

No. 9925

UNITED STATES OF AMERICA
and
MEXICO

Exchange of notes constituting an agreement on traditional fishing in the exclusive fishery zones contiguous to the territorial seas of both countries. Washington, 27 October 1967

Authentic texts : English and Spanish.

Registered by the United States of America on 1 October 1969.

ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE

Échange de notes constituant un accord relatif aux activités de pêche traditionnelles dans les zones de pêche réservées contiguës aux mers territoriales des deux pays. Washington, 27 octobre 1967

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 1^{er} octobre 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
MEXICO ON TRADITIONAL FISHING IN THE EXCLU-
SIVE FISHERY ZONES CONTIGUOUS TO THE TERRI-
TORIAL SEAS OF BOTH COUNTRIES

I

The Secretary of State to the Secretary of Foreign Relations of Mexico

DEPARTMENT OF STATE
WASHINGTON

October 27, 1967

Excellency :

I have the honor to refer to the talks that you and Ambassador Freeman have held in the past and to the talks between representatives of the Government of the United States of America and the Government of Mexico, held in Washington, D.C., from the 15th to the 25th of May 1967, and in Mexico City, from the 11th to the 19th of September 1967, regarding the advisability that our Governments, in view of the enactment of laws on the exclusive fishing zones of the respective countries, sign an agreement regarding the continuation of traditional fishing by United States fishermen in the exclusive zone of Mexico and by Mexican fishermen in the exclusive zone of the United States of America.

As a result of these talks which were successfully terminated with agreement between the representatives of our Governments, it is a pleasure for me, through this note, to propose to Your Excellency the following :

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE
UNITED MEXICAN STATES ON TRADITIONAL FISHING IN THE
EXCLUSIVE FISHERY ZONES CONTIGUOUS TO THE TERRITORIAL
SEAS OF BOTH COUNTRIES

Considering :

I. That the Government of the United States of America, pursuant to Public Law 89-658, approved October 14, 1966, established an exclusive fishery zone contiguous to the territorial sea of the United States in which it will exercise the same

¹ Came into force on 1 January 1968, in accordance with the provisions of paragraph 16.

exclusive rights in respect to fisheries as it has in its territorial sea, subject to the continuation of traditional fishing by the foreign states within this zone as may be recognized by the Government of the United States;

II. That the Government of Mexico, pursuant to the law of December 9, 1966, promulgated by the Mexican Congress, established the exclusive jurisdiction of Mexico, for fishing purposes, in a zone of 12 nautical miles (22,224 meters) in breadth, measured from the base line used to measure the breadth of the territorial sea, and provided that the legal regime for the exploitation of the living resources of the sea within the territorial sea extends to the entire exclusive fishery zone of the nation and that nothing contained in this law modifies in any way the legal provisions which determine the breadth of the territorial sea, and finally that Mexico's Federal Executive will determine the conditions and terms under which nationals of countries which traditionally have exploited the living resources of the sea within the 3 nautical mile zone beyond the territorial sea may be authorized to continue their activities for a period not to exceed five years, beginning on January 1, 1968;

III. That both Governments consider it necessary and convenient to establish the terms and conditions under which, without any modification of and in total accord with the laws cited in previous paragraphs I and II, fishing vessels of the United States and those of Mexico may, beginning January 1, 1968, continue their activities during five years in the waters within the exclusive fishery zone of the other country in which vessels of the same flag fished in a sustained manner during the five years immediately preceding January 1, 1968; and

IV. That both Governments state the establishment of said terms and conditions does not imply a change of position or an abandonment of the positions maintained by each Government regarding the breadth of the territorial sea, this matter not being the object of this agreement, nor does it limit their freedom to continue defending them in the international forum or in any of the ways recognized by international law;

The Government of the United States of America and the Government of the United Mexican States

Agree to establish the following terms and conditions under which American and Mexican fishermen will continue to operate in the above-mentioned waters during the established period of five years :

1. Fishing vessels of the United States will be permitted to continue their activities in the exclusive fishery zone of the United Mexican States in the Gulf of Mexico :

