



Food and Drug Administration

PERUVIAN CANNED BONITO AND TUNA: Statements of general policy or interpretation in regards to Peruvian canned bonito and tuna were issued by the Food and Drug Administration and published in the Federal Register of October 28, 1948. The following is the full text:

PERUVIAN CANNED BONITO AND TUNA

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy and interpretation is issued.

§ 3.6 *Notice to importers of Peruvian canned fish.* In collaboration with the United States Department of State and officials of the Government of Peru, the Food and Drug Administration of the Federal Security Agency has made a study in Peru of the canning of bonito and tuna packed for exportation to the United States. The fish known in Peru as bonito constitutes a major portion of the pack. Representative specimens of Peruvian bonito have been identified as the species *Sarda chilensis*. This confirms previous information that the species of fish constituting the commercial bonito fishery in Peru is the same

species of bonito that has been packed in this country in small quantities and sold as bonito for many years. Minor quantities of another bonito, *Sarda velox* are apparently caught in Peruvian waters but do not enter the commercial pack to any significant degree. The bonitos, *Sarda chilensis* and *Sarda velox*, are not classified as tuna and under the provisions of the Federal Food, Drug, and Cosmetic Act have never been legally labeled as tuna, but must be labeled as "bonito" or "bonito fish."

Two species of tuna, "skipjack" (*Katsuwonus pelamis*) and "yellowfin" (*Thunnus macropterus*), are commercially canned in Peru but constitute a relatively small proportion of the Peruvian pack of canned fish exported to the United States.

Information developed during the investigation in Peru shows that the bonito

(*Sarda chilensis*) can be readily distinguished from the tunas. Consequently no difficulty should be encountered by packers in keeping separate the fish in the two classifications and in properly labeling the canned product before shipment.

The provisions of the Federal Food, Drug, and Cosmetic Act require that importations of canned bonito and canned tuna, when offered for entry into the United States, must bear labels designating the product as "bonito" or as "tuna", as the case may be. Shipments that are unlabeled or mislabeled when offered for entry must be detained and are subject to refusal of admission, with consequent exportation or destruction.

Dated: October 20, 1948.

[SEAL]

J. DONALD KINGSLEY,
Acting Administrator.



Department of State

ANNOUNCEMENT OF INTENTION TO ENTER INTO TARIFF NEGOTIATIONS, April 1949: The Interdepartmental Trade Agreements Committee, on November 5, issued formal notice of the United States intention to participate in negotiations with 11 foreign countries for reciprocal reduction of tariff and other trade barriers, looking toward accession of those countries to the General Agreement on Tariffs and Trade concluded at Geneva on October 30, 1947, by the United States and 22 other countries. The forthcoming negotiations are scheduled to begin at Geneva on April 11, 1949. Plans for the negotiations were developed and the date was set, at the Second Session of the Contracting Parties to the General Agreement, held at Geneva in August and September of this year.

The 11 countries which have expressed their desire to accede to the General Agreement and to participate in the forthcoming negotiations are: Denmark, the Dominican Republic, El Salvador, Finland, Greece, Haiti, Italy, Nicaragua, Peru, Sweden, and Uruguay. The countries which participated in the 1947 negotiations were: Australia, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Cuba, Czechoslovakia, France, India, Lebanon, Luxembourg, The Netherlands, New Zealand,

Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom, and the United States. All of these countries, except Chile, had put the General Agreement into provisional effect by July 31, 1948.

The countries participating in the 1947 negotiations and the additional countries expected to participate in the 1949 negotiations together account for some two-thirds by value of total United States exports and almost three-fourths of United States imports, on the basis of 1947 figures.

The Trade Agreements Committee also made public November 5, a list, for each country with which the United States proposes to negotiate, of all products imported into the United States on which possible tariff concessions may be considered in the negotiations.

Among the many items listed for all the countries named above, the fishery industries will be interested in the following articles imported into the United States which it is proposed should be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations which are proposed with the countries listed:

<u>Country</u>	<u>Tariff Act of 1930 Par</u>	<u>Item</u>
Greece	1545	Sponges not specially provided for (except hardhead or reef and not including sponges commercially known as sheepswool, yellow, grass, or velvet).
	1545	Manufactures of sponges, or of which sponge is the component material or chief value, not specially provided for.
Italy	718(a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances: Anchovies and antipasto, valued at over 9 cents per pound, including the weight of the immediate container.
	775	Pastes, balls, puddings, hash (except corned beef hash) and all similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for.
	1538	Manufactures of mother-of-pearl or shell, or of which these substances or either of them is the component material of chief value, not specially provided for; and shells and pieces of shells engraved, cut, ornamented, or otherwise manufactured.
Peru	718(a)	Fish, prepared or preserved in any manner when packed in oil or in oil and other substances: Tuna: Bonito and yellowtail.

