

FINAL ACT

14th 2nd PART

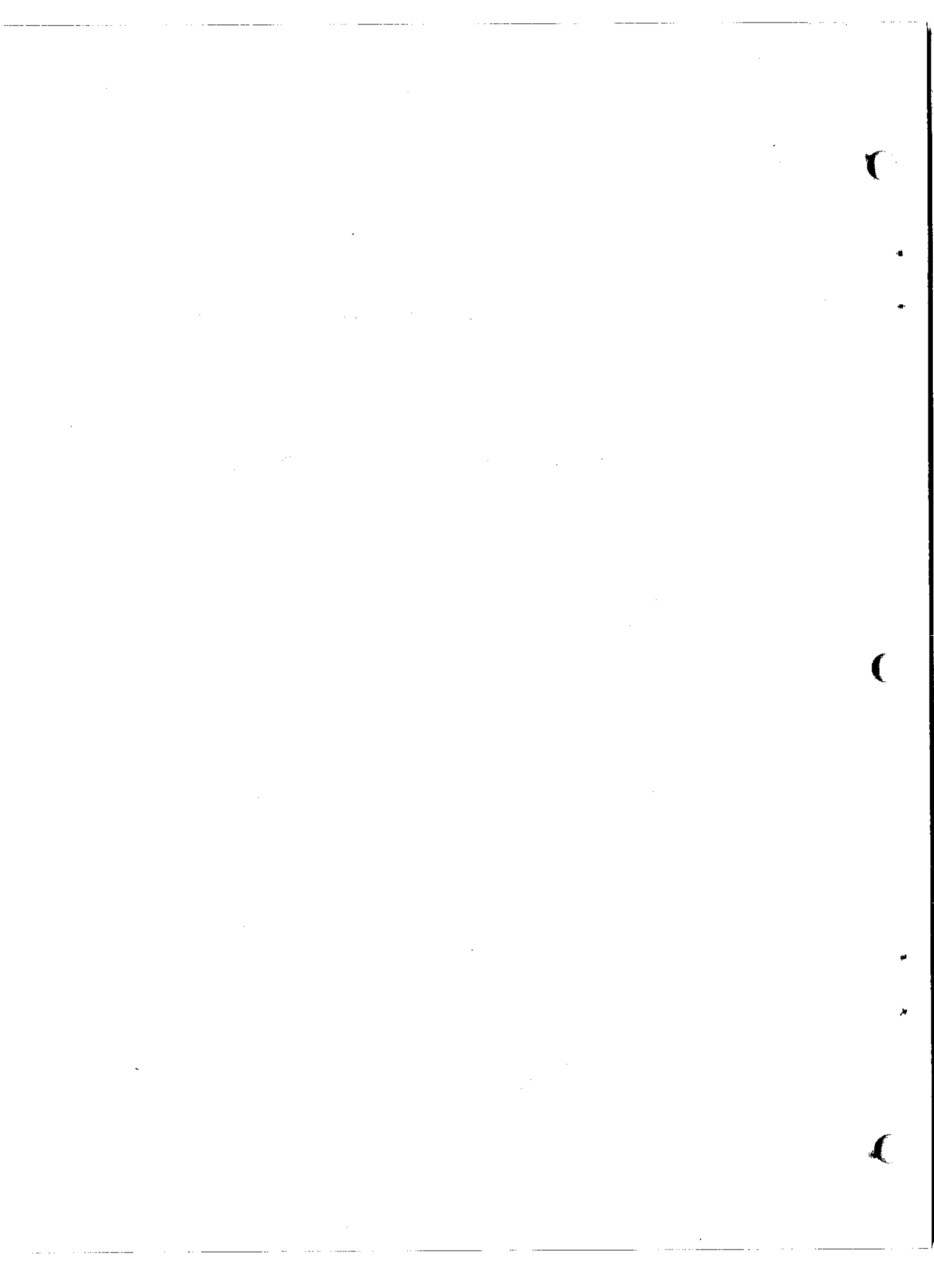
~~FIFTEENTH~~ INTERGOVERNMENTAL MEETING

ON

THE CONSERVATION OF YELLOWFIN TUNA

Washington, D.C.

December 1973



FIFTEENTH INTERGOVERNMENTAL MEETING ON THE
CONSERVATION OF YELLOWFIN TUNA

Final Act

December 6-8, 1973

The Fifteenth Intergovernmental Meeting on the Conservation of Yellowfin Tuna opened at the Department of State, Washington, D.C., on December 6, 1973.

Participating Countries

Delegates of the following member countries of the IATTC attended the meeting: Canada, Costa Rica, France, Japan, Mexico, Panama, and the United States. The following countries accredited observers: Chile, Republic of China, Ecuador, El Salvador, Guatemala, Honduras, Republic of Korea, the Netherlands, and Peru.

Dr. James Joseph, Director of Investigations of the IATTC, was present at the meeting and was consulted on various occasions on scientific and technical matters. The list of delegates and observers is attached as Annex 1.

Agenda

There was no special working agenda for this meeting, since it was understood that the meeting would consider and attempt to reach a decision on the issues that remained undecided from the previous Intergovernmental Meeting held in Washington November 14-16, 1973.

It was agreed that the schedule for the meetings should, in general, be 9:00 a.m. to 12:00 noon, and 2:30 to 5:30 p.m.

The meeting agreed that the officers should be those who served as such at the above-mentioned meeting, and therefore, Mr. Wilvan G. Van Campen (United States) presided as Chairman, and Joaquin Mercado (Mexico) acted as Secretary.

Credentials Committee

The Chairman suggested, and it was so agreed, that the meeting on this occasion should decide that the credentials presented at the 14th Intergovernmental Meeting would continue in force for this one, except where there had been changes in the delegations, in which case the chairman asked that the credentials of the new delegates be presented to the Secretariat, in this way dispensing

with the usual procedure of naming a special committee to examine the credentials.

