

THE 18TH INTERGOVERNMENTAL MEETING FOR THE CONSERVATION
OF YELLOWFIN TUNA
(Final Minutes)

Paris, France
October 15-17, 1975

The 18th Intergovernmental Meeting for the Conservation of the Yellowfin Tuna was convened at 9:30 hours October 15, 1975 in "Maison de la Chimie" in Paris, France.

1. - OPENING OF THE MEETING

Mr. Robert Letacconnoux (France) acting as Provisional Chairman opened the meeting, welcoming the Commissioners of the member countries and observers of non-member countries and International Organizations.

2. - APPOINTMENT OF THE CREDENTIALS COMMITTEE

In accord with established custom, the Provisional Chairman asked the Delegations of Japan and Costa Rica to serve on the Credentials Committee to examine and verify the credentials of the different delegates. At the same time, the Chairman said that the Government of France had received a communication from the United Kingdom of Great Britain and Northern Ireland stating that even though they would not be represented, they wished to receive the corresponding documentation.

The Chairman declared, on the other hand, that France had received official communications from Spain, Chile, United States and also France verifying the credentials of their respective representatives. Later the Credentials Committee gave their report showing which were accredited delegates, as appears in Appendix 1.

3. - ELECTION OF CHAIRMAN AND SECRETARY OF THE MEETING

The Provisional Chairman in agreement with the provisional agenda, proceeded to deal with the election of the Chairman and Secretary of the meeting. The Mexican Delegation proposed, seconded by Costa Rica and Panama, that Mr. Christian

Girard, Minister Plenipotentiary of France, be appointed Chairman. The United States Delegation, supported by France and Costa Rica, proposed that Ambassador Joaquín Mercado (México) be Secretary.

4. - WORKING PROGRAM

Regarding this item the Chairman of the meeting suggested, with the concurrence of the delegates, that the morning sessions be from 9 to 12:30, and in the afternoon from 2:30 to 6:00 p.m.

5. - ADOPTION OF THE AGENDA

A provisional agenda for the Intergovernmental Meeting was proposed which is included as Appendix 2.

Regarding the items listed therein, the Costa Rican Delegation emphasized that it would be convenient to add a new item to the agenda concerning the study of a regional treaty for highly migratory species in the context of the new Law of the Sea. They added that although this item will be considered in a meeting scheduled for the month of November in New York, it would be convenient to discuss in this meeting the different views concerning this matter. The Mexican Delegation agreed with Costa Rica, even though they indicated certain doubts regarding the term "highly" as applied to these migratory species. The final agenda is attached as Appendix 3.

6. - REVIEW OF PROBLEMS AND PROCEDURES RELATED WITH THE IMPLEMENTATION OF THE

IATTC RECOMMENDATIONS

Concerning this item, the Panamanian Delegation stated that its Government had received complaints related to some violations committed by designated boats.

Because of this, the Government of Panama distributed among the Ambassadors of the member nations of the IATTC, with credentials in that country, an "Official Statement of the Government of the Republic of Panama regarding compliance with the Rules of Conservation for the Yellowfin Tuna, agreed to by the Inter-American

Tropical Tuna Commission (IATTC)". The text of the Official Statement is included as Appendix 3.

The Representative of Panama said that his Government, in order to demonstrate its position on this matter by concrete action, had sent out pertinent instructions in that country ordering the immediate cancellation of the licenses and registries of all the tuna boats of foreign companies. The text of this Official Statement is included as Appendix 5. The Chairman asked that the texts of Appendices 4 & 5 be included due to their importance.

The Mexican Delegation praised the attitude of the Panamanian Government and emphasized its importance in spite of the economic sacrifice it represents to that country.

The Costa Rican Delegation also congratulated Panama for the action taken.

The Panamanian Delegation thanked the delegations for their support and sympathy, and in answer to specific questions, explained that the cancellation of licenses and registries was extended to all boats operating in the Pacific and the Atlantic. The delegation indicated that nearly 60 boats in the Atlantic and 10 in the Pacific operated under Panamanian flag in the circumstances described above, and as a result of the measure taken, only one tuna boat remains in their country, a tuna vessel of 600 tons, owned by Panamanian citizens.

The United States Delegation remarked also about the importance of the measure taken, and explained that it can help to resolve the problems confronting the tuna fishery.

They emphasized the need to continue with this type of measures and to avoid as much as possible the transfer of registries of these boats.

The meeting continued on this subject as the different delegations discussed the specific problems that have come up related to the implementation of the IATTC recommendations.

The United States Delegation explained that during 1974 it had been able to control its fleet, and that after the closure it had not permitted vessels of less than 400 tons to continue fishing freely under the 6000-ton allotment because the capacity of these vessels would have resulted in a catch greater than the allotment. Therefore to compensate it had authorized these small vessels to take incidental catches up to 40 or 50%. Some of the delegations asked the U.S. to clarify this.

The Mexican Delegation reported on the management of its fleet in 1974 and 1975. They indicated that in 1974 they had faced difficulties with some boats and thus it was not possible in that year to capture the special allocations assigned. The situation appears much better for 1975 and, therefore, they expect to use the allocations in the categories agreed upon.

Costa Rica indicated that it did not have any problems in implementing the conservation program and reported the sinking of a boat, for which reason they were unable to take the special amounts allocated. At this moment the United States Delegation brought up the problem of the catch, which it termed "illegal", of 25,000 tons of tuna in the CYRA.

The U.S. Delegation pointed out that in ¹⁹⁷³~~1974~~ in Washington, in 1974 in Ottawa, and in May 1975, it had presented some suggestions without success for a system of cooperation, including some punitive measures for boats that violate the IATTC regulations. It was pointed out that since some countries were violating the regulations the U.S. had been forced to take some measures among which were mentioned the "embargo" of tuna from those countries which have violated the regulations.