The procedure to be followed by the United States Government in preparing for and carrying out the negotiations is in line with that which has been followed in previous trade agreement negotiations, with such modifications as are made necessary by the Trade Agreements Extension Act of 1948. Under Section 4 of the Trade Agreements Act of 1934, as amended, interested persons are afforded an opportunity to present their views concerning the proposed negotiations. The Committee for Reciprocity Information was designated by Executive Order as the agency to receive such views.

The Committee for Reciprocity Information and the U. S. Tariff Commission on November 5 announced public hearings beginning December 7.

In accordance with the Trade Agreements Extension Act of 1948, the lists of products on which possible United States tariff concessions may be considered have been transmitted by the President to the Tariff Commission which is required to investigate, hold hearings, and report to him within 120 days, in regard to each such item:

- (1) The extent to which United States tariffs or other import restrictions may be reduced without causing or threatening serious injury to the domestic industry producing like or similar articles; and
- (2) What, if any, additional import restrictions would be required to prevent such injury.

The hearings held by the Tariff Commission and those held by the Committee for Reciprocity Information were conducted concurrently, but the hearings relative to particular commodities were scheduled so as to avoid conflict.

No United States tariff concession will be made on any import product not appearing on the lists made public November 5, unless it is subsequently included in a supplementary published list. Inclusion of a given product on such a published list does not necessarily mean that a concession is to be made on the product. Recommendations by the Trade Agreements Committee to the President on concessions to be offered will not be made until after the information received through the Committee for Reciprocity Information and the Tariff Commission has been studied, together with all other data available to the trade agreements organization. Concessions actually made will, of course, depend on the outcome of the negotiations.

Each new country which completes tariff negotiations with existing contracting parties will accede, in its own right, to the concessions negotiated by those contracting parties in 1947. Furthermore, each new acceding country must extend to all other countries with which it has completed tariff negotiations, in their own right, all concessions which it negotiates in the forthcoming meeting. In this connection, it should be borne in mind that such extension of previously negotiated concessions is a bargaining factor in the forthcoming negotiations.

The General Agreement includes the so-called escape clause, required by Executive Order, which permits the United States to modify or withdraw a concession if it is found that, as a result of unforeseen developments and of the concession, imports are entering this country in such increased amounts and under such circumstances as to cause or threaten serious injury to the domestic industry producing like or similar products.

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NORTHWEST ATLANTIC FISHERIES CONFERENCE: In view of the serious depletion of certain commercially-important species of fish in the Northwest Atlantic, an international conference will be convened by this Government in Washington on January 26, 1949, for the purpose of discussing the development of means for formal international cooperation in the investigation and, where necessary, the conservation of the fishery resources in question, the Department of State announced on November 10.

As a result of an informal approach to various governments to determine the extent of current international interest in the fisheries of the Northwest Atlantic, invitations to participate at the January Conference have been issued to the following countries: Canada, Denmark, France, Iceland, Italy, Newfoundland, Norway, Portugal, Spain, and United Kingdom.

In its consideration of the need for international cooperative action, this Government has, of course, been particularly interested in the condition of those species in the Northwest Atlantic area fished by United States nationals. The backbone of the New England fishing industry is the otter trawl fishery. This fishery brings to port the various species of very valuable bottom-living fishes. At the present time, the stocks of these species on the New England Banks are at a relatively low average level of abundance.

The abundance of marketable-sized haddock is now at an all time low. In an effort to continue bringing in haddock to satisfy the large demand, the industry has been forced to resort to fishing for immature and baby fish. This development is extremely unfortunate, for although admittedly it is increasing the present catch to a certain extent, it is seriously decreasing the potential production of this fishery.

Fishing for rosefish has been very heavy in recent years, and the abundance of this fish has been gradually reduced to the point where United States vessels have to steam much farther from port in order to find commercial quantities. Ten years ago, even five years ago, the bulk of the catch of rosefish was taken within 150 miles of Gloucester and Boston, in the Gulf of Maine and South Channel. Now many vessels are forced to travel to Sable Island and Banquero Bank, 500-600 miles from port in order to return with a payload.