Antecedents of the meeting

To facilitate the work, the Chairman proposed, and the delegates agreed, that the Director of Investigations of the IATTC should summarize the proceedings of the previous meeting; the discussions could then begin at the point where they had been suspended.

From the summary it was seen that the previous meeting had considered item 5 of its agenda in part, but had come to no decision. The part that remained was that referring to the "consideration of possible cooperative arrangements to improve enforcement of conservation measures recommended by the IATTC." Concerning this, the United States Delegation had presented some suggestions on the previous occasion.

Another of the topics which remained pending and on which agreement had not been reached at the past meeting was the agenda item entitled "Consideration of measures for implementation of the recommendations of the IATTC for 1974."

Finally, topic 7 of the agenda, entitled "Consideration of measures for minimizing harm to marine mammals in the course of tuna fishing" had been left pending and was to be considered at the present meeting.

General considerations

On beginning the work, Hector Medina Neri, Under Secretary of Fisheries and head of the Mexican Delegation, made a statement defining his country's position on various aspects of yellowfin tuna fishing. At the request of his Delegation, the text of his statement is attached to this report as Annex 2.

Ambassador Donald L. McKernan, head of the United States Delegation, made some general comments on yellowfin tuna fishing in the regulated area and analyzed, also in general terms, the problems that should be resolved, expressing his country's desire to succeed in finding a satisfactory solution to them.

Ambassador Fernando Castro y Castro, Deputy Chief of the Mexican Delegation, recapitulated his Government's position, especially regarding the drawbacks for his country presented by the existing regulatory system.

At the request of the Mexican Delegation, the text of his statement is reproduced as Annex 3.

The Chairman of the Meeting called attention to the differences that still seemed to exist, as reflected in the statements of the two aforementioned delegations, and suggested that it would be productive and useful if contact were established between the different delegations, especially those that might have divergent views, in an effort to work out some arrangement for solving, even if provisionally, the problems that needed to be resolved in relation to yellowfin tuna fishing during 1974.

The United States and Mexican Delegations reported later to the meeting that, acting on the Chairman's suggestion, they had exchanged opinions but regrettably still had not reached agreement and considered it necessary to continue discussions in an attempt to come to some definitive solution. Therefore, the sessions were suspended until Saturday, December 8, 1973, when the third plenary session took place at 2:00 p.m.

At that time the Mexican Delegation reported on the negative results of the conversations between the United States and Mexican Delegations. The Mexican

Delegation asked that its statement be incorporated in the Final Act of the session, and accordingly it is attached as Annex 4.

For its part the United States Delegation summarized its Government's position and the different viewpoints existing between the two Delegations and outlined in general terms the contribution of the United States toward resolving the problems related to yellowfin tuna fishing in the area regulated by the Commission. It suggested during its remarks that a total catch quota of 175,000 short tons for 1974 be accepted, with the authority given to the Director of Investigations of the IATTC to increase the catch limit if warranted by conditions of the fishery as it progressed.

The Mexican Delegation said it would be pleased if the remarks of the head of the United States Delegation were reproduced in the Final Act if the Delegation desired it, but that it was interested in having the minutes show that two phrases had been used in that presentation. Those phrases were: "the voracious appetite of Mexico...." and "the United States which gives, gives,

and gives constantly...." The United States Delegation remarked that it was misleading to quote such phrases out of context and that it did not consider it very useful to single out parts of phrases spoken extemporaneously to be printed in the report of the meeting.

Inasmuch as both the United States Delegation and the Mexican Delegation had expressed their willingness to continue seeking a reasonable solution to the problems, the Chairman asked the opinion of the various Delegations on the manner of continuing the work.

The United States Delegation pointed out that it was willing to meet again on another occasion and suggested that such a meeting be held toward the end of January 1974 and that, in view of the developments at the present meeting, it might be desirable to hold a prior meeting of the two Delegations.

The Mexican Delegation agreed to the proposed meeting and the prior bilateral conversations, but suggested January 3, 4, and 5, 1974, with the possibility of extending the meeting to January 6 if necessary. It also offered to hold the meeting in Mexico, and emphasized

that the first two days could be used for the bilateral conversations.

Since there were certain doubts as to the appropriate date for the proposed meeting, the Director of Investigations of the IATTC was consulted. Taking the precedent of the current year, in which unrestricted fishing was closed March 5 because of special circumstances such as bad weather at the beginning of the year which hampered operations, he indicated that it was feasible to start the closed season in 1974 earlier than in 1973, and therefore, any date before the end of January, and perhaps preferably at the beginning, would be acceptable.

There was an exchange of ideas on this point, and the Japanese Delegation proposed that because the United States and Mexican Delegations were the ones with the major differences between them, they should hold a bilateral meeting; it suggested further that when an accord was reached between them, the agreed text could be communicated telegraphically to the other members for their comments and possible approval. If the accord were approved

There was no expression of disagreement by any Delegation; however, the Costa Rican Delegation pointed out that in accepting the procedure it did so with the understanding that the agreement reached in Mexico would include the considerations which Costa Rica had raised the previous year concerning the possible problems which might confront its fleet. It wanted this problem to be given the same treatment this year as on that occasion.

On the other points for consideration before the meeting, the United States Delegation indicated that it had prepared a draft resolution that referred to a proposal on cooperative enforcement. In its opinion the proposal, which called for a special enforcement meeting, would present no serious difficulty to any of the Delegations; consequently, as a method of procedure it would have the document distributed and would later request a vote by mail on the proposal.

The United States Delegation also stated that it was agreeable to studying the problem of a new system of distribution of the resource.

by that procedure, a new formal meeting would not be necessary, but if it were not, a new meeting could then be called.

In regard to that proposal, the Director of Investigations of the IATTC pointed out that a problem of procedure existed relative to an agreement which might be adopted at an intergovernmental type of meeting, because such an agreement would have to be transmitted to the IATTC, which would have to prepare a draft resolution embodying the agreement reached at the intergovernmental meeting, and then circulate the proposal for approval. He made clear, nevertheless, that those procedures could be conducted by mail or telegraph and in that way could take the place of a formal meeting of the IATTC. He suggested that he could draft the IATTC resolution with the Commissioner of Canada, where, as agreed earlier, the next meeting of the Commission would be held, and transmit it to the members and ask their approval by means of the suggested procedure, if this should be the desire of the meeting.