The U.S. Delegation declared that if there is no equality in the sanctions there could not be equality in the conservation program, and asked that all members of the IATTC take appropriate measures, indicating that its delegation would introduce a draft resolution for that purpose.

The Mexican Delegation asked for some explanation from the United States, emphasizing that the problem of international control has implications in light of the sovereignty of each one of the governments. They referred especially to the question of "embargo" which they considered as a national measure of that country.

Japan reported that they have honored the 15% incidental catch, and their catches have not surpassed the 6,000 tons allowed.

Costa Rica also asked the United States Delegation to clarify the subject of clandestine fishing.

After some interchange of views among the delegations, the United States introduced a draft resolution on this item (Appendix 6).

Referring to the problem of sanctions, the Observer from Ecuador explained their position on the sovereign rights of his country in the 200 mile area, and the establishment of national sanctions against those who violate the Ecuadorian legislation.

The Mexican Delegation dealt with some considerations of a historical nature concerning the problems raised in the draft resolution and the text of that draft, indicating among other things, that as far as their country was concerned, their national legislation goes much beyond what is asked for in the draft resolution.

Mexico also considers that the problem of clandestine catches are related to the fishing operations of some countries which are not members of the IATTC.

The Canadian and Costa Rican Delegations also made some comments about the draft introduced.

The Panamanian Delegation asked if it were possible for the meeting to adopt resolutions classified as "imperative" to which the Chairman responded that the adoption of such resolution, as indicated in the text should be considered as a "recommendation" to the governments.

The Japanese Delegation ask to be informed if this resolution applied also to the longliners.

The United States Delegation stated that such boats do not obtain a 15% incidental catch and for this reason these measures do not apply to them.

The Mexican Delegation explained that their country has a higher legal order in its provisions than the one recommended by the resolution, nevertheless they made some general remarks about them and suggested amendments or modifications of the draft.

The United States Delegation thanked Mexico and accepted some of the proposed modifications.

It was agreed that the United States and Mexico Delegations will review the proposed text in the English and Spanish versions, so that they are in agreement and to include at the same time the approved modifications.

As a result of the work of both delegations, the revised draft was prepared and is added as Appendix 7.

When the work was resumed the Mexican Delegation explained the incorporations made and expressed some doubts they still had about the proposed text.

The United States Delegation considered that some of the modifications appearing in the text were far removed from the proposals accepted in the preceding session.

After some explanation from among the delegations, a final draft was made which was accepted, and in which a new paragraph appears stating that the recommendation being dealt with will not prejudice the international negotiations with respect to a new convention on the Law of the Sea and similar arrangements. (Appendix 8).

During the negotiations, Panama made some observations on the problem of transshipments, and for this reason the proposed text was modified.

The Mexican Delegation insisted that it was not possible to show in the text of the resolution the specified frequencies for the transmission of boat information, however, the United States Delegation assured that it was possible, and indicated the different frequencies as they appear in the resolution mentioned.

The Mexican Delegation insisted that it be recorded in the minutes that the information related to the transmission by specified international frequencies should be considered as an unilateral declaration of the United States of America.

The resolution was adopted by all the delegations, but record was made of Japan's reservation about the resolution.

Mexico stated that it had agreed with the consensus, taking into consideration that its national regulations include all the aspects recommended to be observed by all governments.

The Ecuadorian Delegation indicated that since this resolution was submitted to the vote of the member countries of the IATTC, it was not necessary to make a reservation on behalf of its country on the resolution.

7. - CONSIDERATION OF THE MEASURES RELATED TO THE IMPLEMENTATION OF THE IATTC RECOMMENDATIONS FOR 1976

On this item, the Mexican Delegation indicated that the report submitted by the Director of Investigations of the IATTC contains some data concerning the activities of the international fleet in 1975, in which it shows that Canada, France and Mexico have decreased their fishing capacity. They pointed out, however, that in spite of these failures, their country was making a positive effort to overcome them. In view of the contemplated fishing development of Mexico, they asked for an increase in the special allocation for 1976*, of 16,000 tons for the bigger boats, independent of the special allocation for the small boats that all

countries have under the present regulation system.

On the other hand, they pointed out the special situation that the fishery will face in 1976, and the need of taking appropriate measures, but they stated that such measures should not be borne by those countries which are at a real disadvantage compared with the others.

The Chairman of the Meeting reminded the Conference of the proposal of the Director of Investigations that the total capture should be 140,000 tons, with five possible increments of 10,000 tons each, if it were feasible.

Panama said that due to the special circumstances of its country, they requested that the allocation for small boats be extended to the larger Panamanian vessels since if they are conceded this flexibility, it will not affect at all the total amount of catch.

At the request of the Chairman, the Director of Investigations explained that in regard to this point two problems should be distinguished: the total amount of catch and its distribution. He mentioned that for practical purposes, the IATTC has divided the fishery into three categories. Category "A" applies to unrestricted fishing; category "B" to the amount of catch obtained in the last open trip as in the current system, and finally category "C" which includes all the special allocations.

The United States Delegation said that during recent years an experiment has been underway to determine whether the resource can support heavier exploitation and that the experiment should continue as in the previous year. They also suggested that for the present consideration should be given to completely eliminate the special allocations.

They considered that the elimination of the last open trip and the total amount of the quota indicated in the meeting of the IATTC, will have a catastrophic effect on the fleet of the United States.

The Meeting exchanged views over the procedure to follow, that is, whether to

discuss first the amount of the total quota or the allocations requested. The different delegations then discussed the procedure they favored. Some insisted on first considering the amount of the total catch and the proposal to eliminate the last open trip. The United States Delegation reaffirmed that the 1976 regulations should be the same as in 1975, and indicated that the U.S. fleet had serious problems, because in 1969 the fleet was able to take 86% of the total catch, whereas in the last year the percentage was only 68%.

