

TESTIMONY OF DAVID BALTON
SENIOR FELLOW, POLAR INSTITUTE
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

BEFORE THE SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 10, 2020

Mr. Chairman and Members of the Subcommittee, I would like to thank you for this opportunity to testify in today's hearing focusing on the international role of the U.S. Coast Guard. My name is David Balton and I am currently a Senior Fellow at the Woodrow Wilson International Center for Scholars.

As you may know, Congress created the Wilson Center fifty years ago as the official memorial to President Wilson. We serve as the nation's key non-partisan policy forum, fostering independent research and open dialogue to help guide the policy community.

Before I joined the Wilson Center in 2018, I worked for 32 years at the U.S. Department of State, the last fifteen years serving as Deputy Assistant Secretary for Oceans and Fisheries. In that capacity, I participated in numerous efforts to advance our nation's interests relating to the oceans and the Polar Regions. During that time, I had very considerable interaction with colleagues in the U.S. Coast Guard. My testimony today draws largely on my experiences in that regard.

Strengthening Ocean Diplomacy

While the world's ocean has received increasing attention in many quarters, the challenges we face on ocean issues are growing more acute. We have a responsibility to address these challenges, as the United States remains a critical player on ocean issues worldwide. We have the largest navy, extraordinary commercial and scientific capacity related to the ocean, and a highly developed regulatory system for managing the part of the ocean under our jurisdiction.

The United States certainly cannot solve the problems of the ocean on our own. We need to engage other nations, international institutions, and other actors and stakeholders (scientists, the private sector, civil society, etc.). We also need to make best use of the assets at our disposal.

I know from long personal experience that the U.S Coast Guard serves as a valuable tool in engaging with other governments on a wide range of ocean issues, a tool that we should put to even better use, particularly with nations such as Russia, China, Cuba and others with whom we are experiencing significant friction in our bilateral relationships. I used to tell my Coast Guard colleagues that they should add to their 11 statutorily mandated missions a 12th mission: diplomacy.

To illustrate this, here are some examples showing the Coast Guard's ability—and potential—to work constructively at the international level.

North Pacific and Bering Sea

The North Pacific Ocean and the Bering Sea represent two of the most productive fishing grounds in the world. Many of the fish stocks harvested in those waters have ranges and distributions that cross jurisdictional lines. That is, the range of a given stock often includes areas under the fisheries jurisdiction of more than one country, or areas under national jurisdiction and the high seas, or both.

Managing fisheries for such shared stocks presents numerous problems and requires a high degree of international cooperation, an often elusive commodity. Even when nations agree on measures to manage those fisheries, fishing vessels do not always observe the agreed rules. The resulting illegal, unreported, and unregulated (“IUU”) fishing poses a significant threat to fisheries management regimes, to the livelihoods of those who fish in accordance with the rules, and to marine ecosystems.

We can reduce those threats by promoting international cooperation in fisheries law enforcement, including by strengthening the Coast Guard's role in this field. In the North Pacific and the Bering Sea, I have seen the value of Coast Guard engagement with other governments in cooperative efforts to do this.

Few if any other nations have the capacity to undertake effective fisheries enforcement on par with ours. Developing countries, including the Pacific Island States that depend heavily on revenue from fisheries taking place within their exclusive economic zones (EEZs), certainly need our assistance in fisheries management and enforcement. The Coast Guard provides some of that assistance, including through training and data sharing, and could do more in this regard. Increasing such assistance would also benefit the United States, both directly, by increasing the likelihood that shared fisheries in which the U.S. fishing industry participates remain sustainable, and indirectly, by enhancing U.S. relations with the Pacific Island nations in question.

An extraordinary percentage of U.S. fisheries exist in our EEZ off Alaska, much of it in the Bering Sea, a body of water that the Russian Federation also borders. Some of the most valuable fish stocks in that area, including the Eastern Bering Sea Pollock stock, have ranges that cross the U.S.-Russia maritime boundary line. Successful management of such stocks requires collaboration with Russia, including in the field of fisheries law enforcement.