Catches of halibut have gradually dwindled through the years until today they constitute an insignificant quantity. The catches of cod from the New England Banks are likewise reduced and, accordingly, an increasing number of lengthy and expensive trips to the Nova Scotian Banks have become necessary.

The general scarcity of groundfish on the New England Banks has not been disastrous to the fishing industry only because of the very high prices being paid for fish since the end of the war. Should a more bountiful supply of meat cause the price of fish to drop, the value of the United States groundfish landings, if they remain at the present low level, may be so small as to have a serious financial effect upon the domestic industry.

The United States otter trawl fleet is, at present, larger than at any other time in history and, with protein food so much in demand, indications are that it will become even larger. In addition, the fleets of many foreign countries are rapidly expanding operations in an attempt to satisfy the great world food demand. The North Sea and other important European fishing areas have apparently become depleted to such an extent that they produce only a fraction of former poundages. It is possible that the depletion of European banks will result in a shift in the operations of many European vessels to the Northwest Atlantic. With the expected heavy exploitation of the fisheries of the Northwest Atlantic, the question of maintaining the highest possible level of productivity becomes increasingly important and urgent. The present scarcity of fish on the New England Banks, and the probable increase in fishing pressure by our own and by foreign vessels, indicates the extreme value of providing means for determining if the decline of the fisheries can be stopped and if production can be increased in the future. For example, our fishery biologists are certain that the protection of small haddock would substantially increase the future landings.

A great deal of research would, of course, be necessary to find out how other increases, for haddock and for other species, could be obtained. To put into effect any changes which, as a result of such research, are found to be useful in in-

creasing the production of these fisheries, some sort of regulation would be necessary inasmuch as voluntary changes have little chance of success.

The offshore fishing banks of the Northwestern Atlantic are fished by nationals of many countries besides the United States. Thus, if the various New England States, or the Federal Government, regulated the fishing methods to be used by United States fishermen, while the other countries were free to use whatever methods they wished, little help would be afforded the fisheries. Regulations, therefore, must be put into effect by agreement of the various countries who, at present and in the future, fish the banks of the Northwest Atlantic.

Scientific study of these fisheries, a prerequisite to any regulations, would also be undertaken best on an international scale, with a pooling of scientific facilities and the knowledge of fishery experts of all the interested countries. It is emphasized that the purpose of any regulations, which might grow out of scientific study following an international fisheries agreement, would be designed to increase the sustained production of these fisheries. It is not contemplated that any regulation would be recommended without adequate scientific evidence proving that the proposed measure will actually serve that purpose.

International interest in certain fisheries of the North Atlantic Ocean is evidenced by the fact that, for centuries, the nationals of North American and western and southern European countries have fished portions of this important area. As a result of such interest, a number of treaties dealing with accessory rights on shore and in adjacent waters have been developed and adjusted from time to time over the years. Until recently, however, consideration was not given to the desirability of formal international cooperation in the conservation and development of the fishery resources.

The increasing recognition of the seriousness of the existing and potential depletion of commercially-important species of fish in the North Atlantic resulted in an international conference in London in 1937. It was, at that time, considered feasible to treat the entire North Atlantic as a single conservation unit. The International Convention for the Regulation of Meshes of Fishing Nets and the Size Limits of Fish which was concluded at this conference was accordingly designed to apply to the entire North Atlantic.

The 1947 Convention did not enter into force and the British Government, therefore, convened other international conferences in London in October 1943 and April 1946 to reconsider this general problem. The United States was represented by an observer delegation at these International Overfishing Conferences. After discussions with the other States contiguous to the Northwest Atlantic, the United States suggested that there were actually two areas in the North Atlantic which were readily separable because of the nationals concerned and the problems involved. It was therefore proposed that consideration be given to the desirability of separate treatment for the Northeast and Northwest Atlantic. The agreement of the 1946 Conference to this concept is evidenced by the fact that the Convention which resulted from the work of the Conference set the western boundary of the Convention area at 42 degrees west longitude.

Since it has been agreed that it would be preferable to give separate consideration to the Northwest Atlantic, the United States Government, after consultations with the interested States of the United States and the New England fishing industry, has prepared a draft convention for use at the forthcoming conference.

The draft convention will be used only as a basis for discussion, and does not necessarily represent the position to be taken by this Government at the conference.

