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Homeland Security

United States  
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**TESTIMONY OF  
REAR ADMIRAL FREDERICK J. KENNEY  
JUDGE ADVOCATE GENERAL**

**ON  
“FISHERIES TREATIES AND PORT STATE MEASURES AGREEMENT”**

**BEFORE THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

**FEBRUARY 12, 2014**

Good afternoon Chairman Markey, Ranking Member Rubio, and distinguished members of the Committee. It is a pleasure to appear before you today in support of four international fisheries agreements that will improve the Coast Guard’s ability to deter, prevent, and enforce rules against Illegal, Unregulated, and Unreported (IUU) fishing both within areas of U.S. jurisdiction and on the high seas.

Safeguarding living marine resources is a longstanding Coast Guard mission and it remains a vital U.S. economic interest today. Beginning with 19<sup>th</sup> Century protection of the Bering Sea fur seal herds and continuing through the post-World War II expansion in the size and efficiency of global fishing fleets, the Coast Guard has embraced its role as the principal, federal, on-scene law enforcement agency for the protection of U.S. living marine resources. Today, the Coast Guard maintains a law enforcement presence within the U.S. Exclusive Economic Zone (EEZ), which is the largest in the world.

IUU fishing activity is global in reach, and it adversely affects marine ecosystems by distorting competition and jeopardizing the economic survival of coastal communities whose livelihoods depend upon local fisheries. The Coast Guard supports the State Department and the National Oceanic and Atmospheric Administration (NOAA) in their efforts to combat IUU. Actors engaged in IUU fishing often exploit the gaps between governance structures and operate in areas where there is little or no effective enforcement presence. These four international fisheries agreements will significantly shrink those gaps utilized by IUU fishing and will improve the United States’ deterrence efforts, thus promoting the optimal management and protection of vital living marine resources and their environments.

Coast Guard efforts to deter and combat IUU fishing span both domestic and international fisheries, and they bridge the Service’s maritime security and maritime stewardship goals.

These goals, outlined in the *U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship*, are driven by national policy including *Presidential Decision Directive 36: Protecting the Ocean Environment*, laws such as the *Magnuson-Stevens Fishery Conservation and Management Act*, and international ocean governance structures, such as U.S. membership within international Regional Fishery Management Organizations (RFMOs). Each of the four fisheries agreements being considered by the Senate will enhance the Coast Guard's ability to provide at-sea enforcement for the conservation and management of living marine resources and their environments.

Effective enforcement requires a clear understanding of the Northwest Atlantic Fisheries Organization (NAFO) Convention's goals and objectives. The NAFO Convention Amendment accomplishes this through modernization of the Convention text that has been in force since 1979. The changes will help align Coast Guard enforcement with contemporary practices within the Convention area.

The North and South Pacific Conventions will establish a modern governance mechanism that will enable a stronger at-sea enforcement regime on the high seas of the Pacific and facilitate more effective Coast Guard enforcement efforts in the region. To further achieve this goal, the Coast Guard will continue to work closely with the State Department and NOAA to ensure the conventions include a high seas boarding and inspection regime in line with Articles 21 and 22 of the 1995 UN Fish Stock Agreement.

The Port State Measures Agreement is another tool to combat IUU fishing by addressing the problem through economic disincentives. Without access to ports of convenience, vessels engaged in IUU fishing will be unable to sell their product or receive logistical support for operations. Forcing these vessels into ports further away from commerce centers and fishing grounds will increase their operating costs and diminish economic gains for illegally caught fish or fish product. Limiting the ports available to these vessels would also simplify enforcement by targeting investigations of illicit activity in ports known to support IUU fishing.

Regional Fishery Management Organizations (RFMOs) have proven to be highly effective in managing fisheries resources beyond areas of national jurisdiction. For example, the Western and Central Pacific Fisheries Commission (WCPFC), one of the first in the world to employ a fully-developed boarding and inspection protocol for high seas enforcement based on the U.N. Fish Stocks Agreement, has produced a level of governance and cooperation for long-term resource management that was previously not feasible. The Coast Guard is proud to have been involved in its development and negotiation, and as a leader in its enforcement. Under the WCPFC since 2008, the Coast Guard has conducted over 100 high seas boardings and inspections, issuing violations to over 20 vessels. Likewise, Coast Guard cutter patrols in support of these enforcement efforts have also enabled recent seizures of stateless vessels such as the fishing vessel DA CHENG and its illegally-taken catch resulting from high seas drift net fishing. Notably, the Coast Guard cooperated closely with Chinese officials to turn over the vessel, crew, and catch for Chinese enforcement efforts. The Coast Guard looks forward to continuing to provide leadership in the global fight against IUU fishing in these new RFMOs.

Enforcement at the outer reaches of the U.S. EEZ and within high sea areas managed by RFMOs is a mission largely conducted by Coast Guard off-shore assets. Cutter transit to most of the eight non-contiguous U.S. EEZs in the Western and Central Pacific takes several days (and more than a week in some cases) from the nearest Coast Guard facility. The Coast Guard's offshore recapitalization program ensures that these critical missions will have the organic capabilities necessary to meet the extreme demands of time, distance, and weather these operations entail.

As a secondary benefit, carrying out the provisions of these Conventions enables the Coast Guard to increase Maritime Domain Awareness on the high seas and more effectively respond to a range of transnational threats.

In conclusion, the Coast Guard strongly supports these four international fisheries agreements and will continue to work closely with the State Department, NOAA, and our international partners to achieve national and international objectives for managing sustainable fisheries worldwide and to address IUU fishing. The world's oceans are truly a global commons, requiring a global approach toward their conservation and management. In the face of an increasing need for food security and the increasing scarcity of marine resources, the U.S. Coast Guard stands ready to confront IUU fishing to preserve the long-term viability of migratory fish stocks that affect U.S. fisheries.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.