The Chairman requested the opinion of the member states on the suggestions presented, adding to them a new element, to the effect that observers from other interested countries that desired to do so could attend the bilateral meeting.

It affirmed also that at the past meeting the problem of minimizing harm to marine mammals during tuna fishing had been discussed, although not conclusively. It pointed out that this topic was also before the Intergovernmental Meeting for consideration. Concerning it, the United States had a proposal that gave to the Director of Investigations of the IATTC the authority to recommend gear and fishing method which minimize harm to marine mammals. In view of the practical solutions that had been found for the other topics, the Delegation believed that it would also be acceptable to utilize the postal or telegraphic services to distribute the proposal and solicit the vote.

The suggested procedure was accepted by the other Delegations.

The Mexican Delegation pointed out that some dates for the next meeting had been suggested, but had not been affirmed, nor had the place of the meeting been determined.

The United States Delegation stated that it appreciated and accepted the suggestion that the meeting be held in Mexico City and that, in consideration of certain

difficulties that had been mentioned, the Delegation could be in Mexico City on January 13 in order to hold conversations January 14, 15, and 16. It indicated also the desirability of Dr. Joseph being present in order to provide the Delegations any help that might be necessary.

The Mexican Delegation accepted the proposal of the United States for meeting on the dates suggested, and stated that it would be happy to have the Director of the IATTC at the meeting. The arrangement was accepted by Dr. Joseph and was endorsed by the other Delegations.

The Chairman pointed out that both the matter raised by the representative of Costa Rica and the acceptance of the total yellowfin tuna catch limit for 1974 were points still to be resolved. Concerning the first matter he assured the Delegation of Costa Rica that its point of view would be taken into account in the arrangement to be negotiated, and he asked the opinion of the Delegations on the quota proposal, stating that if they did not wish to take a position on the matter now, the consultation also could be carried out by mail.

On the first topic no Delegation was opposed to the opinion expressed by the Chairman of the Meeting; on the second, the Mexican Delegation indicated that it would be preferable for the Meeting not to decide at this time whether the figure proposed by the United States was adequate, and therefore that this topic should continue to be a matter of study in the bilateral meeting agreed upon.

The Chairman then stated that the proposals as described above concerning the next tasks to be performed had been adopted. There being no other matters to discuss, the meeting was adjourned at 3:45 p.m., Saturday, December 8, 1973.

Fifteenth Intergovernmental Meeting on the
Conservation of Yellowfin Tuna

Washington, D.C.

December 6-8, 1974

List of Participants

CANADA

E. Blyth Young
S. Noel Tibbo

CHILE

Benjamin Concha

CHINA, Republic of

Chien-Jen Chen

COSTA RICA

Carlos Luis Solera
Roig Mora Chaves

ECUADOR

Dr. Orlando Gabella
Dr. Franklin Bahamonde
Lt. Orlando Navarrette

EL SALVADOR

Roberto Jimenez-Ortiz

FRANCE

Alain Thibaudeau

GUATEMALA

Manuel S. Roldan

HONDURAS

Roberto Alonzo Cleaves

JAPAN

Kunio Yonezawa
Susumu Matsuoka

KOREA, Republic of

Kim Han Mo

MEXICO

Ing. Hector Medina Neri
H.E. Fernando Castro y Castro
Arturo Diaz Rojo
Amin Zarur
Pedro Mercado
Joaquin Mercado
Luis Garcia Cacho
Lic. Elias Cardenas
Ing. Manuel Mondragon
Mario A. Zubieta

NETHERLANDS ANTILLES

H.C. Girigorie

PANAMA

Rogelio Novey

PERU

Oscar Maurtua
Juan F. Fassoli

UNITED STATES

Donald L. McKernan
John G. Driscoll
Donald P. Loker
Robert C. Macdonald
Steven E. Schanes
Carmen J. Blondin
William W. Fox
Brian S. Hallman
Gerald V. Howard
John B. Lynn
George H. Rees
Wilvan G. Van Campen
Gordon C. Broadhead
Peter Buchan
Charles R. Carry
Gene Cabral
August J. Felando
Robert F. Insinger
Orra E. Kerns
Harold Medina
John Mulligan
Anthony Nizetich
Anthony Pisano
John J. Royal
Oliver A. Schulz
Ralph Spinello
Julius H. Zolezzi

UNITED STATES (Cont.)

Edward Ryan
Jack Tarantino
Jack C. Bowland
James S. de Silva
Lucien da Brito
Doyle Gates
Joseph Medina
Allan Weiss

Statement of Hector Medina Neri,
Undersecretary of Fisheries of Mexico, at
the Fifteenth Intergovernmental Meeting
on the Conservation of Yellowfin Tuna

Washington, D.C.
December 6, 1973

Mr. Chairman:

The Government of Mexico is a champion of the protection of the natural resources on the coasts of continental America, conserving the patrimonial wealth of the coastal states for their proper exploitation under equitable conditions.

We consider it unjust that the industrialized countries, which have exhausted their resources through over-exploitation or industrial pollution, should develop great fishing fleets that catch or process on the high seas (factory ships), thus plundering the species and diminishing the possibility of our participating more fully in the catch of the species that live off our coasts. This is not only the clamor of Latin American fishermen, but also of the American fishermen of Alaska, Washington, Massachusetts, Maine, and Rhode Island, whose local governments have legislated or are promoting legislation to extend their jurisdiction over the ocean resources beyond the territorial sea.

To utilize the ocean resources off the coasts of Mexico, President Luis Echeverría established a fishery development program with four fundamental objectives:

- (1) To obtain from the seas and continental waters abundant protein foods at a fair price for a growing population;
- (2) To generate sources of employment;
- (3) To strengthen the economy through the exportation of fishery products; and
- (4) To promote research and conserve fishery resources.