(a) In the waters between 9 and 12 nautical miles off the coast of the mainland and around the islands of Mexico, measured from the baseline from which the breadth of the territorial sea is measured, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the twelve nautical mile limit, and bounded on the south by a straight line connecting the geographic coordinates of 21°20'00" north latitude, 86°38'00"

west longitude, and 21°20'00" north latitude, 86°35'00" west longitude (north-east of Isla Mujeres), where fishing vessels of the United States have traditionally carried on shrimp fishing, they will be permitted to continue to take shrimp and such species of fish as are taken incidentally;

- (b) United States fishing vessels will be permitted to continue to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus*, and *Pristipomoides*), groupers (genera *Epinephelus* and *Mycteroperca*), and other genera that are captured incidentally, such as *Seriola*, *Calamus*, *Stenotomus*, *Balistes*, *Paralichthys*, *Ancyclopsetta*, and *Cyclopsetta*, in waters between 9 and 12 nautical miles around Cayo Arcas, Arrecifes Triangulos, Cayo Arenas, and Arrecifes Alacran;
- (c) The fishing referred to in subparagraphs (a) and (b) above will continue during the five beginning January 1, 1968, at levels such that the total catch by U.S. vessels will not exceed the total in the five years immediately preceding that date.

2. In the maritime waters off the Mexican coast in the Pacific Ocean :

- (a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of Mexico, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the 12 nautical mile limit and bounded on the south by a straight line connecting the geographical coordinates of 14°32'42" north latitude, 92°27'00" west longitude, and 14°30'36" north latitude, 92°29'18" west longitude, where fishing vessels of the United States have traditionally carried on fishing, they will be permitted to fish for albacore (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), skipjack (*Euthynnus* (*Katsuwonus*) *pelamis*), bonito (*Sarda chiliensis*), thread herring (*Opisthonema* spp.), white sea bass (*Cynoscion nobilis*), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), California halibut (*Paralichthys californicus*), yellowtail (*Seriola dorsalis*), barracuda (*Sphyræna argentea*), groupers (*Mycteroperca* spp.), and such other species as are commonly taken incidentally in fishing for the above-mentioned species, and for anchoveta (*Cetengraulis mysticetus*), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*) exclusively as tuna bait fish;
- (b) The fishing referred to in subparagraph (a) above will continue during five years beginning on January 1, 1968, up to a total volume that will not exceed the total catch taken by U.S. vessels in the five years immediately preceding that date; and
- (c) U.S. fishing vessels will be permitted, during the same term of five years, to continue sport or recreational fishing in the waters indicated.

3. Mexican fishermen will be permitted to continue their activities within the exclusive fishery zone of the United States, in regards to the Gulf of Mexico :

- (a) In the waters between 9 and 12 nautical miles measured from the base line from which the breadth of the territorial sea is measured, off the mainland and

around the islands of the United States, from the maritime boundary indicated in paragraph 1 (a) above to a line on the 26th parallel of north latitude connecting points 9 and 12 miles from the said baseline on the West Coast of Florida where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for shrimp and other genera that are captured incidentally, as well as to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus* and *Pristipomoides*); and

- (b) The fishing referred to in subparagraph (a) above will continue during five years beginning on January 1, 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

4. In the maritime waters off the United States coast on the Pacific Ocean :

- (a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of the United States, from the maritime boundary indicated in paragraph 2 (a) above, to a western extension of the California-Oregon border (42° north latitude) where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for Pacific mackerel (*Pneumatophorus* spp.), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), albacore (*Thunnus alalunga*), yellowtail (*Seriola dorsalis*), hake (*Merluccius* spp.), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), and such other species as are commonly taken incidentally in fishing for tuna, as well as anchoveta (*Cetengraulis mysticetus*), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*), these last ones exclusively as tuna bait fish; and

- (b) The fishing referred to in subparagraph (a) above will continue during five years beginning on January 1, 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

5. In the event that the International Boundary and Water Commission, United States and Mexico, is unable to complete the lines referred to in paragraphs 1 (a), 2 (a), 3 (a) and 4 (a) prior to January 1, 1968, it will, prior to that date, for the purposes of this agreement, prepare lines to be used as provisional boundaries until the two countries are able to agree on permanent boundaries of their exclusive fishery zones.

6. In view of the fact that the catch by United States vessels within the exclusive fishery zone of Mexico and the catch by Mexican vessels within the exclusive fishery zone of the United States have not substantially increased during recent years, both Governments agree that said catches should not increase, and because of this they do not consider it necessary to establish during the five years beginning January 1, 1968 specific control measures, other than the following :