The draft International Convention for the Northwest Atlantic Fisheries follows:

DRAFT

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

PREAMBLE

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of fisheries of the Northwest Atlantic Ocean in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have agreed as follows:

ARTICLE I

1. The area to which this Convention applies shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 59°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 59°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. The area defined in the preceding paragraph shall be divided into the sub-areas set forth in the Annex of this Convention. These sub-areas may be modified by unanimous recommendation of the Commissioners of the appropriate Panels established pursuant to Article IV and upon approval of the Commission established pursuant to Article III.

ARTICLE II

This Convention includes the Annex attached hereto which forms an integral part hereof. All references to the Convention shall be understood to include the Annex either in its present form or as modified in accordance with Article I.

ARTICLE III

1. The High Contracting Parties agree to establish and maintain a commission, to be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as the Commission. The Commission shall be composed of three Commissioners selected by each of the High Contracting Parties. The Commissioners may be assisted by one or more experts and advisers.

2. Each High Contracting Party shall pay the expenses of its Commissioners, experts and advisers. The joint administrative expenses incurred by the Commission shall be defrayed by the High Contracting Parties in the form and proportion determined by the Commission. For the purpose of this determination, the Commission shall take cognizance of the catch by each High Contracting Party of the species of fish listed in the Annex, including for the purpose of this calculation only, the catch of such species, taken in both the area defined in Article I and the territorial waters adjacent to that area. The joint expenses incurred by the Commission for studies and investigations undertaken pursuant to Article VI shall be defrayed by the High Contracting Parties in the form and proportion recommended by the Commission and approved by the High Contracting Parties represented on the Panels of the sub-area or sub-areas in which such studies and investigations are undertaken.

3. The Commission shall elect from its number a Chairman, a Vice-Chairman, and a Secretary, each of whom shall serve for a term of two years and shall be eligible for re-election. The Commission is authorized to adopt, and to amend subsequently, as occasion may require, suitable by-laws or rules for the conduct of its meetings and for the exercise of its functions and duties. The secretariat of the Commission shall also act as secretariat for the Panels.

4. The Commission shall meet at least once every year and at such other times as determined by the Chairman, who shall call meetings at the request of any Commissioner and with the approval of the Commissioners of any two of the High Contracting Parties. The meetings of the Commission shall be held at a place of meeting in North America to be agreed upon by the Commissioners.

5. A majority representation of the High Contracting Parties shall constitute a quorum.

6. Each Commissioner shall have one vote. Any Commissioner of any High Contracting Party shall have the right to cast the ballot of any other Commissioner or Commissioners of that High Contracting Party who may be absent from a Commission meeting. Decisions of the Commission shall be taken by a simple majority of the votes cast, except that a two-thirds majority of the votes cast shall be required for the adoption of regulations pursuant to Article IX.

ARTICLE IV

1. For the purpose of regulation within the sub-areas, the High Contracting Parties agree to establish and maintain Panels for each of the sub-areas provided for by Article I. High Contracting Parties participating on any Panel shall be represented on such Panel by their three Commissioners. Each Panel shall elect its chairman who shall serve for a period of one year and shall be eligible for re-election. It is authorized to adopt and to amend subsequently, as occasion may require, suitable by-laws or rules for the conduct of its meetings and for the exercise of its functions and duties. The secretariat of the Commission shall act as the secretariat for the Panels.

2. A two-thirds majority of the Commissioners of a Panel shall constitute a quorum.

3. Each Panel Commissioner shall have one vote. Any Panel Commissioner of any High Contracting Party shall have the right to cast the ballot of the other Panel Commissioner or Commissioners representing that High Contracting Party who may be absent from a Panel meeting. Decisions of the Panel shall be taken by a simple majority of the votes cast, except that the adoption of regulations pursuant to Article IX, paragraph 2, shall require a two-thirds majority of the votes cast, which majority shall include the votes of the Panel Commissioners representing High Contracting Parties with coastlines contiguous to the sub-area.

4. The Commissioners of any non-participating High Contracting Party shall have the right to attend the meetings of any Panel as observers.

5. As soon as possible after the entry into force of this Convention, each Panel shall be established by those High Contracting Parties entitled to representation thereon, as specified in the Annex, which have ratified or adhered to the Convention.

6. For a period of three years from the date of entry into force of this Convention, Panel representation shall be as specified in the Annex. Panel representation shall be reviewed annually thereafter by the Commission, which shall have the power to determine the representation, on the basis of current substantial exploitation in such sub-area of the species of fish listed in the Annex, except that each High Contracting Party with coastlines contiguous to a sub-area shall have the right of representation on the Panel for the sub-area.