In the struggle for the conservation of the aquatic ecological environment Mexico has favored the development of the species for the benefit of man, as the following measures exemplify:

I. To prevent overfishing of the sardine, the Government has prohibited its direct use in the manufacture of fishmeal.

II. It has established three refuges: one for whales and whale calves in the Laguna Ojo de Liebre, Baja California, to foster the reproduction and guarantee the conservation of the grey whale; another for marine flora and fauna in the Territory of Quintana Roo, to provide a favorable environment for the recuperation and propagation of the species; and a submarine refuge for flora, fauna, and ecological conditions of the ocean floor at Cabo San Lucas, Baja California.

III. The catching of turtles is regulated, and culture of the eggs and protection of the young are required.

IV. The abalone is cultivated and reproduced to prevent its extinction.

V. The direct exploitation of mammals has been prohibited in Mexico since 1941.

In the conservation of a resource at the international level, as in the case of the yellowfin tuna (neothunnus), it is necessary to sponsor a distribution in accord with the maritime spaces of the coastal countries and with their catching capacity. Therefore, we are concerned that in the course of time the Inter-American Tropical Tuna Commission may become an agency that occupies itself exclusively with the conservation of this resource and neglects the social obligation that as an institution it has toward the rest, that is, that the available stocks of tuna be distributed with

the fairness and sense of social justice that we mentioned, and not be subject to competition whose concept is merely commercial and which impairs the goodwill of inter-American relations.

Recently a minority group of Southern California owners of large tuna boats, who, we are sure, do not represent the legitimate interests of the United States, blocked the credit negotiations of the Campbell Industries shipyards, of San Diego, California, for the construction of nine tuna boats for Mexico, thereby impairing our fishing development plans and consequently damaging the American shipbuilding industry by killing off provision of the necessary hulls, machinery, equipment, and manpower.

In this connection the president of the aforementioned shipyards stated to the press, "...it is possible that we may lose the contract for \$27 million only to appease a small group of lobbyists who have the protection of our present laws..." Gentlemen, it is fitting to add that the Mexican tuna fleet, in tonnage, represents only 6 percent of that of the U.S. boats in the Pacific. In spite of this considerable difference, this group of lobbyists continues its pressure, here in Washington, now at the Inter-American Development Bank, an institution, as its name indicates, for promoting the economic progress of the Latin American countries.

The need to obtain foods for a growing population and to generate necessary employment has led the Government of President Echeverría to implement a dynamic fishery development program. This was the origin of the promotion of the Mexican fleet, designed to increase the catch, an indispensable factor in growth with social justice and in preventing social-economic problems which in many countries are threatening internal and external tranquillity and world peace.

We are living in a changing world. In the ten years since 1964, when Mexico signed the agreement for the conservation of the yellowfin tuna, our national population has increased from 39 million to 56 million inhabitants. This indicates clearly to us the urgent necessity of intensifying the utilization of our fishery resources and not playing a role of mere guardians of those resources so that they can serve the big foreign fleets almost like fishing preserves. It is for this reason that Mexico once again raises the question of the need for a fundamental change in the regulatory system of the Inter-American Tropical Tuna Commission.

Mexico is a country that has distinguished itself by its respect for the rights of other peoples, and we ask only reciprocal treatment.

Washington, D.C., December 6, 1973

Héctor Medina Neri
Under Secretary of Fisheries

Remarks of Ambassador Fernando Castro y Castro, Deputy Head of the
Mexican Delegation

Let us recapitulate as briefly as possible, gentlemen, for the purpose of resuming our exchange of impressions and also of again having before us some arguments that we consider important to enable us to establish a regulatory system for 1974 that will be equitable and reasonable for all the Governments present here.

From the start we declared that the present regulatory system does not satisfy the Mexican Delegation for the following reasons:

(1) It compels us to engage in arduous negotiations every year in order to know what sure possibilities there are for exploiting our fishery resource along our coasts.

(2) It prevents us from making adequate plans for our fishery industry, since year by year the bases and terms of the regulatory system for yellowfin tuna have had to be approved.

(3) It has not permitted the adoption of measures to restrain the growth and participation of highly developed fishing fleets, which, because of their power, catch more than 80 percent of the resource located in the regulated area.

(4) It is based on a competitive and anti-rational system of first come, first served, which leads to disadvantageous situations, fosters friction between fishermen of different fleets, and accepts power instead of fair and reasonable distribution as the dominant factor.

(5) Its imperfection provokes waste, and tuna resources are thrown into the sea.

(6) It has allowed individual interests to interfere with the good relations between Governments, and on occasion those interests have operated to obstruct efforts undertaken to strengthen our fishery development.

(7) A multilaterally approved system for the conservation of marine resources has been transformed into a system of distribution with evident disadvantages for the minority fleets of countries that desire to strengthen their fisheries.

(8) Because the coastal States of the regulated area manage to catch only a total of 15 percent of the resource, while non-coastal countries exploit up to 85 percent of it.

In the month of November, gentlemen, we announced that our fishing fleet would be in a position to make a catch of approximately 20,000 tons, an increase of 8,000 tons, since in spite of the attempts to put obstacles in our way, new Mexican flag boats will proceed to exploit rationally the tuna that is so close to our coasts.

I want to point out that this act is neither exceptional nor exclusive. Every entrepreneur who has so decided has launched boats to take part in this fishing. The only difference is that the Mexican fishery industry, as we have said repeatedly, is not based on the philosophy of competition, but on the rational utilization of the tuna resource, without thinking it should force the fisherman to be subjected to conflicts in the name of a liberty that inhibits more than it permits the free exercise of an activity.

When explaining its needs, the Mexican Delegation noted earlier that the tropical tuna regulatory system is based on the principle of quotas, and if not, we should like very much to have an explanation of why the IATTC

sets the maximum exploitation possible in the area and each year the catch is set at 120, 130, or 140,000 tons, that is, it fixes the total; why would not the Mexican fishing effort do it also?