Mexico pointed out that it was not possible to apply the measures proposed by the U.S.

The Panamanian Delegation introduced a draft resolution in support of her request (Appendix 9) asking that the allocation usually given to boats of less than 400 tons be extended to boats of 600 tons without increasing thereby the amount of the total catch.

Mexico supported the request of Panama, due to the disadvantageous situation of that fleet.

The proposal of Panama was unacceptable to the United States, and they expressed reservation over the transfer of this allocation to vessels larger than 400 tons. The Nicaraguan Delegation asked that it be recorded that it acknowledges the sacrifice that Panama is making to adopt the announced measures, since they have been adopted in benefit of the international community to protect the tuna resource, and stated that since it finds justifiable reasons for the Panamanian proposal it would like to make clear the sympathy and solid support of the Nicaraguan Delegation.

Costa Rica insisted that the meeting agree on the 140,000 tons quota, authorizing the Director of Investigations, based on the scientific criteria of the IATTC, to put into effect up to five increments of 10,000 tons each if this was compatible with the conservation program. Also Costa Rica asked the Mexican Delegation to explain the needs of its fleet, so that a decision could be made on the increase requested.

The Mexican Delegation expressed its surprise about the attitude of the United States as they had inferred from the conversations and declarations of the U.S. Commissioners that it would be easy to arrive at an agreement. Mexico explained to Costa Rica the situation of their fleet and the requirements that Mexico's own fisheries development have brought upon it, and said that is not possible to subject this development to the decisions of any other country. They emphasized that soon the Mexican fleet will increase, and will thus force Mexico to have available larger fishing resources.

The United States said they thought it appropriate to explain that perhaps there was a misunderstanding as they did not want to give the impression, in official or semi-official talks, that an agreement would be easy, and therefore, they proposed the convening of a later meeting at the end of this year or beginning of the next year to evaluate all the factors presented.

The Panamanian Delegation insisted on the flexibility that should be accorded to its country. They said that they did not understand the opposition of the United States, as the amount of catch will be the same approved for other fleets, with the exception of the tonnage for the Panamanian boats, and pointed out that the Coastal States have the right to exploit their own tuna resources by themselves.

Costa Rica insisted on the need to arrive at an agreement and mentioned that there were two items to be considered: the support of the scientific staff, because of the situation of the tuna resource and the concern of the delegations to protect their own fleets.

The Chairman gave a summary of the discussions and listed the different proposals introduced in the meeting and asked that the delegations make an effort to reach an agreement.

At the initiation of the morning session on October 17, 1975, the United States Delegation stated that the delegations had exchanged their points of view but no agreement was reached. In virtue of this, the U.S. Delegation repeated their proposal that the 1975 regulations continue during 1976, that is, that a total catch of 175,000 be accepted together with two increments at the discretion of the Director of Investigations to make a maximum total of 195,000 tons, with a last open trip, continuing the special allocations exactly as last year.

They also declared that their delegation understood Panama's situation, but indicated that it was necessary to control the smaller boats.

The Mexican Delegation emphasized that no negotiations had taken place in this meeting; all that had happened was that some delegations had given their viewpoints and that the result of this situation was incredible.

The Costa Rican Delegation insisted on the need to establish a dialogue and achieve an agreement. It referred to the proposal of United States, the request of Mexico, the danger of allowing a last open trip, the flexibility that Panama was asking and the need to agree on a total amount of the catch.

The Chairman proposed to the delegations which had presented proposals, the formation of a small limited Committee composed of the heads of the respective delegations and one or two additional experts.

The Panamanian Delegation explained that the maintenance of the status quo proposed by United States, was a more serious problem than the one presented by its country and emphasized that what worried their delegation most was not the lack of mechanisms for negotiations, but that the meeting did not have any intention of negotiating.

The proposal of the Chairman for the formation of a limited Committee was adopted by the meeting and this Committee was convened to attempt to reach an agreement.

At the end of its discussions, all the delegations were again convened and the Chairman announced that in spite of the effort made it had not been possible to achieve a positive result, and therefore, it was necessary to convene an additional session.

He explained, however, that an agreement had been reached to accept the proposal of Panama allowing that country to capture tuna under the conditions proposed and as an extraordinary circumstance.

The Panamanian Delegation expressed its thanks and circulated a paragraph to be added to the pertinent resolution at the appropriate time; but it asked the Chairman to confirm if this paragraph has the approval of the meeting. This was agreed to. The paragraph mentioned is included herein as Appendix 10.

The Mexican Delegation stated their satisfaction for the agreement reached in regard to the Panamanian boats.

At the same time they announced that to achieve an agreement, even at a big loss to their fleet, they had decided in the course of the discussions, to reduce what they consider a just increase in their allocations and therefore had agreed to the 4000-ton increase instead of the 6,000 they had asked before.

However, they explained that a Delegation had introduced a new element in the sense of agreeing to an increase of only 3,000 tons for Mexico, but reducing the amount of their catch in the open season, in such a way that last year's allocation of 6,000 tons for that season would be reduced to 3,000. As they understood it, this was intended to restrain the fishing development of their country, which also has the resource off her coasts.

The Costa Rican Delegation stated that they are confident that an agreement will be reached in the near future. They pointed out to the meeting that two items still remain on the agenda: one related to the measures to minimize the damage caused to marine mammals during tuna fishing and the discussion of a draft

of a regional convention on the conservation of highly migratory species.

8. - CONSIDERATION OF MEASURES TO MINIMIZE THE DAMAGE TO MARINE ANIMALS WHEN FISHING FOR TUNA

The United States Delegation presented a document about this item including information they considered was not convenient to detail in the present circumstances. However, they would like to point out to the meeting the importance of this matter.