ARTICLE V

1. Each High Contracting Party shall be entitled to set up an Advisory Committee to be composed of persons who shall be well informed concerning the problems of the Northwest Atlantic Fisheries. Any Advisory Committee or any representative or representatives thereof may attend as observers all non-executive meetings of the Commission or of any Panel on which their Government is represented.

2. The Commission or any Panel thereof may hold such public hearings as may be useful in carrying out the provisions of this Convention. The Commissioners of each High Contracting Party may hold public hearings within the territories they represent.

ARTICLE VI

1. The Commission may, either in collaboration with agencies of the High Contracting Parties or other public or private agencies and organizations or independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life found in various parts of the area defined in Article I;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other pertinent information relating to the fisheries of the Northwest Atlantic Ocean as well as other such reports as fall within the scope of the Convention.

2. In order to provide for cooperation between the Commission and other public international organizations with related interests, the Commission shall enter into arrangements with the competent authorities of such organizations concerning the methods of cooperation.

ARTICLE VII

Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

ARTICLE VIII

The Commission may make recommendations to any or all High Contracting Parties concerning any matters which relate to the Northwest Atlantic Fisheries and to the objectives and purposes of this Convention.

ARTICLE IX

1. Subject to the provisions of Article XI, the Commission may adopt regulations with respect to the area defined in Article I which:

(a) require the submission of statistics pertaining to the catch of various species of fish or other data in such manner and with such frequency as deemed necessary to determine the conditions and trends of the fisheries of the Northwest Atlantic Ocean and to carry out the other provisions of this Convention;

(b) fix methods of measurement.

2. Subject to the provisions of Articles X and XI, each Panel may, with respect to the sub-area under its jurisdiction, adopt regulations, based upon scientific evidence and designed specifically to make possible the maintenance of a maximum sustained catch from the fisheries of the sub-area, which:

(a) establish open and closed seasons;

(b) close to fishing such portions of the sub-area as the Panel finds to be a spawning area or to be populated by small immature fish;

(c) establish size limits for any species;

(d) fix the kind, size and specifications of fishing gear and other fishing appliances;

(e) establish an over-all conservation catch limit for any species;

(f) make such other regulations as may be necessary.

ARTICLE X

Regulations adopted by the Commission or the Panels thereof under this Convention shall apply only to the species listed in the Annex.

ARTICLE XI

The Chairman of the Commission shall issue, for action by the High Contracting Parties in accordance with Article XIII, regulations adopted by the Commission or any Panel thereof within the time specified in each regulation. Should the Chairman have reason to believe, however, on the basis of scientific evidence, that a Panel regulation interferes with a regulation in force for another sub-area, he shall refer the regulation to the Commission, which shall, within ninety days, either return the regulation to the Panel for reconsideration or instruct the Chairman to issue it.

ARTICLE XII

1. All fishing vessels and persons thereon subject to the jurisdiction of the High Contracting Parties may fish for those species listed in the Annex within the area or any of the sub-areas defined in this Convention, except in violation of any regulations which may be issued by the Commission in conformity with the provisions of Article XI.

2. For the purpose of ensuring proper observance of the provisions of this Convention, duly authorized enforcement officers of any High Contracting Party may board and examine any fishing vessel subject to the jurisdiction of any of the High Contracting Parties which is engaged in fishing or which appears to have been fishing or to be about to fish in the area defined in Article I. The enforcement officers may cite the master of any vessel which has violated the provisions of this Convention or the regulations adopted thereunder to the competent authority designated for that purpose by the High Contracting Party having jurisdiction over the vessel. Copies of the citation, together with a full report of the violation, shall be furnished to the designated authority, and to the Commission, and through appropriate channels to the master of the vessel cited.

3. The authorities of the High Contracting Party having jurisdiction over the fishing vessel alone shall have jurisdiction to conduct proceedings for dealing with violations of the provisions of this Convention or any regulations adopted thereunder and to impose penalties for such violations. Testimonial and other proofs necessary for such proceedings, to the extent that they are under the control of the High Contracting Parties, shall be furnished with reasonable promptness to the authorities responsible for the conduct of such proceedings.

ARTICLE XII

1. The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the regulations adopted thereunder, with appropriate penalties for violations. Each High Contracting Party shall transmit to the Commission copies of all laws and regulations adopted for this purpose. Within sixty days after receipt of notification of the issuance of regulations by the Commission, each High Contracting Party shall take appropriate action to make such regulations applicable to persons or vessels subject to its jurisdiction. Each High Contracting Party shall notify the Chairman of the Commission immediately of its action with regard to any regulation adopted by the Commission or by any Panel thereof. The Chairman shall notify the other High Contracting Parties immediately of all such notifications. No regulation shall become effective until notifications have been received from all High Contracting Parties of the appropriate Panel or Panels.

