

United States-Mexican Negotiations in Context with United States Extended Jurisdiction Policy

HAROLD B. ALLEN

*Deputy Regional Director, Southeast Region
National Marine Fisheries Service
NOAA, U.S. Department of Commerce
St. Petersburg, Florida 33702*

INTRODUCTION

I am pleased to visit Texas again and to participate in the Gulf and Caribbean Fisheries Institute Meeting. As was evidenced during this morning's discussion on extended jurisdiction, the Gulf and Caribbean Fisheries Institute is again providing a needed and excellent forum for discussions of vital fisheries issues by those from the Caribbean countries and the United States who are most affected by these issues. My task is to give you a status report on the negotiations which took place this past spring and summer between the United States and Mexico concerning access to the Mexican 200-mile zone by U.S. fishermen. I wish I could report that this matter has been successfully resolved to the satisfaction of all U.S. fishermen, but I cannot. The draft fishing agreement which was negotiated during the summer has not been signed and it is felt by some that it does not meet the needs of the U.S. shrimp industry.

U.S. POSITION IN NEGOTIATIONS

As you know, Mexico's 200-mile economic zone went into effect last August 1. In anticipation of this action, the United States began negotiations with Mexico with one primary objective in mind: to secure continued access by U.S. fishermen to traditional fishing grounds off Mexico within the context of the U.S. extended jurisdiction law and in line with the new Mexican law. Preliminary scientific meetings were held in New York City during the early spring to compare information on the extent of the shrimp and fish resources off Mexico. These meetings were followed by two formal negotiating sessions in Mexico City during May and July, with a final negotiating session during August in New York City. Prior to the first negotiating session, a couple of key points had been firmly established with regard to the U.S. position. The first was that the United States would acknowledge Mexico's right to set her fishing limits to 200 miles and to manage the fisheries resources in that zone. This included the concept that Mexican fishermen would have full rights to harvest all shrimp in the zone if they are able. If not, however, Mexico would be obligated to license vessels from other nations to harvest this surplus, giving preference to nations, such as the United States, which have a long history of traditional fishing in the Mexican zone. The Mexican and United States extended jurisdiction laws are very similar on this point because both laws are patterned after concepts developed in the Law of the Sea Conference.

SURPLUS – A KEY QUESTION

Another important point in both laws is that the host nation will make the decision as to whether or not a surplus exists in its own 200-mile zone. Foreign nations wishing to harvest these surpluses can argue as to their size, and in the case of U.S. law, they could even file a suit in the U.S. courts challenging the decision; but in the end, the host country will make the final decision, either administratively or in its courts.

I have stressed this point because, as I see it, the question of the shrimp surplus in the Mexican zone is at the very heart of the current disappointment being expressed by U.S. fishermen with the draft agreement. Mexico took the position from the outset that their fishermen would soon be able to harvest all the shrimp in their zone without outside help. The accuracy of this point was challenged by the U.S. delegation, with the assistance of all industry advisors. It was also pointed out that scientific data, developed with Mexican scientists in New York City prior to the formal negotiations, also supported the concept that a surplus exists beyond that now being caught by Mexican vessels. Additional arguments were put forth by the U.S. side that not only are Mexican vessels unable, at this time, to fully harvest their shrimp crop, but that fishing techniques and fishing areas used by U.S. and Mexican fishermen are different. Most U.S. fishermen traditionally operate in deeper waters and farther offshore than do Mexican fishermen. Further, U.S. vessels, which must generally travel greater distances to fishing grounds, are larger and better equipped with electronic gear. This enables them to fish in areas of rough bottom which would not ordinarily be fished by Mexican fishermen, so many U.S. fishermen are taking shrimp which would be wasted if they did not catch them.

The Mexican delegation made a counterpoint that their shrimp fisheries in the Pacific Ocean have suffered serious declines because of overfishing and that they intend to move about 300 shrimp vessels from the Pacific to the Gulf of Mexico. This and newly constructed vessels, they said, would increase their capability in the Gulf to the point they can harvest the entire shrimp crop.

THREE NEGOTIATING SESSIONS – THE RESULTS

The first negotiating session in May ended in a deadlock. It was not until the second session during July, and after consultation by the Mexican delegation with the highest authorities in Mexico, that agreement was reached in principle that some shrimp fishing by the United States could take place in the Mexican zone. This was conceded by Mexico only to allow an orderly phaseout of the U.S. fleet during the buildup of the Mexican fleet.

The final draft agreement was hammered out at the final meeting in New York City, during which new proposals were offered by the U.S. delegation to more clearly tie a U.S. phasedown to a documented Mexican buildup. These proposals were soundly rejected by Mexico on the basis of the difficulty of setting up annual meetings to reassess this growth. It was recognized, however, that at some time in 1978 and 1979, the United States may ask that negotiations

be reopened to allow continued access to Mexican waters by U.S. shrimp fishermen if the Mexican effort and catch have not increased.