Moreover, at every opportunity our Delegation pointed out that the special allocations are enjoyed by all the fleets operating under the present regulatory system, because they are smaller boats, because the special allocations are applied to last voyages, or lastly, because the fleet is from a developing country. What drawback is there if Mexico indicates what the amount of its catch can be?

We have already said that even under the terms upheld by some fishing powers, and subject to the tyranny of competition that fixes equal bases among unequals, Mexico would be able to obtain such results. Why oppose the catching of fish during the year, without in the process devastating the product, and thus preventing disadvantageous situations?

We stated last month that in 1971 (and also in 1972 and 1973) similar arguments were presented in opposition to establishing a special allocation of 4,000 tons for the fleets of the developing countries, and a second meeting had to be held in Mexico to analyze whether this special allocation was not causing serious damage to the world fishing industry.

All this diligence, gentlemen, has not been applied to fighting against the practice of throwing into the sea surplus yellowfin over the 15 percent allowed as incidental catch, which in certain seasons has been greater than the catch of the developing countries. Nor has anyone been alarmed or protested because during past seasons the big fishing fleets exceeded the fixed quota by 23,000 tons, and in other years the catch figures have varied beyond quotas between 5,000 and 12,000 tons. Isn't it surprising that we

should come to Washington to discuss for the second time a few thousand tons for the coastal developing countries, when the fact that for years the quota has been exceeded by tens of thousands of tons has been commented upon only incidentally?

But we still find ourselves obliged to go on pointing out the contradictory attitudes of some distinguished representatives who recommend on the one hand not to "keep increasing the national fishing effort", but who on the other hand regard sympathetically taking the serious risk of overexploiting the resource intentionally in order to find out how far we can go. To accept a special allocation for our country is worrisome, and requires special sessions to analyze it, but to overexploit is reason neither for alarm nor discussion.

Gentlemen, in spite of all these adverse elements, we came to this meeting with confidence that we are going to be understood by friends and by distinguished representatives who do not stand only for the gain factor or the principles of profit-making, but who also accept regional understanding and the search for solutions that will satisfy multilaterally. This Inter-American Tropical Tuna Commission has been identified in other important forums as a regional fishery system that works effectively and equitably, and if this belief is to prevail,

it is indispensable that its members seek to achieve a consensus in regard to this concept and not relegate it to the position of just another euphemistic hypothesis.

The formula that we proposed for 1974 involves nothing complicated or obscure; it follows the lines of the regulatory systems of 1971, 1972, and 1973. Arguments were put forward, truly unexpected, for rejecting it, and then elements were introduced that have never been discussed, much less included, such as correlation with other types of tuna and with other fishery resources. Neither does the formula have the sin of disproportion, notwithstanding efforts to demonstrate that we may increase our catch capacity by more than 50 percent. More attention is paid to minutiae or to spectacular statistics in order to distract attention from more evident facts, such as consent to increase fishery exploitation by 20,000 tons more for 1974, or the fact that outside the area, but right by its boundary, 50,000 tons of "another species" of yellowfin tuna are taken, yet no reason is seen for also imposing conservation measures on that species; in spite of this, the catch of the most powerful fleet is increasing to 165,000 tons per season. These are the really relevant figures, and not the modest eight thousand tons of increase of the Mexican fishing fleet.

It is evident that all these realities, gentlemen, have forced the world community to struggle to define once and for all the laws of the sea, and also why Governments are striving to establish stable, sure systems to make the exploitation of marine resources possible for the benefit of their peoples. Mexico is one of those coastal and developing countries which participates actively to get the community of nations to support formulas that will bring new opportunities for development that will be sure, productive, and above all, more just.

The Mexican Delegation expresses the hope that this meeting will achieve a solution consonant with the realities and needs of our region, and that in our deliberations equity will prevail over profit, understanding among countries over gain, and friendship among peoples over the returns on an investment.

Mr. Chairman and Delegates:

With great discouragement I want to give you the following factual account:

During the November meeting we showed in full detail the national effort made by Mexico during 1972 to increase its fishing fleet and able to achieve a yellowfin tuna catch of not less than 20,000 tons.

We explained during that first meeting our purpose, reiterated since 1971, of participating in greater proportion in this fishing activity, in which we have not exploited even 10 percent of the resource available in the area while other powerful fleets during those same seasons succeeded in getting hold of between 75 and 85 percent of it.

We insisted that we were inclined to favor approval of special allocations for 1974, to avoid taking part in disadvantageous competition, since we were not in the same circumstances as the powerful fleets that go to the area and take up to 150,000 tons, and we drafted resolutions that were well known to all the Delegations called to this 15th Intergovernmental Meeting.

The Delegation of the United States did not agree with the draft resolutions presented in November; it wanted species of tuna other than the yellowfin to be involved, species that have never been subject to the regulatory system of the IATTC, and therefore we rejected those suggestions and we adopted the decision of all the Delegations to meet again at this time in December.

On December 6, 7, and 8 we participated in continuous and exhausting bilateral talks with the Delegation of the United States, every morning, afternoon, and part of the evenings, trying to draft a satisfactory formula to propose to all the distinguished government representatives meeting here. Even when various alternatives were prepared, none satisfied the United States Delegation, which in its turn made suggestions for fixing an allocation far below 20,000 tons; in other words, it did not oppose the spirit of the negotiations but only the amount under discussion.

The Mexican Delegation calls attention to the fact that during these deliberations it was always consistent in its initial position, which fixed with all accuracy the fishing operation that its national fleet could develop in 1974. Therefore, it could not contemplate cuts or limitations of the special allocation since the Mexican fishermen would suffer either serious economic setbacks through having to curtail their fishing operations or would have to tolerate discriminatory selections in which some might continue in the exploitation and others would have to withdraw from it.

It must be noted in this statement that since we joined the Inter-American Tropical Tuna Commission it has never been agreed and we have never accepted that it should act exclusively on the basis of free competition among the different fleets that operate in the area. Allocation have always been approved that take account of special circumstances, with respect to the boats that take part, the organization of the fleets, or the problems arising from the process of development of the minority fleets, as in our case.