2. The High Contracting Parties agree that the possession, shipment, transportation, purchase, sale, or importation or exportation of fish taken in violation of regulations in effect under the authority of this Convention are prohibited.

3. The High Contracting Parties agree to take appropriate action with regard to any act committed by a person or vessel of any country not a party to this Convention which is not in conformity with the provisions of this Convention or regulations in effect thereunder.

4. Each High Contracting Party shall annually transmit to the Commission full details of each infraction of the provisions of this Convention and the regulations adopted thereunder by all fishing vessels and persons thereon subject to the jurisdiction of that High Contracting Party. This information shall include a statement of measures taken for dealing with infractions and of penalties imposed.

ARTICLE XIV

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto, after it enters into force, by a notification in writing to the Government of the United States of America.

3. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, including the Governments of Canada, Newfoundland, and the United States of America, and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of deposit of its instrument of ratification or of receipt of its notification of adherence.

4. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

ARTICLE XV

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any High Contracting Party may withdraw from the Convention

on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Government of the United States of America, which shall communicate copies of such notice to the other High Contracting Parties.

2. Any other High Contracting Party may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Government of the United States of America within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

ARTICLE XVI

1. The original of this Convention shall be deposited in the Archives of the Government of the United States of America, which Government shall communicate certified copies thereof to all the other signatory Governments.

2. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1 - That portion of the area defined in Article I which lies north of the parallel of 52°15' north latitude.

Sub-area 2 - That portion of the area defined in Article I lying south of the parallel of 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a north-westerly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 3 - That portion of the area defined in Article I, lying to the west of sub-area 2 defined above, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46' 35.34" north latitude, 66°54' 11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

Sub-area 4 - That portion of the area defined in Article I lying west of the western boundary of sub-area 3 defined above.

2. For a period of three years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) Sub-area 1 - Canada, Denmark, France, Newfoundland, Portugal, Spain, United States.

(b) Sub-area 2 - Canada, Denmark, France, Newfoundland, Portugal, Spain, United States.

(c) Sub-area 3 - Canada, France, Newfoundland, United States.

(d) Sub-area 4 - Canada, United States.

3. Pursuant to the provisions of Article X of this Convention, the following species of fish are subject to regulation:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Gadus morrhua</u> (synonym: <u>Gadus callarius</u>)	cod, codfish
<u>Hippoglossus hippoglossus</u>	halibut
<u>Melanogrammus aeglefinus</u>	haddock
<u>Sebastes marinus</u>	rosefish, redfish
<u>Urophycis tenuis</u>	white hake
<u>Urophycis chuss</u>	red hake
<u>Pollachius virens</u>	pollock
<u>Brosme brosme</u>	cusck

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U. S. AND MEXICAN FISHERIES CONFERENCE: The result of the discussions between officials of Mexico and of the United States on fishery conservation matters of common concern was announced on November 9 by the Department of State. The discussions, which commenced October 25 in Mexico City, were concluded on November 4, with the signing by both delegations of a Joint Report to the two Governments in which it was recommended that there be concluded a convention for the establishment of an international commission for the scientific investigation of tuna.

The Joint Report of the meeting, which contains the text of the proposed convention, urges the governments to establish a joint commission for the investigation of the tuna resources of the Pacific Ocean with a view to maintaining the resource at a level which will assure a reasonable maximum utilization, year after year, without depletion. The Report concludes that such convention would result in positive benefit to the fishing industries of both countries and would contribute to conservation of the food resources. The full text of the Joint Report follows:

JOINT REPORT

SUBMITTED TO THE GOVERNMENTS OF MEXICO AND THE UNITED STATES BY THE DELEGATIONS OF BOTH COUNTRIES APPOINTED TO TAKE PART IN EXPLORATORY CONVERSATIONS WITH REGARD TO SOME ASPECTS OF THE FISHERIES OF THE PACIFIC OCEAN

The Delegations of the United States and Mexico in exploratory conversations beginning October 25, 1948 to which this Report refers, were composed as follows:

For the United States: Delegates: Dr. W. M. Chapman, Special Assistant to the Under Secretary of State, Chairman; Mr. Paul J. Reveley, Chief, Division of Mexican Affairs, Department of State; Dr. Hilary J. Deason, Chief, Office of Foreign Activities, Fish and Wildlife Service, Department of the Interior, Advisors: Mr. Richard Croker, Chief, Bureau of Marine Fisheries, State of California; Miss Isla V. Davies, Foreign Affairs Specialist, Department of State; Mr. Milton J. Lindner, Chief of Fishery Mission to Mexico; Mr. Arnie J. Suomela, Master Fish Warden, Oregon Fish Commission; Dr. Richard Van Cleve, Acting Director, School of Fisheries, University of Washington; Mr. Taylor G. Belcher, Third Secretary of Embassy, American Embassy in Mexico, Secretary of the Delegation; Miss Janet Park, Fishery Mission to Mexico, Assistant Secretary.

For Mexico: Delegates: Lic. Roberto Cordova, Ambassador of Mexico, Chairman; Lic. Manuel J. Sierra, Legal Advisor of the Ministry of Treasury and Public Credit; Commander Enrique Villegas Bustamante, Director General of Fisheries and Allied Industries of the Ministry of Marine; Lic. Leonardo Pasquel, Special Legal Counselor of the Ministry of Economy, Advisors: Mr. Roberto Arroyo Carrillo, Member of the Technical Commission of the Directorate-General of Fisheries and Allied Industries; Lic. Fernando Robert,

Counselor for the Ministry of Treasury and Public Credit; Lic. Antonio Cobos, Assistant Director-General of Cooperative Development of the Ministry of Economy; Mr. Armando C. Amador, Envoy Extraordinary and Minister Plenipotentiary of Mexico; Lic. Cesar Sepulveda, Secretary of the Delegation.

Both Delegations used as the basis of deliberations the "Draft Convention Between the United States and Mexico for the Investigation of Certain Tuna Fishery Resources" sent to the Mexican Foreign Office by the Embassy of the United States of America with its note No. 2460 of September 24, 1948. Several meetings were held to study the problems presented by the said draft, and after mature consideration and the most frank and cordial exchange of ideas, with regard thereto, and introducing the necessary modifications in the said draft, unanimous agreement was reached upon the text of a "Draft Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna", which is submitted for the consideration of the Governments, as follows:

The United States of America and the United Mexican States, considering their respective interests in maintaining the populations of certain tuna and tuna-like fishes in the waters of the Pacific Ocean off the coasts of both countries, and desiring to cooperate in scientific investigation, and in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit the reasonable maximum utilization without depletion year after year, have agreed to conclude a Convention for such purpose and to this end have named as Plenipotentiaries:
The President of the United States of America:

The President of the United Mexican States:

who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint commission, to be known as the International Commission for the Scientific Investigation of Tuna, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section, consisting of four members, appointed by the Government of the United States of America, and a Mexican section, consisting of four members, appointed by the Government of the United Mexican States.

2. The Commission shall submit annually to the respective Governments a report on its findings, with appropriate recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Expenses covering emoluments, transportation, subsistence, and others, incurred by each national section for its own personnel, offices and operation, shall be borne by the respective Government. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties in the form and proportion recommended by the Commission and approved by the High Contracting Parties.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The High Contracting Parties shall decide on the most convenient place for the establishment of the Commission's headquarters.

6. The Commission shall meet at least twice each year and whenever requested by either national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At the first meeting of the Commission the determination will be made by drawing lots as to which national section will provide the chairman from among its members. The secretary of the Commission will be provided by the other national section from among its members. These functionaries will hold office for a period of one year. The section that provided the chairman shall provide the secretary the following year, and vice versa. Thereafter, in this manner, the positions shall alternate.

8. Each national section shall have one vote. Decisions, resolutions, and recommendations of the Commission shall be made only by approval of both sections.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings and for the performance of its functions and duties. Such by-laws, rules or amendments shall be referred by the Commission to the Governments and shall become effective, unless disapproved by either of the two Governments within thirty days from the date of notification.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties. The appointments shall be distributed equitably between nationals of the United States and Mexico except in special instances in which the appointment of persons of other nationalities is desirable.

11. Each section of the Commission may appoint its own advisors who may attend sessions of the Commission in their advisory capacity when the Commission so determines. Each section may meet separately with advisors from its own country when it deems such meetings desirable.