THE PROPOSED AGREEMENT - DETAILS

Now, let me say a few words about the draft agreement. It calls for a reduction by 40% in the shrimp catch by U.S. vessels in Mexican waters during the first year of the 3½-year phasedown, with additional reductions for the second and third years and the final 6 months. No fishing for shrimp would be allowed after December 31, 1979.

During 1974 and 1975, between 500 and 600 U.S. shrimp boats made at least one trip into Mexican waters. Reports indicate that less than 400 of these operated regularly in Mexico during the shrimp season. The draft agreement calls for no more than 318 shrimp vessels the first year, 223 the second year, 127 the third year, and 95 during the final 6-month period.

Shrimp catches by U.S. vessels in the Mexican zone have amounted to about 10 million pounds annually during the past few years. The allowable catch under the proposed agreement would be roughly 6 million pounds during the first year, 4 million pounds during the second, 2 million pounds during the third, and about three quarters of a million pounds during the last 6 months.

The proposed agreement calls for an annual catch fee of \$2,006 for vessels fishing Tampico and \$1,538 for those fishing Contoy. No fishing is allowed off Campeche. Each vessel is also required to pay an \$80 permit issuing charge and put up a cash performance guarantee. I have a paper available giving full details on these charges and the procedure which will be used for buying licenses, if the agreement is signed. Those who want copies may see me after this session.

HISTORICAL U.S. AND MEXICAN SHRIMP CATCHES

It is interesting to look at the historical U.S. shrimp catches in the Mexican zone of the Gulf of Mexico. Twenty years ago, in 1956, the total U.S. catch was about 25 million pounds, or about 2.5 times the amount U.S. vessels caught in 1974. The Mexican catch in the Gulf that year (1956) was 19 million pounds, for a total yield of 44 million pounds. Ten years later, in 1966, the U.S. catch had dropped to 10 million pounds and the Mexican catch had increased to 28 million pounds, for a total yield of 38 million pounds. In 1974, the last year for which we have final data, the U.S. catch was still running just over 10 million pounds, while the Mexican catch in the same area had increased by another 10 million pounds to 38 million pounds caught by Mexican vessels in the Gulf. By 1974, Cuba had also entered the shrimp picture off Mexico and they caught about 5 million pounds in the Mexican zone. The total annual yield in Mexican waters of the Gulf by all nations has ranged between 38 and 52 million pounds for the past 20 years. So you can see, shrimp resources off Mexico have been subjected to an increased fishing effort by Mexico and by Cuba, while the U.S. effort has gradually declined.

SNAPPER-GROUPER

These negotiations were not limited to shrimp fishing. Negotiations on access to Mexican waters by U.S. fishermen in the Pacific Ocean, as well as by the snapper-grouper fleet in the Gulf of Mexico, were going on simultaneously. All other issues in these negotiations, except shrimp fishing, were satisfactorily resolved. The U.S. snapper-grouper fishermen would be allowed, under the draft agreement, to continue fishing off Mexico, with no phasedown, at the 1974 level. This means they would be allowed 450 tons of snapper and grouper, or about 1 million pounds, annually. Approximately 52 U.S. vessels are engaged in the snapper-grouper fishery off Mexico. The annual fee for snapper-grouper vessels would be \$433 each, plus an \$80 permit fee and the cost of a performance bond.

MEXICAN NEGOTIATIONS IN THE CONTEXT OF P.L. 94-265

These negotiations with Mexico were among the first conducted in behalf of our distant water fleet under the concept of extended jurisdiction. They were precedent-setting because both countries were feeling their way and the results are being watched by all fishing nations of the world. While these negotiations were tough, and we did not get all we wanted, the results are similar to a series of fishery negotiations in which the United States is now involved. Most deal with fishing by other nations in the U.S. extended jurisdiction zone. Ambassador Rozanne Ridgway, who headed the negotiations in Mexico City, is also heading negotiations with Japan, Russia, Taiwan, Poland, and several other countries which have historically fished off the United States. She is a tough negotiator. Further, the U.S. law concerning fishing in our waters is much more detailed and restrictive than is the Mexican law. Nations wishing to fish in the U.S. zone must, for example, acknowledge U.S. rights to manage and regulate fisheries in the U.S. zone. They then must also accept U.S. rules and regulations, including the allocation of surpluses. Further, the U.S. law requires that observers be placed on foreign vessels in the U.S. zone to document the catch and operations. In many ways, our law is tougher than the Mexican law.

INDUSTRY ADVISORS – THANKS

I want to thank all those industry members who participated in the Mexican negotiations. They did so at their own expense, serving as advisors to the U.S. delegation. Twelve advisors were present from the Gulf of Mexico to represent the shrimp and snapper-grouper fisheries. Without their assistance and advice, negotiations would not have been possible.