It is also necessary to report that during the bilateral negotiations we learned of the problems caused by the world fuel shortage, and the Mexican Delegation reacted immediately and suggested that the last voyage of the unrestricted fishing period be made not within a period of 30 days, as has been the rule until now, but a period of 60 days, so as to allow a more spaced distribution.

The United States Delegation, in turn, proposed that the last voyage be permitted to take place at any time of the year, which, although it detracted from the purpose of the proposal and substantially modified the present regulatory system, we accepted, provided that it be understood as an additional guarantee, which the United States Delegation did not support either.

Gentlemen: a system of conservation of fishery resources that is not supplemented by a satisfactory system of distribution for all parties is an unjust system. A system of exploitation that would force unequals to participate in power competition is an inequitable system. A regulatory system that in 10 years allows only modest increases for the majority of its participants, who, when they work hard and enthusiastically to grow and develop through effort and social sacrifices, suffer disheartening refusals, is a very bad regulatory system.

In view of all the foregoing, the Mexican Delegation expresses its regrets that a satisfactory formula for the yellowfin tuna regulatory system for the 1974 season was not achieved at this meeting, and points out that the serious problem of exploiting a fishery resource without reasonable conservation measures is an ecological disaster for which it cannot be co-responsible, since it spared no effort to propose constructive solutions

that, while taking into account the national interest which the Delegation is obliged to protect, did not thereby seek harm for friendly countries, and it understands that you, gentlemen, are the best impartial witnesses who can attest to that attitude. Our last word, gentlemen, is that we are, as always, open to any positive recommendation.

()

4)

7

()

↓

↓

()



ACTA FINAL

XIV

**~~XV~~ REUNION INTERGUBERNAMENTAL SOBRE
LA CONSERVACION DEL ATUN ALETA AMARILLA**

Washington, D.C., E.U. de A.

Diciembre 1973

1954



XV REUNION INTERGUBERNAMENTAL SOBRE LA CONSERVACION
DEL ATUN ALETA AMARILLA

Acta Final

Washington, D.C., E.U. de A.

6 - 8 Diciembre, 1973

La XV Reunión Intergubernamental sobre la Conservación del Atún Aleta Amarilla se inició en el Departamento de Estado, de la ciudad de Washington, D.C., Estados Unidos de América el día 6 de diciembre de 1973.

Países Participantes

Asistieron a dicha reunión Delegados de los siguientes países miembros de la CIAT:

Canadá, Costa Rica, Francia, Japón, México, Panamá, y los Estados Unidos de América. Acreditaron observadores los siguientes países: Chile, República de China, República de Corea, Ecuador, El Salvador, Guatemala, Honduras, Países Bajos y Perú.

El Director de Investigaciones de la CIAT, Dr. James Joseph, estuvo presente en la reunión y fue consultado en

diferentes ocasiones sobre asuntos de carácter científico y técnico. La lista de los Delegados^y/Observadores se agrega a la presente como Anexo 1.

AGENDA

No hubo para la presente sesión una agenda especial de trabajo, ya que se consideró que la reunión debía de estudiar y tomar alguna decisión sobre los puntos que quedaron pendientes de resolver en la anterior Reunión Intergubernamental celebrada en la ciudad de Washington del 14 al 16 de noviembre de 1973.

Se convino que el horario para las reuniones matutinas fuera, por lo general de las 9 a las 12 horas y para las vespertinas de las 14:30 a las 17:30 horas.

Autoridades

La reunión estuvo de acuerdo en que fungieran como autoridades las mismas que habían actuado en la reunión citada anteriormente y, por lo tanto, dirigió las sesiones en su carácter de Presidente el señor Wilvan G. VanCampen (Estados Unidos) y ocupó el puesto de Secretario el señor Licenciado Joaquín Mercado (México).

Comité de Credenciales

El Presidente sugirió, y así fue adoptado, que la reunión adoptara para esta oportunidad que las credenciales que se presentaron en la XIV Reunión Intergubernamental continuaran vigentes para la presente, con excepción de aquellos casos en los que había cambios en las Delegaciones y para esta eventualidad pidió que se presentara a la Secretaría las credenciales correspondientes de los nuevos Delegados, dispensándose de esta manera el trámite tradicional de nombrar una Comisión especial para examinar dichas credenciales.

Antecedentes de la reunión

Con objeto de facilitar los trabajos, el Presidente propuso, y la Reunión estuvo de acuerdo con este procedimiento, que el Director de Investigaciones de la CIAT hiciera un resumen de la anterior con objeto de proseguir las deliberaciones desde el punto en que aquella quedó suspendida.

Del resumen presentado se desprendió que la reunión anterior había considerado en parte el tema 5 de su Agenda y no se había pronunciado sobre el resto del mismo. La parte que quedaba por estudiar era la referente a la "consideración de posibles arreglos cooperativos para mejorar la aplicación de las medidas de conservación recomendadas por la CIAT".

Sobre el particular la Delegación de los Estados Unidos había presentado, en la oportunidad anterior, algunas sugerencias al respecto.

Otro de los temas que habían quedado pendientes y sobre el que no se logró acuerdo en la pasada reunión era el relacionado con la "Consideración de las medidas para implementar las recomendaciones de la CIAT para 1974".

Por último, había quedado pendiente el tema 7 de la Agenda, titulado: "Consideración de medidas para reducir al mínimo el daño a mamíferos marinos durante la pesca del atún". Este tema se había dejado pendiente para estudiarlo en la presente reunión.

Consideraciones generales

Al iniciarse los trabajos, el Presidente de la Delegación de México, Ingeniero Héctor Medina Neri, Subsecretario de Pesca, hizo una declaración para fijar la posición de su país sobre diversos aspectos relacionados con la pesca del atún aleta amarilla. A solicitud de dicha Delegación, el texto de su intervención se agrega al presente informe como Anexo 2.

