, altered as a result of human activities. Rebuilding stocks to healthy levels includes a human impact component that must be considered. Therefore, NOAA is increasingly focusing its attention on scientific research into the impacts of marine fishing on our ecosystems. Because this is a global issue, we are working with the international community to address the multiplicity of issues that surround sustainable utilization of living marine resources. Although scientific research is an important component, the United States has made progress in a number of areas of fisheries management. For example, the United States is a strong leader in swordfish and billfish conservation through the ICCAT. The United States is also a leader in technology development (e.g., long line gear) and transfer as it relates to sea bird and sea turtle bycatch. Nonetheless, we are not satisfied with the current state of international fisheries management, and we will continue to promote the establishment of rebuilding programs for overfished stocks, as we have done in ICCAT and NAFO, and improved, science-based management, as we are doing in all the regional fisheries management organizations of which we are a member.

### **Fish Subsidies**

Many commercially-traded fish stocks are fully exploited or over exploited. While it is generally acknowledged that ineffective or poorly enforced management regimes in global fisheries are the principal culprits in the decline of certain stocks, there is reason to believe that global levels of subsidies (estimated at between \$10-15 billion annually) have exacerbated the problem. For this reason, World Trade Organization (WTO) Ministers agreed in Doha, Qatar in December 2001 to clarify and improve existing WTO rules on fisheries subsidies. The World Summit on Sustainable Development, held in Johannesburg South Africa in September 2002, further

committed the global community to reduce and eliminate subsidies that lead to overcapacity and overfishing.

The United States has actively supported and contributed to work on fisheries subsidies in a variety of fora, and has long advocated WTO action on this issue. We believe that the fisheries subsidies negotiations are an important part of the WTO's commitment to making trade, development, and environmental policies mutually supportive: in other words, a demonstration that trade liberalization is a "win-win-win." We have therefore been working hard in Geneva, along with a group of like-minded countries, known as the "friends of fish," to fulfill the Doha mandate and establish better disciplines on fisheries subsidies. Although a few countries have slowed the negotiations somewhat, progress toward a successful conclusion is being made.

### **International Bycatch Reduction Activities**

In the September 2000 Annual Report to Congress on International Bycatch Agreements, required by Section 202(h) of the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries concluded, and the Department of State concurred, that seeking international agreements with foreign nations conducting pelagic longline fishing operations for Atlantic and Pacific highly migratory species was necessary and appropriate to protect endangered and threatened sea turtles. An international strategy was developed and detailed in the June 2001 Report to Congress.

In January 2002, Assistant Administrator Hogarth appointed an interagency International Bycatch Reduction Task Force to carry out the strategy. Although the initial focus of this effort was to reduce sea turtle bycatch in longline fisheries internationally, it also took on responsibilities relating to bycatch issues involving sharks and seabirds. It has since been fully integrated into our broader NOAA Fisheries National Bycatch Strategy. We continue to host and participate in international working groups in support of bycatch mitigation. A few examples of these include:

- ▶ Participation and financial support for the Second International Fishermen's Forum in November 2002, which focused on sea turtle and seabird bycatch mitigation;
- ▶ Participation and financial support of an Asia-Pacific Economic Forum Fisheries Working Group Shark Workshop, which included bycatch issues, in Huatulco, Mexico in December 2002;
- ▶ Planning and hosting an international technical workshop on reducing sea turtle interactions with longline gear in February 2003, in Seattle, Washington;

- ▶ Securing State Department funding to support the meeting of the Parties to the First Inter-American Sea Turtle Convention, to be held in San Jose, Costa Rica, in August 2003; and
- ▶ Planning for an interdisciplinary workshop to be co-sponsored by the International Center for Living Aquatic Marine Resource Management and others on the conservation needs of sea turtles in the Pacific Basin, planned for November 2003 in Bellagio, Italy.

The Task Force is preparing a report of its activities during the first year of operation, and I would be happy to provide copies of it when completed.

Thank you, Mr. Chairman, for this opportunity to review how NOAA Fisheries is conducting the tasks assigned it pursuant to the many international fisheries' treaties and conventions with which the United States is involved. The Bush Administration is committed to working with our state and federal partners for the effective management of our Nation's fisheries resources. This concludes my testimony, Mr. Chairman. I am prepared to respond to any questions Members of the Committee may have.