

THE DEPUTY SECRETARY'S REMARKS AT THE
SENATE COMMERCE COMMITTEE HEARING ON
INTERNATIONAL FISHERIES
APRIL 3, 2008

Chairman Inouye, Vice Chairman Stevens, members of the Committee, I appreciate your invitation to address the Committee this morning on ways the United States can strengthen the management and enforcement of fisheries around the globe. Today, the State Department witness, Ambassador David Balton, will testify in much greater detail about our efforts to formulate and enforce better management measures for international fisheries. For my part, I would like to focus on how the challenges we face in this endeavor are compelling reasons for the United States to become party to the Law of the Sea Convention as soon as possible.

With 155 parties, including the major fishing nations, the Law of the Sea Convention is widely accepted as the legal framework under which all international fisheries must operate. The United States accepts the fisheries provisions of the Convention. Indeed, those provisions form the basis of a related treaty that the United States has already ratified – the 1995 UN Fish Stocks Agreement – which deals with the management of key stocks within and outside of the Exclusive Economic Zone.

Vice Chairman Stevens will recall that he went to the United Nations when the UN Fish Stocks Agreement was adopted to deliver the U.S. intervention supporting that Agreement. The United States was the third country to ratify the Fish Stocks Agreement, and we also chaired the 7 meetings of the parties in the Agreement, as well as the 2004 Review Conference held to consider its implementation.

Despite our leadership on this issue, some nations still question our intentions and our right to press for improvements in the management and enforcement of international fisheries rules – because we have not yet joined the Law of the Sea Convention. Acceding to the Convention will give us greater leverage in negotiating on these matters— particularly in our efforts to eliminate illegal, unreported, and unregulated fishing.

American fishermen already follow these standards and they support our accession to the Law of the Sea Convention. By doing so, we will be in a stronger position to encourage other governments to hold their fishermen accountable to the same standards that ours now uphold.

Other important industries support the Convention as well. Oil and gas companies want international recognition and greater legal clarity regarding the outer limits of our continental shelf beyond 200 miles. This will facilitate access to the vast energy resources residing there, particularly in the Arctic. American companies can recover valuable minerals from the deep seabed only if we join the Convention, because a permit issued under domestic legislation would not provide a U.S. entity with certainty of tenure. The telecommunications and shipping industries also want the Convention's protection of submarine cables and navigational freedoms.

An equally important reason to join is to put our vital navigational rights on the firmest legal footing. The United States military establishment continues to express its urgent need for our accession to the Convention, in order to promote international cooperation on initiatives of national security importance, such as the Proliferation Security Initiative.

Lastly, I want to note that no additional legislation on fisheries or on any other topic is required before acceding to the Convention. Indeed, the drafters of the 1976 Fishery Conservation and Management Act intended it to be consistent with the Convention's provisions on fisheries, and

subsequent amendments to what is now known as the Magnuson-Stevens Act have preserved that consistency.

Mr. Chairman, Mr. Vice Chairman, I would be pleased to provide for the record my testimony on the substance of the Convention before the Senate Foreign Relations Committee in a hearing last fall for any members who might be interested.

Chairman Inouye, Vice Chairman Stevens, I know that you are both strong supporters of the Law of the Sea Convention. I thank you for your leadership and for this opportunity to make the case for U.S. accession to the Convention in the context of international fisheries management and enforcement.