El Presidente de la Delegación de Estados Unidos, Embajador Donald L. McKernan, por su parte, hizo algunas considera-

ciones generales sobre la pesca del atún aleta amarilla en el área regulada y analizó en forma general también, los problemas que debían resolverse, expresando la voluntad de su país para lograr encontrar una solución satisfactoria a los mismos.

Por su parte, el Embajador, Licenciado Fernando Castro y Castro, Subjefe de la Delegación de México, hizo una recapitulación de la posición de su Gobierno sobre todo en cuanto a los inconvenientes que presenta para su país el sistema regulatorio actual. El texto de su declaración, a solicitud de la Delegación de México, se reproduce como Anexo 3.

El Presidente de la Reunión hizo notar las diferencias que parecían aún subsistir y que se reflejaban en las declaraciones hechas por las dos Delegaciones citadas y que habían participado en la discusión o enfoque de los diversos problemas planteados y sugirió que podría ser productivo y útil que se estableciera contacto entre las diferentes Delegaciones, especialmente entre aquellas que podían tener criterios divergentes, con objeto de tratar de lograr algún arreglo que pudiera ser la solución, aún cuando fuera provisional, para los problemas que debían resolverse en relación con la pesca del atún aleta amarilla durante 1974.

Las Delegaciones de Estados Unidos y México informaron posteriormente a la reunión que, habiendo aceptado la sugerencia del Presidente de la misma, habían intercambiado opiniones entre ellas, pero que lamentablemente aún no se había podido llegar a un acuerdo y que consideraban práctico continuar con dicho intercambio con objeto de poder presentar alguna solución definitiva. De esa manera las sesiones se suspendieron hasta el sábado 8 de diciembre de 1973 en que tuvo lugar la Tercera Sesión Plenaria a las 14:00 horas.

En dicha oportunidad la Delegación de México informó sobre el resultado negativo que habían tenido las conversaciones entre las Delegaciones de Estados Unidos y México con objeto de encontrar la solución deseada. El texto de su declaración, que pidió se reprodujera en el Acta de la presente sesión, se agrega a la misma como Anexo 4.

Por su parte la Delegación de Estados Unidos hizo un resumen de la posición de su Gobierno y de las diferencias de puntos de vista que existían entre ambas Delegaciones e indicó en términos generales cuál había sido históricamente la contribución de los Estados Unidos para resolver los problemas relacionados con la pesca del atún aleta amarilla en el área reglamentada por la Comisión. Sugirió durante su intervención que se aceptara una cuota total de captura

de 175 mil toneladas cortas para 1974 con ciertas prerrogativas que se darían al Director de Investigaciones de la CIAT para que hubiera aumento si con ello no se dañaba el recurso.

La Delegación de México expresó que le agradaría que las observaciones del Presidente de la Delegación de los Estados Unidos fueran reproducidas en el Acta, si dicha Delegación así lo deseaba pero que le interesaba dejar constancia en Actas que en dicha intervención se habían pronunciado dos frases que citó textualmente, Dichas frases manifestaron: "el voraz apetito de México....." y "los Estados Unidos que dan, dan y dan constantemente....."

La Delegación de los Estados Unidos indicó que el citar tales palabras fuera de contexto se prestaba a interpretaciones erróneas y que no consideraba muy útil que se seleccionaran partes de frases pronunciadas extemporáneamente para su inclusión en el informe impreso de la reunión.

Dado que tanto la Delegación de los Estados Unidos como la de México habían expresado su disposición de continuar buscando una solución razonable a los problemas, el Presidente solicitó el parecer de las diferentes Delegaciones sobre la manera de continuar los trabajos.

La Delegación de los Estados Unidos señaló que estaba dispuesta a volverse a reunir en otra oportunidad y sugirió que dicha reunión fuera celebrada a fines de enero de 1974 y, tal como lo indicaba el desarrollo de la presente reunión, dado que las diferencias eran entre México y Estados Unidos creía que sería conveniente se celebrara una reunión previa

entre ambas Delegaciones.

La Delegación Mexicana aceptó con complacencia la reunión propuesta y la celebración previa de conversaciones bilaterales entre ambos países; pero para la realización de las mismas sugirió los días 3, 4 y 5 de enero de 1974, con posibilidad de extender dicha reunión hasta el día 6 del mismo mes si fuera necesario; ofreciendo para ello que tuviera lugar en la ciudad de México. Puntualizó que podrían utilizarse los dos primeros días para las conversaciones bilaterales.

En virtud de que existían ciertas dudas sobre la fecha adecuada de la reunión propuesta, se consultó sobre el particular al Director de Investigaciones de la CIAT, quien tomando el precedente del año en curso, en que se cerró la época irrestricta de pesca el 5 de marzo por circunstancias especiales como el mal tiempo existente al principio del año, lo cual dificultó las operaciones, era factible que se iniciara la veda en 1974 antes de la fecha en que se hizo en 1973, por ello, indicó, sería aceptable cualquier fecha antes de terminar enero y, tal vez, preferiblemente al principio.

Hubo un intercambio de ideas sobre este punto y, sobre el mismo, la Delegación del Japón hizo la propuesta de que

por la confianza que se tenía a las Delegaciones de Estados Unidos y México, que eran las que tenían ciertas diferencias, la reunión fuera celebrada bilateralmente entre ellas; sugirió además que, cuando se llegara a un acuerdo entre las mismas, el texto acordado podría, según es permitido por la Comisión, ser notificado a los demás miembros telegráficamente para sus comentarios y eventual aprobación. En caso de que fuera aprobado por ese procedimiento no sería necesaria una nueva reunión formal; pero si ese no fuere el caso, se convocaría entonces una nueva.