At the moment, the United States and Russia find themselves at odds over any number of difficulties in their bilateral relationship, resulting from such contentious issues as Ukraine, Syria, and election interference. This is not a new phenomenon, however. I have seen significant friction in the U.S.-Russian relationship over several decades. For many years, when I led the U.S. side in annual fisheries meetings with Russia, such friction eroded trust across the table and otherwise made our work difficult.

The Coast Guard, through its ability to work with its counterparts in the Russian Federal Border Service, often provided the best available means of maintaining needed cooperation in challenging times. Over the years, Coast Guard District 17 has developed a professional and dependable working relationship with Russia, a relationship that for the most part has survived intact despite the problems alluded to above.

For example, a spate of fisheries violations about 20 years ago in the vicinity of the U.S.-Russia maritime boundary line in the Bering Sea threatened to undo our ability to work cooperatively with Russia on managing shared stocks. Large factory trawlers repeatedly crossed from the Russian EEZ into the U.S. EEZ to fish illegally. Tensions mounted, as did the prospect of a potentially dangerous confrontation at sea.

Thanks largely to the Coast Guard and its ability to engage professionally with its Russian counterparts, the United States and Russia dealt constructively with each other to minimize such incursions. I am pleased to report that, since the time of the incidents in the 1990s until my retirement from the State Department at the end of 2017, those incidents subsided almost entirely and never again threatened U.S.-Russian cooperation in fisheries management. Indeed, the United States and Russia signed a bilateral agreement to combat IUU fishing in 2015.

We also have the Coast Guard to thank for its ability to work with China, another nation with whom the United States has had a difficult relationship at times. As long ago as 1993, the Coast Guard entered into a formal working arrangement with China on joint fisheries enforcement operations, based on a memorandum of understanding (MOU). Among other things, that MOU allowed Chinese fisheries enforcement officials to ride aboard U.S. Coast Guard cutters operating in the North Pacific Ocean. If the cutter came upon a Chinese fishing vessel on the high seas fishing illegally, for example with a largescale driftnet (a significant problem at the time), the Chinese official could take law enforcement action against the fishing vessel from the platform of the U.S. cutter.

Due in part to initiatives such as this, largescale driftnet fishing in the North Pacific Ocean has also subsided. The need for that specific MOU accordingly diminished, such that the two sides agreed to allow it to lapse at the end of 2019. I understand that the Coast Guard and their Chinese counterparts are now discussing a more comprehensive agreement to promote joint efforts in combatting IUU fishing, which sounds like a good idea to me.

Arctic

The Arctic region has received increasing attention in recent years, due largely (though not exclusively) to the warming climate. As the Arctic Ocean becomes more accessible, the United States and other nations have scrambled to keep pace with developments and to manage the growth in human activity there.

The Coast Guard has played a remarkable role in this connection over the past decade. Highlights include:

- The Coast Guard participated actively in the development of the 2011 Arctic Search and Rescue Agreement, a treaty negotiated under the auspices of the Arctic Council. This Agreement commits the eight Arctic States to work together to address potential search-and-rescue incidents throughout the Arctic, incidents that have become much more likely as more people are venturing to that area. The Coast Guard also leads our efforts to implement this Agreement through joint training and exercises with the other Arctic States.
- The Coast Guard played an even more significant role in shaping the 2013 Arctic Marine Oil Pollution Agreement, another treaty negotiated under Arctic Council auspices. In some ways similar to the Search and Rescue Agreement, this pact commits the eight Arctic States to work together in the event of an oil pollution incident anywhere in the Arctic Ocean, another phenomenon that has grown more likely in recent years. Once again, the Coast Guard has a leading role in the implementation of this Agreement.
- The Coast Guard leads U.S. participation in the International Maritime Organization (IMO), and played a central role in developing a set of amendments to existing IMO regulations, known collectively as the Polar Code, designed to strengthen the safety and environmental security of vessels operating in the Arctic and Antarctic regions. The Polar Code entered into force in 2017.
- In 2018, the Coast Guard and its Russian counterparts developed and submitted to the IMO joint proposals for managing increasing traffic through the Bering Strait, proposals that the IMO as a whole have now accepted. In my view, this represents a highly useful first step in ensuring that vessel traffic in this area remains safe and secure. A large-scale shipping accident there could have disastrous consequences for people aboard the vessel(s) in question and for the productivity of the marine environment on which many people depend.
- The Coast Guard served as the first chair of, and remains our government's point agency for, the Arctic Coast Guard Forum, established in 2015. The forum provides a means for Arctic nations to collaborate on such issues as search and rescue, emergency response, and icebreaking. Last year, the forum successfully executed two large-scale live exercises to enhance preparedness and circumpolar cooperation in the event of an incident requiring a mass rescue operation.