They explained that they have asked for the cooperation of the governments to avoid as much as possible the killing of porpoises.

The document presented is entitled "Progress of Research on Porpoise Mortality Incidental to Tuna Purse-seine Fishing for Fiscal Year 1975", and was prepared by the National Oceanic and Atmospheric Administration. - National Marine Fisheries Service. - Southwest Fisheries Center. - La Jolla, California 92037.

9. - DISCUSSION OF A DRAFT FOR A REGIONAL CONVENTION ON THE CONSERVATION OF THE HIGHLY MIGRATORY SPECIES IN THE CONTEXT OF A NEW TREATY ON THE LAW OF THE SEA

The Costa Rican Delegation indicated that concerning this item it would like to present to the delegations a text which, taking into consideration the discussions of other forums, emphasizes the convenience of having a new international convention for tropical tuna.

The Mexican Delegation made a declaration which they asked to be recorded in the minutes, and which is reproduced herein as Appendix 11.

The Costa Rican Delegation also made a declaration on this item included as Appendix 12.

10. - OTHER BUSINESS

Referring to this item, the Mexican Delegation ask if there was any specific proposal for the convening of the second part of this meeting.

The United States Delegation pointed out it could be convened in Washington, possibly in the beginning of December.

The Costa Rican Delegation, although it considered it to be difficult to oppose this proposal, reminded the delegations that perhaps it would be better if it was convened in La Jolla, California, since the offices of the Director of Investigations were located there.

The possibility that it will be convened in Washington D.C., was accepted in principle, finally, and the United States Delegation mentioned that its government will send out the official invitations at the proper time.

11. - ADJOURNMENT

Not having any other items to discuss the meeting was adjourned at 6:00 p.m.
October 17, 1975.

XVIII th INTERGOVERNMENTAL MEETING
FOR THE CONSERVATION OF YELLOW FIN TUNA

Paris - 15-17 October 1975

LIST OF DELEGATIONS

CANADA

Head of delegation : Mr E.B. YOUNG

Counsellors : Mr J.G. BERRY
Mr George LAGER

COSTA RICA

Head of delegation : Mr Victor H. ROJAS

Deputy head of delegation : Mr Diogenes ALADOR

Delegates : Mr Milton H. LOPEZ GONZALEZ
Lic Rubén MENDOZA MORA
Lic Manuel FERRER JIMENEZ
Miss Giovanna BIANCHINI GUZMAN
Mr Fernando FLORES BARUET
Mr Francisco TORAN VALLS.

UNITED STATES OF AMERICA

Head of delegation : Mr David H. WELBACE

Counsellors : Mr David COLSON
Mr William W. FOX
Mr Jack GOBY
Mr Brian HARRIS

Counsellors : Mr Gerard J. HOWARD
 Mr Roger HULL
 Mr Daniel HULTBERG
 Miss Barbara KEITH
 Mr Donald P. LOKER
 Mr Robert C. MAC DONALD
 Mr George REES
 Mr Brian ROTHSCHILD
 Mr Bernard OXMAN

FRANCE

Head of delegation : Mr Christian GIRARD

Delegates : Mr A. DOGUET
 Mr B. LABROUSSE
 Mr R. LESTACOMME
 Miss O. ROUSSEAU
 Mr S. GARACHE

JAPAN

Head of delegation : Mr Kohji ILMURA

Counsellors : Mr Yasuhiko SHIMOKANE
 Mr Mikiō IMANORI

MEXICO

Head of delegation : Ambassador Fernando CASTRO Y CASTRO

Delegates : Ambassador Joaquin MERCADO
 Mr Jorge TOLEJA BOUCHAN
 Mr Amin ZARUR LEMES

Assistants : Captain C G Gustavo OROZCO PERALTA
 Mr Manuel MONDRAGON
 Mr Jesus NIETO GOMEZ

5.

NICARAGUA

Head of delegation : Dr Gilberto BERGAMINI PADELLA

Delegato : Mr Antonio FLORES ARANA

Assistants : Mr Rodolfo ROBLEO REZA
Mr Cor G N Octavio GUTIERREZ
Mr Antonio CHENAS

PARAGUAY

Head of delegation : Mr José MARIA CAMERON

Delegation : Mr Juan M. OBANDO
Dr José Luis SOGA

NON-LIBER MEMBERS

REPUBLIC OF CORIA

Delegato : Mr Kim Sung CHAE

CUBA

Delegato : Miss Elvira CARRILLO GARDENAS

Counsellor : Mr Guillermo LLOVET SOLIS

CHILE

Delegato : Mr Juan MARCELO

ECUADOR

Delegato : Mr Hernán CHAVEZAS

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4.

SPAIN

Delegates : Mr Vicente BERRIJO
Mr Florencio VILLANUEVA

INTERNATIONAL ORGANISATIONS

C.I.A.T. : Dr James JOSEPH

ICCAT : Mr O. RODRIGUEZ MARTIN
Mr Takoto MIYAKE

I.A.O. : Mr J.P. THOMAS

OCBE : Mr Paul ADAM

APPENDIX 2

PROVISIONAL AGENDA

1. *Opening of the meeting by the provisional Chairman*
2. *Naming of the Credentials Committee*
3. *Election of the Chairman and of the Secretary*
4. *Consideration and adoption of the agenda and organization of the work*
5. *Review of the problems and procedures associated with the implementation of the recommendations of IATTC.*
6. *Consideration of possible cooperative arrangements to improve compliance with the conservation measures recommended by IATTC*
7. *Consideration of measures related to the implementation of the recommendations of IATTC for 1976*
8. *Consideration of measures to minimize harm to marine mammals during tuna fishing.*
9. *Other matters*
10. *Adjournment*

