

# Committee on Resources

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## Testimony of Michael P. Genovese before the

### Subcommittee on Fisheries Conservation, Wildlife and Oceans

October 30, 2003

Mr. Chairman, it is indeed a great privilege to provide this Committee with testimony on the upcoming critical meetings of the International Commission for the Conservation of Atlantic Tunas in Dublin, Ireland. I have been a commercial fisherman my whole life. My fishing vessel White Dove Too is one of five licensed U.S. purse seine vessels authorized to fish for giant Atlantic bluefin tuna. I have been a member of the Advisory Committee to the U.S. Section to ICCAT since around 1985 and at my own expense I have attended numerous international meetings of the Commission.

Mr. Chairman for at least the last decade the United States has been fortunate to have dedicated and talented U.S. Commissioners leading the U.S. delegation at ICCAT and pioneering highly complex multilateral compliance schemes and processes utilizing trade sanctions when justified. Despite the tireless efforts and remarkable development of important and basic fishery management instruments produced by these Commissioners, particularly the current Commissioners Dr. Bill Hogarth, Mr. Glenn Delaney and Mr. Robert Hayes, I am deeply troubled and concerned about the future of ICCAT and its ability to meet its conservation objective particularly with regards to eastern Atlantic bluefin tuna. Many eastern Atlantic countries must share responsibility for the current deplorable state of affairs particularly with respect to current management policies and compliance levels for eastern Atlantic bluefin tuna but none bears a greater responsibility than the European Union. The European Union has almost single handedly crafted and pushed through a most dangerous and outrageous four-year plan for eastern bluefin that ignores scientific advice and also endangers the 1998-rebuilding plan for western Atlantic bluefin tuna. I want to review specifically the eastern bluefin tuna situation to illustrate for this Committee the potential and real magnitude of damage resulting from the E.U.'s extremely poor leadership, lack of conservation ethic at ICCAT and blatant refusal to heed clear and repeated scientific advice.

Since 1996 ICCAT's Standing Committee on research and Statistics (SCRS -- the scientific arm of ICCAT) has recommended that the catch of eastern Atlantic bluefin tuna be no more than 25 or 26,000 metric tons (MT) simply to stop the decline of the resource. Despite this very clear warning of resource peril, catches of 53,163, 48,988, 41,688, 35,116 and 36,419 mt were recorded for the years 1996 through 2000. In just this five-year period Mr. Chairman, catches in the eastern Atlantic (led by the E.U.) have exceeded the scientific advice by a stunning 90,374 mt. To provide some perspective catches off our side of the Atlantic have been held by regulation mostly below 3,000 mt since 1981. This 90,000 mt of over catch must be considered the minimum given that the scientists repeatedly point out considerable underreporting, misreporting and non-reporting by both member and non-member countries fishing on eastern bluefin tuna.

Since 1975 ICCAT has had in place various minimum size measures in an attempt to protect juvenile fish and these have been openly and fragrantly ignored by longstanding directed fisheries in the Mediterranean Sea and Bay of Biscay. In 1998 ICCAT implemented a 3.2 kg (about a 7 lb. fish!) minimum size with no tolerance. The latest stock assessment by SCRS notes that 36% of the number of fish caught in the Mediterranean were less than 3.2 kg while 40% of the Mediterranean catch was under the historical 6.4 kg minimum size. ICCAT scientists continue to deplore the fact that catches of age 0 bluefin continue to flourish and be underreported. To place this in perspective, off our shores it is illegal to sell any bluefin tuna less than 6'1" or about 200 lbs.! This is another example of the US having a more restrictive conservation measure than any other country in the world.

In 2002 the E.U. committed to a major effort to bring under compliance the multitude of fisheries throughout the Mediterranean Sea and Bay of Biscay that target small undersize recognizing the great biological risk attendant a four-year quota plan greatly in excess of scientific advice. The E.U. needs to be pressured to provide the resources required to define and develop emergency restrictions ending massive non-

compliance with longstanding ICCAT minimum size agreements.

A most fundamental obligation of any fishing nation is to provide accurate, detailed and timely information on catches to allow scientists to conduct stock assessments. Attached to my testimony are two pages from the 2002 latest stock assessment for eastern bluefin tuna which provides evidence of irresponsible behavior on the part of many eastern countries in not providing basic catch information. On the data issue the scientists have now issued this dire warning and I quote:

"The Committee continues to be strongly concerned about the quality of the catch, effort and catch at size data available to conduct quantitative assessments for East Atlantic (and Mediterranean) bluefin tuna now and in the future. Unless this situation improves, the quality of the advice that the Committee can provide will continue to deteriorate."