These examples illustrate the extraordinary capacity of the Coast Guard to advance our nation's interests in a safe and secure Arctic Ocean. That said, all signs point to the need to expand this capacity in the future, as the Arctic Ocean continues to grow more accessible and the need to protect U.S. interests there grows accordingly.

The opening of the Arctic Ocean has highlighted the need for our nation to have greater icebreaking capacity. I am heartened that we are building another large icebreaker and encourage efforts to create yet more U.S. icebreaking capacity in the future. I do not see these efforts solely as a means of "keeping up" with Russia and other nations that have more icebreaking capacity than we do. Rather, we simply will need more icebreaking capacity to advance our own interests and to fulfill our own needs in both Polar Regions, particularly in the Arctic.

Caribbean

Although I had more limited experiences working with the Coast Guard on issues concerning other ocean regions, I nevertheless came away from those experiences with a deep appreciation of the capacity of the Coast Guard to carry out its multiple missions against the backdrop of difficult and sensitive diplomatic environments. Two examples from the Caribbean region demonstrate this point.

First, the Coast Guard serves on the front line in interdicting migrants who are trying to reach the United States by sea, typically without documentation. Over the decades, I saw the Coast Guard perform admirably in handling the human drama of rescuing thousands of people from the Caribbean region attempting perilous ocean journeys in vessels of dubious integrity. To do so successfully also required Coast Guard officials to understand and implement the nuances of changing U.S. immigration and refugee policies.

Second, the Coast Guard found ways, even prior to the reestablishment of diplomatic relations with Cuba, to work with Cuban authorities to address mutual concerns about oil pollution. Given the proximity of the United States and Cuba, a major oil spill in waters under the jurisdiction of either country could have serious consequences for the other. Working through a regional IMO arrangement for the Caribbean Sea, the Coast Guard played a significant and largely unheralded role in improving communication and oil spill preparedness and response capacities with our Caribbean neighbors, particularly Cuba.

IUU Fishing

Finally, I believe we can make greater use of Coast Guard expertise and capabilities as the United States works with other nations to fight IUU fishing in all parts of the ocean. I note that the Coast Guard Commandant, Admiral Schultz, outlined some steps to do just that in his recent State of the Coast Guard address:

Fish is an essential protein source for over 40 percent of the global population, and fish stocks around the world are critical to many nations' sovereignty and economic security... The United States Coast Guard can be a global leader combatting IUU fisheries by increasing partner-nation capacity, international cooperation, and targeted operations.

And, to enhance maritime domain awareness across the Pacific Ocean we are fostering a partnership with Global Fishing Watch, which uses cutting-edge machine learning and artificial intelligence to visualize, track, and share data about fishing activity in near real-time. If successful, this initiative may be scaled to our fisheries enforcement efforts worldwide.

Today, the United States holds sixteen counter-IUU fishing bilateral agreements in the Pacific and West Africa. And we are pursuing additional agreements to help us push back against the destructive fishing practices that are leaving vast expanses of the ocean and seabed in ruins....

We call upon like-minded nations across the globe to join us, in publically denouncing countries and corporations that engage in IUU fishing, and enhance enforcement activities that thwart this threat.

I urge the Subcommittee to support these efforts.

Conclusion

Thank you once again for this opportunity to testify. I would be pleased to answer any questions.