12. Each section of the Commission may hold public hearings within the territory of its own country.

13. There will be a Director and an Assistant Director of Investigations who shall be technically competent and who shall be designated simultaneously by the Commission and be responsible to it. One of these functionaries shall be a national of the United States and the other a national of Mexico. Subject to the instruction of the Commission and with its approval, the Director shall have charge of:

- (a) the drafting of programs of investigation, and the preparation of budget estimates for the Commission;
- (b) authorizing the disbursement of the funds for the joint expenses of the Commission;
- (c) the accounting of the funds for the joint expenses of the Commission;
- (d) the appointment and immediate direction of technical and any other personnel required for the scientific functions of the Commission;
- (e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 18 of this Article;
- (f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;
- (g) the drafting of administrative, scientific and other reports for the Commission;
- (h) the performance of such other duties as the Commission may require.

14. The Assistant Director shall assist the Director of Investigations in all his functions, and shall substitute for him during his temporary absences. Both the Director and the Assistant Director of Investigations may be freely removed by the Commission.

15. The official languages of the Commission shall be English and Spanish. During the meetings of the Commission its members may use either English or Spanish. When necessary translation shall be made to the other language. The minutes and official documents of the Commission shall be written in both languages. All publications of the Commission also shall be made in both languages. The official correspondence of the Commission may be written at the discretion of the secretary in either language.

16. Representatives of both national sections shall be entitled to participate in all work carried out by the Commission or under its auspices.

17. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations. These rules and amendments shall be referred to the Governments in accordance with the procedures of paragraph 9 of this Article.

18. In the performance of its duties and functions the Commission may request the technical and scientific services of and information from official agencies of the High Contracting Parties, any international, public, or private institution or organization or private individual.

ARTICLE 11

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of the yellowfin, bluefin, and albacore tunas, bonitos, yellowtails, and skipjacks (hereinafter referred to as tuna and tuna-like fishes) in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as is required, and of the kinds of fishes commonly used as bait in tuna fishing; and the effects of natural factors and human activities on the abundance of the populations of fishes to which this Convention refers.

2. Collect and analyze information relating to the current and past conditions and trends of the populations of the tuna and tuna-like fishes and tuna-bait fishes of the waters of the Pacific Ocean off the coasts of both countries and elsewhere as is required.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of tuna and tuna-like fishes and tuna-bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as is required.

4. Conduct such fishing and other activities, on the high seas and in the waters which are under the jurisdiction of either High Contracting Party, as may be necessary to attain the ends referred to in paragraphs 1, 2, and 3 of this Article.

5. Obtain statistics and all kinds of reports concerning catches, operations of fishing boats and other information concerning the fishing for tuna and tuna-like fishes and the tuna-bait fishes. The High Contracting Parties shall, if necessary, enact legislation in order to make it obligatory for the boat captains or other persons who participate in these fishing activities to keep records of operations, including the volume of the catch by species and the area in which caught, all of these in the form and with such frequency as the Commission deems necessary.

6. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries for tuna and tuna-like fishes and tuna-bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as is required.

ARTICLE III

1. The present Convention shall be ratified in accordance with the legal procedures of each country and the exchange of ratifications shall be made at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications. It shall remain in force for a period of four years and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other High Contracting Party of its intention of terminating the Convention.

3. In the event of termination of the Convention all property of the Commission except the archives shall be returned to the High Contracting Parties in the proportion in which originally provided.

4. At the termination of this Convention the High Contracting Parties will agree as to the final disposition of the archives of the Commission.

The Delegates of the United States of America and of Mexico, to the best of their knowledge, consider that the signing of a Convention between the United States of America and Mexico, in the terms of the above text, will not only result in a positive benefit to the respective fishing industries of both countries, but, due to the aim of the Convention itself, which is to provide for the reasonable maximum utilization of the tuna fishery resources, will also contribute to the far-sighted conservation of food resources in general.

Therefore, the undersigned Delegates, in submitting jointly the result of their exploratory conversations, also respectfully suggest to their respective Governments the conclusion of the foregoing Convention.

Mexico City, November 4, 1948.

For the United States:

Delegates:
W. M. Chapman, Chairman
Paul J. Reveley
Hilary J. Deason

Advisors
Richard Croker
Isla V. Davies
Milton J. Lindner
Arnie J. Suomela
Richard Van Cleve

For Mexico:

Delegates:
Roberto Cordova, Chairman
Manuel J. Sierra
Enrique Villegas Bustamante
Leonardo Pasquel

Advisors
Roberto Arroyo Carrillo
Fernando Robert
Antonio Cobos
Armándo C. Amador

In witness whereof the Secretaries of the respective Delegations have inscribed their signatures:

Taylor G. Belcher

Cesar Sepulveda