AGENDA

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7. *Consideration of measures related to the implementation of the recommendation of IATTC for 1976*
8. *Consideration of measures to minimize harm to marine mammals during tuna fishing.*
9. *Discussion of a draft for a regional convention on conservation of highly migratory species in the context of a new treaty regarding Law of the Sea.*
10. *Other matters*
11. *Adjournment*

APPENDIX 4

COMMUNICATION FROM THE GOVERNMENT OF THE REPUBLIC OF PANAMA
REGARDING COMPLIANCE WITH THE CONSERVATION MEASURES FOR
YELLOWFIN TUNA AGREED UPON BY THE INTER-AMERICAN TROPICAL
TUNA COMMISSION (IATTC)

1. The Government of the Republic of Panama is willing to cooperate with the Governments of the member countries of the Inter-American Tropical Tuna Commission in the interchange of available information or that which will be obtained in the future, concerning tuna fishing activities by the fishing fleet under her flag and the activities of transshipment or unloading of tuna, carried on within her national territory by vessels under the flag of the other member states of the Commission or of third countries. This information can be utilized by the interested parties to verify the information obtained by other means, in agreement with the laws and regulations in force in the respective countries relative to the conservation program for yellowfin tuna.
2. The Government of the Republic of Panama will allow the representatives or authorized officials of the member countries of the Commission to inspect the transshipment and unloading operations for tuna fished in the eastern Pacific Ocean in the tropical zone, by boats under the respective flags of the member countries, when these unloading and transshipment operations are carry out within its national territory.
3. The Government of the Republic of Panama will lend the assistance of its systems of control and inspection, as far as possible, to the representatives or authorized officials of the other member countries for the inspection and control

of the activities of the vessels under the flag of the respective countries.

4. The Government of the Republic of Panama is willing to carry out periodic consultations with the other member states of the Commission relative to other measures of joint cooperation which could be taken regarding compliance with the conservation measures indicated in the convention or agreed upon by the Inter-American Tropical Tuna Commission.

5. The Government of the Republic of Panama will gladly accept all of the cooperation and assistance that, reciprocally to that already expressed, is offered to it by the other member countries of the Inter-American Tropical Tuna Commission to effect a greater efficiency of its own means of internal control and inspection.

THE SECRETARY
JAMES EARL RAY
MEMORANDUM FOR THE SECRETARY

Brigadier General
Signed: Omar Torrijos Herrera
Chief of Government

indicated above.

Therefore, Mr. Minister I ask that you please proceed according to that

businesses.

not approve the illegal acts of any person and much less those of trans-national

advantages of our legislation and of our national flag. This government will

persons, national and foreign, which in some form or other benefit from the

The dignity and honor of the country must be respected by all those

foreign businesses operating under our national flag.

respective navigation permit of all tuna boats which are the property of

matters requires that we cancel immediately the registration permit and the

The policy of unrestricted riplevin of our national sovereignty in all

making catches greater than the allotment assigned to our country.

been violating the conservation regulations for yellowfin tuna and illegally

Panamanian flag and the property of foreign persons or businesses, have

Republic of Panama participates, in the sense that some tuna boats under

Inter-American Tropical Tuna Commission, an organization in which the

diplomatic representatives of some friendly countries, members of the

As you know, recently our country has received complaints from the

Honorable Minister:

October 10, 1975

Jefe de Gobierno
Panama, R. de P.

APPENDIX 5

APPENDIX 6

RESOLUTION OF THE XVIII INTERGOVERNMENTAL MEETING
OF THE CONSERVATION OF YELLOWFIN TUNA

Inasmuch as an international conservation program can only be as effective as the conservation measures agreed upon and inasmuch as the nature of the regulatory program of the Commission requires the cooperation of the states to insure its effective implementation,

The XVIII Intergovernmental meeting for the conservation of yellowfin tuna recommends that the following stipulations be incorporated in the Resolution of the XXXII Meeting of the Inter-American Tropical Tuna Commission requesting the governments to:

1. To adopt adequate legislation and regulations in order to prohibit and to prosecute the taking of tuna in violation of the Commission's recommendations by that country's flag vessels or by any other vessel or person within its jurisdiction which unloads or tranships such tuna,
2. To ensure that the activities of their flag vessels which fish tuna in the eastern tropical Pacific during any closed season which is applicable to these boats be recorded and supervised in adequate manner.

For this purpose:

- a) these boats will fill out accurate daily logbooks for IATTC of all their tuna operations and the location of these operations, and these logbooks will be regularly inspected by officials authorized by the flag country;
- b) these boats will report daily by radio each _____ when they are located outside of the regulatory area and will report immediately by radio each _____, each time that they enter or leave the Tuna Commission's Regulatory Area;

c) For those vessels that fish inside as well as outside the CYRA on the same trip during a closed season applicable to these boats it will be considered that it caught all of the tuna it carries aboard within the CYRA unless the tuna captured inside and outside of the CYRA has been stored and identified with the seal of an official who is duly authorized by the country under whose flag the vessel is operating before the vessel moves to an area inside or outside the CYRA according as the case may be.

3. To inspect or make arrangements for the inspection of all unloadings or transshipment of tuna from its flag vessels that are fishing tuna in the CYRA during the closed season applicable to those vessels. The member states which permit such unloading or transshipments within their jurisdiction carried out by vessels with the flag of another country will cooperate with the country of that flag to carry out an adequate inspection.
4. To impose sanctions sufficiently severe to inhibit violations of the Commission's recommendations and that measures be adopted to verify and assign compliance with these.
5. To cooperate with other member governments in the promotion of an efficient implementation of this recommendation, considering and taking the necessary action on the reports of the authorized officials of other member governments with regard to tuna fishing within the CYRA.
6. To cooperate with other member governments in the examination of the functioning of this recommendation.