In 2002 we learned that eastern fishing nations withheld at least 8,898 mt of catch from ICCAT preventing a better stock assessment. EC-Greece and EC-Italy were among the offending non-reporting countries along with Morocco, Tunisia, Turkey and others.

And finally Mr. Chairman on the grave status of the eastern bluefin resource the scientist offered this perspective:

"The Committee is concerned about the status of East Atlantic (including Mediterranean) bluefin tuna resources in the light of assessment results; the historically high reported catches made in 1994-1997 (in excess of 46,000 mt 1994-97; and in excess of 50,000 mt in 1996), and possible under-reporting since 1998. Analyses suggest that at current levels of recruitment and the present level of large and small-fish fisheries, catch levels of 26,000 mt or more are not sustainable over the long term."

With this backdrop, one can imagine the outrage of the U.S. delegation at the 2001 ICCAT meeting when the EC unveiled its four year plan for "economic stability" with a starting and ending quota level of 32,600 mt, some 6,000 mt above the most dire scientific advice. With the assistance of Canada, the U.S. rightly blocked the EC proposal by denying consensus in 2001. Not to be denied in their quest, the EC returned in 2002 with the same outrageous plan but also with a Machiavellian two-pronged strategy to overcome the expected U.S. resistance. They were prepared to pay supporting delegations costs to stay to the very end of the meeting and force a vote if necessary. Their backup strategy was to also force linkage of their controversial plan to other conservation agreements desired by the U.S. agreements. Not a single individual on the U.S. delegation wanted to see adoption of the 2002 EC four year biologically irresponsible plan and this opposition was made clear both in private and plenary meetings. But in the end the U.S. would have been powerless to prevent its effective implementation by an overwhelming vote.

Attached to my testimony is data from a Japanese bluefin purchasing company (with contractual obligations to purchase fish from the tuna farms) summarizing expected production from the Mediterranean tuna farms this year. In 2002 approximately 14,650 mt of bluefin tuna were exported from farms in the Mediterranean Sea. According to the attached estimate, the EC's four year "economic stability" plan has given rise to an increase of almost 7,000 mt of farm production to 21,600 in 2003, the first year of the plan. You will note the increase farm production includes Turkey, Malta and Cyprus (totaling 7,250 mt) and these are countries without any specific eastern quota, rather they share in a quota category labeled "Others" limited to a total catch of only 1,146. This allows an estimate of a total catch of 38,604 for 2003 or about 12,000 mt above the scientific advice.

Mr. Chairman, the rapid development of fish farms for bluefin tuna in the Mediterranean presents a further great threat to the collection of catch data and compliance with country quotas. The farms offer an exceptionally convenient cover or "black hole" to hide excessive catches by claiming fish growth in the pens and diverting excess production to domestic markets not well known or restricted. At a minimum ICCAT needs to add fish farms to the registry of positive vessels allowed to trade in ICCAT species. This should only be done after such fish farms have provided clear evidence of implementation of an ICCAT developed transparent, verifiable accounting and tracking system for the weight, date, responsible fishing vessel and other pertinent data regarding fish introduced and removed to and from the pens.

Other estimates of the total Mediterranean 2003 catch suggests 50,000 mt may be exceeded again. U.S. dealers of bluefin tuna have reported unprecedented levels of Mediterranean production flooding the international marketplace including a dramatic rise in exports to the U.S. sashimi markets crushing growing U.S. dealer participation this year. Prices to U.S. fishermen have dropped precipitously from an average of

above \$10.00 lb. in the late 1990's to \$2.00 or \$3.00 lb this year. Many of the fish shipped to Japan this year by U.S. dealers have been sold for less than the costs of shipping. The oversupply caused by runaway fishing in the Mediterranean is obviously causing severe financial injury to U.S. fishermen and fish dealers and other supportive industries along the eastern seaboard.

This outrageous eastern Atlantic bluefin tuna situation is jeopardizing the entire Atlantic bluefin resource and the western Atlantic recovery plan. Earlier this week, the U.S. ICCAT Advisory Committee met and reviewed the latest high tech electronic tagging data and the evidence is now exceptionally strong that mixing of fish between eastern and western fishing grounds is very extensive. The latest data demonstrates that 30% of the fish tagged off North Carolina travel to the Mediterranean Sea where they are subjected to this continuing slaughter. Western fish annually migrate to the central Atlantic again where they are subject to excessive eastern Atlantic catch levels. The combination of fish migrations and unequal conservation standards in the east and west results in much of the western conservation sacrifices being squandered and, to say the least, U.S. fishermen are fed-up with this 28 year old situation. Gross levels of over-fishing and non-compliance in the east must end.