El Director de Investigaciones de la CIAT hizo ver, sobre esta propuesta, que existía también un problema de procedimiento en relación con el acuerdo que pudiera adoptarse en la reunión de tipo intergubernamental, ya que después de ese acuerdo, éste debía transmitirse a la CIAT, la que debería reunirse y elaborar entonces un proyecto de resolución, acorde con lo pactado por la Reunión Intergubernamental y aprobar dicho proyecto. Aclaró, sin embargo, que estos trámites, estaba previsto que podían celebrarse también por correo o telegráficamente y que podía, de esa forma, substituirse la celebración formal de una reunión de la CIAT. Sugirió que él podía redactar la resolución de la CIAT con el Comisionado de Canadá, lugar en donde se celebraría, según lo pactado anteriormente, la próxima reunión de la

de arrojar al mar los excedentes del 15% de pesca incidental, que en ciertas temporadas ha sido superior a la captura de los países en vías de desarrollo. Ni tampoco nadie se ha alarmado ni protestado porque durante pasadas temporadas, se han excedido de la cuota fijada las grandes flotas pesqueras en 23 mil toneladas y en otros años han variado las cifras de captura fuera de cuotas entre 5 y 12 mil toneladas. ¿No resulta sorprendente que vengamos a Washington a discutir por segunda ocasión unas miles de toneladas para los países ribereños y en vías de desarrollo, cuando no se ha comentado sino incidentalmente que por años se ha rebasado la cuota en decenas de miles de toneladas?

Pero todavía nos vemos obligados a seguir señalando actitudes contradictorias que expresamente van en contra de la preocupación manifestada por algunos distinguidos representantes que recomiendan por una parte que no "siga aumentando el esfuerzo pesquero nacional" y sí en cambio por la otra, ven con simpatía jugar el grave riesgo de sobreexplotar intencionalmente el recurso para saber hasta donde podemos llegar. Aceptar una asignación especial para nuestro país es preocupante y se necesita de sesiones especiales para analizarlo, pero sobreexplotar no es motivo ni de alarma ni de discusión.

Señores, a pesar de todas estas adversas tesis, venimos a esta reunión con la confianza de que vamos a ser comprendidos por amigos y por distinguidos representantes que no se atienen sólo al factor ganancia o a principios de lucro, sino que también aceptan el entendimiento regional, la búsqueda de soluciones que multilateralmente satisfagan. Esta Comisión Interamericana del Atún Tropical ha sido puesta en otros importantes foros como sistema regional pesquero que funciona eficaz y equitativamente y si esta convicción se tiene, es indispensable que sus miembros luchen por lograr el consenso de este concepto y no quede relegado a una nueva hipótesis eufemista.

La fórmula que propusimos para 1974 no tiene nada de complicada ni obscura y sigue los lineamientos de los sistemas regulatorios de 1971, 1972 y 1973. Le esgrimieron argumentos para rechazarla, realmente inesperados, pues se introducían elementos que nunca han sido admitidos y menos incluidos como es la correlación con otros túnidos o con otros recursos pesqueros. La fórmula tampoco peca de desproporción a pesar de los intentos para demostrar que aumentemos nuestra capacidad de captura en más de un 50%. se atiende más a minucias o a las estadísticas espectaculares para distraer la atención sobre hechos más evidentes

palabras, no se opuso al espíritu de las negociaciones sino sólo al monto fijado en las mismas.

La Delegación mexicana hace notar que durante estas deliberaciones, fue siempre congruente en su posición inicial, que fijaba con toda veracidad el esfuerzo pesquero que puede desarrollar su flota nacional en 1974; por lo mismo, no pudo contemplar rebajas o limitaciones de la asignación especial pues así sufrirían los pescadores mexicanos o serios descalabros económicos por tener que inhibier su esfuerzo pesquero o tener que tolerar selecciones discriminatorias para que unos continuaran en la explotación y otros se retiraran de ella.

En esta declaración, es indispensable manifestar que desde que ingresamos a la Comisión Interamericana del Atún Tropical nunca se ha acordado y nunca hemos aceptado que se actúe bajo bases exclusivas de competencia libre entre las diferentes flotas que operan en el área y siempre han sido aprobadas asignaciones que contemplan circunstancias especiales ya se con respecto a los barcos que participan, o referentes a la organización de las flotas o relacionadas con los problemas originados por el proceso de desarrollo de las flotas minoritarias como es el caso nuestro.

sus participantes, quienes cuando se empeñan con vigor y entusiasmo en crecer y desarrollarse mediante esfuerzos y sacrificios sociales sufren de negativas desalentadoras, es un pésimo sistema regulatorio.

Por todo lo anterior, la Delegación mexicana expresa su pesar por no haberse alcanzado en esta reunión una fórmula satisfactoria para el sistema regulatorio del atún aleta amarilla en la temporada de 1974 y señala que el problema grave de explotar un recurso pesquero sin medidas razonables de conservación es un desastre ecológico del que no puede ser co-responsable, pues no escatimó esfuerzo para proponer soluciones constructivas que si bien contemplaban el interés nacional que está obligada a proteger, no por ello buscó el daño para pueblos amigos y entiende que ustedes, señores Delegados, son los mejores testigos imparciales que pueden dar fe de esta actitud. Nuestra última palabra, señores, es que estamos como siempre abiertos para cualquier recomendación positiva.

También es necesario informar que durante las negociaciones bilaterales, supimos de los problemas ocasionados por la escasez mundial de combustible y la Delegación mexicana reaccionó de inmediato y sugirió que el último viaje de la época irrestricta de pesca, tuviera lugar en el plazo no de treinta días, como hasta ahora estaba fijado, sino en un término de sesenta días para permitir una distribución más espaciada.

La Delegación estadounidense, a su vez, propuso que el último viaje se pudiera celebrar en cualquier época del año, lo que aunque desvirtuaba el motivo de la proposición y modificaba sustancialmente el actual sistema regulatorio, lo aceptamos pero siempre y cuando se entendiera como garantía adicional, lo que tampoco recibió apoyo de la contraparte.

Distinguidos señores Delegados: un sistema de conservación del recurso pesquero que no se complementa con un satisfactorio sistema de distribución para todas las partes, es un sistema injusto. Un sistema de explotación que orille a desiguales a participar en competencias de poder es un sistema inequitativo. Un sistema regulatorio que en diez años sólo admite incrementos modestos para la mayoría de