DRAFT

APPENDIX 7

RECOMMENDATION OF THE XVIII INTERGOVERNMENTAL
MEETING ON THE CONSERVATION OF YELLOWFIN TUNA

Inasmuch as an international conservation program can only be effective as the application of the conservation measures agreed upon, and inasmuch as the nature of the regulatory program of the Commission requires the cooperation of the states to assure its effective implementation, the XVIII Intergovernmental Meeting on the Conservation of Yellowfin Tuna recommends that the following stipulations be incorporated in the Resolution of the XXXII Meeting of the Inter-American Tropical Tuna Commission requesting the governments to:

1. Adopt adequate legislation and regulations, where these are lacking, to prohibit and to take sanctions against those who catch tuna in violation of the Commission's recommendations, by vessels that are under the flag of the government or by any vessel or person that unloads or transships tuna within its jurisdiction.
2. To assure that the activities of its flag vessels which fish for tuna in the eastern tropical Pacific during the closed seasons established by the Commission and which are applicable to these boats, be registered and supervised in an adequate manner. For this purpose:
 - a) these boats will fill out daily logbooks of their tuna operations and the locations of the operations and these logbooks will be regularly inspected by the authorized officials of the country of the flag to which they belong;
 - b) these boats will report to the government of the country to which they belong daily by radio (on a convenient frequency) when they are outside of the area and will report immediately by radio (on a convenient frequency) each time that they enter or leave the CYRA;

- c) for boats that fish inside as well as outside of the CYRA on the same trip during a closed season applicable to that boat it will be considered that it has caught all of the tunas that it has on board inside the CYRA unless the tuna caught inside and outside of the CYRA has been stored and identified with the seal of an official duly authorized by the country whose flag the vessel flies before the boat changes its fishing operations to an area inside or outside the CYRA as the case may be.
3. Inspect, or make arrangements for inspection, if bilateral agreements are established, all the unloadings and transshipments of tuna from its flag vessels that are fishing tuna in the CYRA during the closed season applicable to those boats. The member countries which permit such unloadings or transshipment within their jurisdiction by boats with flags of another country will cooperate, if bilateral agreements are established, with the country of that flag to make adequate inspection.
 4. Apply the internal legislation of each country in accord with the seriousness of the violation in order to assure compliance with the recommendation of the Commission.
 5. Cooperate with the member governments in the promotion of the effective implementation of this recommendation, considering and taking note of the action necessary on the reports submitted by other member governments with relation to tuna fishing inside of the CYRA.
 6. Collaborate with the member governments in the examination of the functioning of these recommendations.
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DRAFT

RESOLUTION OF THE XVIII INTERGOVERNMENTAL MEETING
FOR THE CONSERVATION OF YELLOWFIN TUNA

Inasmuch as an international conservation program can only be as effective as the application of the conservation measures agreed upon, and inasmuch as the nature of the regulatory program of the Commission requires the cooperation of the countries of the regulatory program of the Commission requires the cooperation of the countries to insure its effective implementation, the XVIII^{Inter} governmental Meeting for the conservation of yellowfin tuna recommends that the following stipulations be incorporated in the Resolution of the XXXII Meeting of the Inter-American Tropical Tuna Commission requesting the governments to:

1. Adopt adequate legislation and regulation, when these do not exist, to prohibit and prosecute those who catch tuna in violation of the Commission's recommendations, by the flag vessels of the countries.
2. Assure that the activities of their flag vessels fishing tuna in the eastern tropical Pacific during the closed season established by the Commission and which are applicable to those boats be registered and supervised in an adequate manner. For this purpose:
 - a) these vessels will fill out daily logbooks of their tuna operations and the location of these operations, and these logbooks will be regularly inspected by authorized officials of the country of the flag to which they belong.
 - b) these boats will make daily radio reports to the government of the country to which they belong on the frequencies 16565.0 - 12421.0 or 8281.2 KHZ when they are outside of the area and they will report immediately by radio on the frequencies 16565.0 - 12421.2 or 8281.2 KHZ each time that they enter or leave the CYRA.

- c). for those vessels that fish within as well as outside of the CYRA in the same trip during a closed season applicable to these boats it will be considered that they have caught all the tuna that they carry aboard inside of the CYRA unless the tuna caught inside and outside of the CYRA has been stored and identified with the seal of a duly authorized official of the country of the flag before the vessel moves its fishing operations to an area inside or outside of the CYRA as the case may be.
3. Inspect or make arrangements for inspection, if bilateral agreements are established, of all of unloadings and transshipments of tuna by vessels of its flag that are fishing tuna in the CYRA during the closed season applicable to that vessel. The member countries which permit such unloading or transshipment within its jurisdiction by vessels with flags of another country will cooperate with the country of that flag to make an adequate inspection.
 4. Apply internal legislation in each country in accord with the seriousness of the violation in order to assure compliance with the recommendations of the Commission.
 5. Cooperate with the member governments in the promotion of effective implementation of this recommendation, considering and taking notice of necessary action on reports submitted by other member countries regarding tuna fishing within the CYRA.
 6. Collaborate with member governments in the examination of the functioning of these recommendations.
 7. This recommendation will not prejudice international negotiations regarding a new convention on the Law of the Sea and related arrangements.

APPENDIX 9

DRAFT OF THE RESOLUTION BY THE PANAMANIAN DELEGATION
ADDING TO THE PARAGRAPH OF ARTICLE 6° OF THE
COMMISSION RESOLUTION FOR 1976

Notwithstanding the above, the developing countries which are presently members of the Commission and whose fisheries are in the initial stages of development or the reorganization of their tuna industry as a consequence of new national policies of exploitation of their own fisheries, shall be authorized, in accord with the norms of their internal legislation, to permit that their flag vessels with a carrying capacity up to 600 tons, and by circumstances related to the initiation of their operations, fish yellowfin tuna in the CYRA after the closure of the unrestricted season until said vessels fill a quota of 6,000 short tons of yellowfin which has been authorized for the small vessels, requiring that the countries inform the Commission's Director of Investigations of the names, registry, carrying capacity and amount of the tuna catch and related species made by the respective boats.