Mr. Chairman, I believe this Committee can assist the U.S. Delegation improve the ICCAT process and achievement of the ICCAT mandate by moving on many of the recommendations suggested earlier today in the testimony of the U.S. Commercial Commissioner Mr. Glenn Delaney at this Hearing. The fundamental problems are very clear and include: 1. the lack of political will among certain Nations to support generally accepted conservation standards and the consequent failure to agree on policies to achieve conservation objectives, 2. poor compliance records with established conservation agreements by some contracting parties and, 3. a continuing problem with illegal, unregulated and unreported fishing (IUU and often referred to as "pirate fishing"). In the ICCAT context, the European Community, North African countries bounding the southern coast of the Mediterranean Sea (in particular Morocco) and Taiwan stand out as countries lacking the political will to embrace the responsibilities of conserving our shared highly migratory resources.

The U.S. Commissioners need support from the highest levels of the Administration and Congress to secure the necessary political leverage required to change the political disposition among ICCAT players refusing to adopt minimal conservation standards and ethics. The threat and implementation of unilateral trade sanctions on fish and other products, foreign aid and linkage of cooperation on fishery matters to U.S. positions and actions on other issues of importance to the E.C and other nations should all be on the table. To do their job, the Commissioners require domestic and international recognition that international fishery conservation is a matter important enough to the U.S. government that failure to cooperate will affect your overall relations with the U.S. Countries need to know and experience that if they undermine the effectiveness of an international conservation agreement it will cost them in all their dealings and relationships with the U.S.

I urge this Committee to look carefully at Commissioner Delaney's recommendation to create a new U.S. Office of Fishery Trade Monitoring and Enforcement to allow development and implementation of comprehensive regime of trade measures including unilateral measures (as necessary and permitted under Pelly Act, Section 301 of the Trade Act of 1974 and ATCA) and market controls to effectively enforce ICCAT conservation programs. There are no international fish police to enforce ICCAT measures on the high seas. Instead, the marketplace for these species is the arena for effective ICCAT enforcement.

I would like to call the Committee's attention to an April 25, 2003 letter (attached) to the Honorable Pascal Lamy, European Community Commissioner for Trade from Secretary of Commerce Donald Evans protesting the EU's lack of political will to follow ICCAT scientific advice on the establishment of sustainable quotas for eastern Atlantic bluefin tuna. This letter represents a breakthrough for the U.S. Commissioners at ICCAT who have long sought support and action by the Administration to pressure the EU for more conservation leadership within ICCAT. The Commissioners focus on the EU recognizes that the EU is the most significant harvester in nearly all of the species under ICCAT purview and because of the influence they maintain with North African countries. In this respect, the EU can either choose to set a powerful international example of resource stewardship or provide a terrible example and excuse for other countries not to comply.

The letter is a major step forward because it elevates ICCAT into the arena of serious bilateral trade relations and policy rather than just another fish or environmental issue. It remains to be seen whether this threat alone will influence a change in EU policies or whether further direct interventions by high-ranking officials within Commerce and State Department and implementation of trade sanctions will be required. We would hope this Committee could find additional avenues to influence further support within the Administration and elsewhere to pressure ICCAT parties for compliance.

Mr. Chairman, there can be no doubt that within international fora for fisheries conservation, the U.S. is the leading voice for tough conservation standards and measures. We often lead by example, subjecting our fishermen to even greater fishing restrictions than our foreign counterparts. This is clearly the case in our commercial and recreational fisheries for Atlantic swordfish and Atlantic bluefin tuna. But it is also established biological reality that we are responsible for a very small portion of mortality on these stocks and we cannot successfully conserve these stocks unilaterally without cooperation from all of the major fishing nations.

In the interest of having conservation programs be efficient and equitable it is clear to many in the fishing industry and many in government that the fastest and most effective way to improve the international conservation picture is for the U.S. to employ such legitimate trade sanctions against countries undermining the effectiveness of international programs. Those US fishermen sacrificing under the burden of ICCAT restrictions have a right to expect that the U.S. Government will, at least, insure that fish caught in violation of ICCAT programs by contracting parties or "pirate" IUU fishing vessels not be allowed to unfairly compete with legitimate US-caught fish in U.S. markets.

Thank you Mr. Chairman for this opportunity to share my views on necessary changes to achieve an effective, efficient and fair international conservation program at ICCAT for our shared highly migratory resources.