APPENDIX 10

The above provision shall apply to vessels up to 600 tons in the case of Panama in view of the reorganization of its tuna industry this year, on the understanding that this shall apply only for the year 1976 and shall not establish a precedent for future years or other countries.

APPENDIX 11

STATEMENT OF THE MEXICAN DELEGATION

Upon initiating Item No. 9 of our agenda entitled "Discussion of a draft for a regional convention on the conservation of highly migratory species in the context of a new treaty on Law of the Sea", the Delegation of Mexico would like to make very clear that upon approving the item it had reservations regarding the expression "highly migratory" with which these species are classified.

Nevertheless in a spirit of conciliation and because the U.S. Delegation affirmed that this term had been coined in the official negotiations of the Law of the Sea, the Mexican Delegation asked that this expression be at least placed between parenthesis.

On the other hand we listened to the opinion of Dr. Joseph on how complicated it is to adopt certain specifications and to indicate that certain species are highly, semi, or relatively migratory. As a consequence the Mexican Delegation does not ask for a modification of the Agenda at this time, but we would like, Mr. Chairman to have the minutes contain the position adopted since it is necessary to go on record that there still has not been international acceptance of this expression in the different forums of negotiation.

On the other hand we indicated that it was our intention to exchange impressions on the realization of a new convention within the frame work of modern Law of the Sea and therefore the Mexican Delegation was persuaded of the value that could have resulted from such an interchange of ideas in this forum which appears appropriate but after the frustrating results to which our deliberations have reached we do not believe that this is an appropriate time to start discussion on the matter. We had even thought that it would be possible to prepare a document on this matter that would clarify the positive aspects of the question and indicate the features of an adequate and just regulatory system. The Mexican Delegation has insisted repeatedly that it is necessary to develop a new regulatory system which will permit the under-developed countries to carry out their just aspirations. We hope to have qualified

technicians in the next meeting that will permit us to do it. Also Mr. Chairman we have the honor of inviting plenipotentiaries of the illustrious governments to meet after the first semester of the new year for the purpose of working out a new regional convention for the utilization of the tuna resources and which will also contain adequate provisions for an equitable and just regulatory system that does not provoke, as the present one does, prolonged and difficult negotiations mainly for those developing nations which have the resource along their coasts. The Mexican Delegation ask that the Commissioners deliver this invitation to their illustrious governments so that this meeting can be carried out in the second semester indicated.

It is evident that we are not announcing our withdrawal from the Inter-American Tropical Tuna Commission in which we have been working more than ten years accumulating experience and looking for the fishery development of our country within the Commission.

Finally I would like to make a statement which, because of its importance I wish to underline. The Government of Mexico has decided to make a constitutional amendment and promulgate a regulatory law in accord with this amendment to establish an economic zone out to 200 miles from shore.

This law will be promulgated very soon and we would like to give opportunity to the friends of Mexico so that within the dispositions of the law they can take necessary measures and utilize those resources within the 200 miles which Mexico cannot utilize.

The desire of our country is to increase the species and to protect its economic development in fisheries exploitation. The law will contain pertinent arrangements which permit, within the time required, attending to those cases that are judged exceptional.

This measure will be nothing more than a true reflection of world consensus which has already worked out with regard to exclusive economic zones. Naturally our country will respect the decisions of other governments to make of such zones a territorial sea over which they exercise full sovereignty.

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The Mexican Delegation hopes that this effort will give the opportunity of establishing and securing that which up until the present has been only just aspirations.

STATEMENT OF THE COSTA RICAN DELEGATION

Mr. Chairman:

The Costa Rican Delegation wishes to express, by means of your office and by means of each one of the members of the distinguished French Delegation, our gratitude to the French Government for having hosted here in its beautiful capitol the meetings of the Inter-American Tropical Tuna Commission and the Intergovernmental Meeting on the Conservation of Yellowfin Tuna.

We would like to express, Mr. Chairman, our gratitude for the well-considered, discreet, and efficient manner in which you have conducted and oriented the activities of this meeting.

My country has given special importance to these meetings because they are the prelude of a series of consultations and negotiations which will form the new basis which should govern in the future the relations among nations concerning the conservation and rational exploitation of the migratory species in the eastern Pacific.

Costa Rica has been cooperating for 26 years in the effort to rationalize the exploitation of tuna in terms of an international solidarity which permits the utilization and maintenance for all present and future generations of the resources that are necessary for their subsistence and well being.

Thus on May 31, 1949, the Governments of the U.S. and Costa Rica signed in Washington a Convention for the establishment of an Inter-American Tropical Tuna Commission, to regulate the fishery of that species in the eastern Pacific.

Following the signing and ratification of that Convention the rest of the countries that presently form part of this Convention became members. As all of you will remember the Commission, after considering the scientific evidence presented by the Director of Investigations, recognized in 1962 that it would be necessary in the future to make recommendations to obtain a joint action by the governments for the purpose of maintaining the stock of yellowfin tuna in a condition

to support a maximum average production. Thus the Commission resolved that the limitation of total catch by means of an annual over-all quota would be the most practical type of regulation.

It was 1966, however, before all the interested governments could put into effect the recommendations of the Commission limiting the catch of tuna by their fishermen. The general quota system, permits the boats of all nations to enter the fishery in free competition under the principle of "first come, first served" until the closure date of the tuna season is put into effect.

We reaffirm our purpose to continue in the united effort that we have already mentioned but it is necessary to adjust and bring up to date the principles and mechanisms of regulation in conformity with the new concepts that are being formulated in the world regarding law of the sea, and of a new, more just international economic order contained in documents of great importance regarding this new concept, such as the Letter of Rights and Economic Duties of the nations put forward by the illustrious government of Mexico, with the warm support of the countries of the third world, and adopted by the 29th General Assembly of the United Nations last year.

We believe that the regulation of the tuna fishery based on the principles that have been enforced since 1949 to this date, that is of freedom to fish and free competition, are no longer in agreement with the new principles of the Law of the Sea which recognize a preferential or exclusive right of the coastal states to the resources in waters adjacent to their coast and which therefore depend upon the nutritional elements associated with their proximity to the continental masses.

These new principles have been reflected in the unique texts of negotiation agreed upon in the Third Conference of the Law of the Sea. The document prepared by the Second Commission in its article 45 establishes: "The coastal state shall have, in a zone situated beyond the territorial sea and adjacent to that, known as the Exclusive Economic Zone:

- a) Sovereign rights to the exploration and exploitation, conservation and management of the natural resources, renewable as well as non-renewable, of the marine bottom and its subsoil and the waters above.

Also, article 50 of the Document in the first paragraph establishes:

1. "The coastal state will determine the permissible catch of living resources in its exclusive economic zone".

At the same time, article 53, in paragraph number 2, legislates that: The coastal state and the other states whose nationals fish highly migratory species in the region will cooperate directly or by means of competent international organizations for the purpose of assuring the conservation and the optimum utilization of these species in all the region, inside as well as outside of the Exclusive Economic Zone. In the regions where there is no competent international organization the coastal states and other states whose national fish these species in the region will collaborate to establish an organization of this type and will participate in its research".

In agreement with what has been said before, Costa Rica considers it necessary that the member countries of the Tropical Tuna Commission and all those other interested countries agree to form a new convention based on the principles generally recognized in the Law of the Sea Conference. This new convention would be empowered to establish an international authority with wide reaching powers to regulate everything concerning tuna fishing in the region in accord with the following principles:

- a) The determination of the total amount of fishing to be carried out by all those countries whose boats operate in the tuna fishery of the region in agreement with the pertinent scientific studies to maintain the population of these species at levels which can produce the maximum sustainable yield.

- b) The exclusive right of the coastal state to the benefit of resources in its jurisdictional waters.
- c) The preferential rights of the coastal state to fish those resources.
- d) The right of the coastal state to obtain payment for the resources taken in their waters.

Summarizing:

Costa Rica, for the purpose of an integral utilization of fisheries resource, advocates in the field of international cooperation, the nationalization of the resources and the regionalization of the system of their utilization.

To obtain this objective it will be necessary to have an administrative and scientific body by means of which the principles enunciated will be applied.

In agreement with the new principles of International Rights, our country has already sanctioned in article 6 of its political constitution the precepts that form the bases of its complete participation in these programs of international cooperation for the more beneficial utilization of its marine resources in its jurisdictional waters.

Mr. Chairman, we highly appreciate the opportunity which has been given us to expound these concepts here and, of course, we are perfectly willing to interchange points of view with the other delegations on this important matter.

RESOLUTION OF THE 18TH INTERGOVERNMENTAL MEETING

ON CONSERVATION OF YELLOWFIN TUNA

Whereas an international conservation program can only be as effective as the enforcement of the agreed conservation measures, and

Whereas the nature of the Commission's regulatory program necessitates cooperation among States to ensure its effective implementation,

The 18th Intergovernmental Meeting on the Conservation of Yellowfin Tuna recommends that the following provisions be incorporated in the Resolution of the 32nd Meeting of the Inter-American Tropical Tuna Commission, calling upon the Governments to :

1. Adopt appropriate laws and regulations when they do not exist, to prohibit the taking of and sanction those who take tuna in contravention of the Commission's recommendations by vessels of their flag.
2. Ensure that the activities of their flag vessels fishing for tuna in the Eastern Tropical Pacific during the closed seasons established by the Commission and applicable to such vessels are adequately recorded and monitored
For this purpose :
 - a) such vessels shall keep daily logs of tuna operations and the location of such operations, which logs shall be regularly inspected by authorized officials of the flag State to which they belong ;

.../...

- b) such vessels shall report to the flag State daily by radio, on a frequency of 16565,0 - 12421,0 or 8281,2 KHZ, when they are outside the CYRA, and report immediately by radio, on a frequency of 16565,0 - 12421,0 or 8281,2 KHZ, each crossing into or out of the CYRA ;
- c) a vessel fishing both within and outside the CYRA on the same trip during a closed season applicable to such vessel shall be deemed to have caught all tuna on board in the CYRA unless tuna caught within or outside the CYRA has been stored and identified under seal of an official duly authorized by the flag State before the vessel transfers its fishing operations to an area within or outside the CYRA as the case may be.
3. Inspect, or, if bilateral arrangements are established, arrange for the inspection, of all offloading and trans-shipments of tuna from vessels of their flag fishing for tuna in the CYRA during a closed season applicable to such vessels. Member states that permit such offloading or trans-shipment within their jurisdiction by foreign flag vessels shall cooperate with the flag State in ensuring adequate inspection.
4. Apply the internal legislation of each country, in accordance with the seriousness of the violation, to cause compliance with the recommendations of the Commission.
5. Cooperate with other member governments in promoting effective implementation of this recommendation, considering and taking note for the necessary action of reports furnished by other member governments related to tuna fishing in the CYRA.
6. Lend their cooperation to the member governments in reviewing the operation of this recommendation.
7. This recommendation is without prejudice to international negotiations for a new convention on the law of the sea and related arrangements.