Foreign Fishing Policies of Latin American Nations

Latin American countries have developed various systems to determine how fishery resources are made available to foreign fishermen and at what cost. While varying in detail, the Latin American regulations have exhibited a general desire to reduce foreign fishing, or at least benefit economically from it, and also a tendency to establish an allocation system which does not require sophisticated surveillance.

Fishing fees, for example, throughout the region are almost exclusively based on the easily determined size of the vessel, instead of the amount of fish caught which would be more complicated to determine. There are three basic patterns most commonly used by Latin American countries to make coastal resources available to foreign fishermen:

1) Sell licenses with fees based on the size of the vessel (Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Peru).

2) Require foreign companies to form joint ventures with domestic companies (Argentina and Brazil).

3) Develop ad hoc policies upon receipt of individual requests from foreign fishermen (Cuba, Venezuela, and most small Caribbean island countries).

Licenses

The sale of licenses based on the size of the vessel has been the most common method used by Latin American countries to regulate foreign fishermen. Some countries have more complex systems. Uruguay, for example, doubles fees for factory trawlers and vessels with onboard refrigeration. License fees based on the size of the vessel or other easily observable characteristics have the advantage of being easy to enforce and can generate earnings for the coastal nation by using a resource which domestic fishermen would otherwise be unable to utilize.

Licensing procedures, fees, duration, special restrictions, and sanctions vary widely from country to country (Table 1). Countries using the licensing system are mostly along the Pacific coast and several have developed their regulations specifically for foreign tuna fishermen. Some countries (Chile[1] and Peru) have restrictive regulations for specific species. Most countries prohibit foreign fishermen from catching such high value shellfish as shrimp and lobster which are fished by domestic fishermen. Several countries (Costa Rica[2], Ecuador, Guatemala, and Peru) grant special benefits to foreign fishermen who land part of their catch in the licensing country or form local joint ventures[3]. One country (Guyana) has special licensing fees for foreign vessels which are based in Guyanese ports[4]. Other countries (Ecuador[5], El Salvador, and Uruguay) have created special coastal zones within their 200-mile zone where foreign fishermen are not allowed to fish. Some countries (Ecuador, Guatemala, and Uruguay) require foreign fishermen to appoint a local agent. It is also common practice in Latin America to require foreign fishermen to purchase registrations ("matriculas") before purchasing licenses. The regulations for registrations are detailed in Table 1.

Joint Ventures

Requiring foreign fishermen to form joint ventures with domestic companies has been a less common option, but has been adopted by two of the most important Latin American countries (Argentina[6] and Brazil) and a third country (Mexico[7]) appears to be moving in that direction. These countries tend to close their coastal waters to foreign fishermen whether or not they have the domestic capability to fully utilize the resource.

Argentina and Brazil excluded foreign fishermen from their 200-mile zones even though coastal stocks (demersal finfish species off southern Argentina and shrimp off northern Brazil) were only being lightly fished by domestic fishermen. Despite data which demonstrates that shrimp stocks in Mexican waters in the Gulf of Mexico are not being fully utilized by Mexican fishermen, Mexico has decided to terminate access to these stocks for foreign vessels. The joint venture policy is designed to use fishery resources to attract foreign partners which will give domestic companies the capability to initiate new or expand existing fisheries.

[1] Details on Chile's licensing procedures can be obtained by requesting IFR-80/2 from your local NMFS Statistics and Market News Office.

[2] Details on Costa Rica's licensing procedures can be obtained by requesting IFR-80/33 from your local NMFS Statistics and Market News Office.

[3] A few countries (Brazil, Mexico, and Uruguay) are more concerned about the impact of foreign landings on fish prices and prohibit foreign fishermen from landing fish unless specifically authorized.

[4] Details on Guyana's licensing regulations can be obtained by requesting IFR-77/235R from your local NMFS Statistics and Market News Office.

[5] Details on Ecuador's licensing system can be obtained by requesting IFR-76/59 from your local NMFS Statistics and Market News Office.

[6] Details on Argentina's use of joint ventures to develop the fishing industry can be obtained by requesting IFR-80/13 from your local NMFS Statistics and Market News Office.

[7] Mexico's tuna licensing regime is described in IFR-80/9R and 51. The purpose of these regulations may be at least partially to encourage U.S. tuna fishermen to consider transferring their vessels to Mexican flag registry and to form joint tuna companies with Mexican partners. After excluding U.S. and Cuban shrimp fishermen from the Mexican EEZ in 1979, Mexican officials have left some hope of possible participation in the shrimp fishery through joint ventures.

Table 1.—Latin American regulations (Pacific coast countries) for foreign fishermen, 1979-80.

Country	Registration	Licenses: Cost	Licenses: Duration	Licenses: Application	Restrictions: Zone	Restrictions: Methods	Sanctions	Other
Chile		Initial $800 fee and subsequent payments of $60 per NRT[1] for 100-day renewal.	100 days	Submit to the Sub-secretariat for Fisheries.	None	None	Payment of fine equal to $120 per NRT.	Regulations described here apply only to foreign tuna fishermen.
Colombia		$2.20-4.45 (100-200 pesos[2])/vessel-GRT[3] for firms domiciled in Colombia; $44.60 (2,000 pesos)/GRT for foreign-based companies.	If domiciled in Colombia 1 year (and one ocean); otherwise 30 days (and one ocean).	Submit to the National Institute for the Development of Renewable Natural Resources.	None	Shrimp fishing temporarily banned; lobster fishing is regulated. Foreign nationals not legally domiciled in Colombia may fish only for tuna, live bait, and cetaceans.	Confiscation of catch, gear, and vessel.	
Costa Rica	$5/NRT if purchased in the year before use; $10/NRT if bought the year of use.	$30 for vessels up to 400 NRT; $60 for vessels over 400 NRT.	60 days	Submit to Costa Rican consulate in San Diego or Panama City or the Fisheries Office in Puntarenas.	None	Vessels using live bait or harpoons instead of nets granted 50% reduction.	First violation: Criminal penalties, confiscation of catch, $100 fine per vessel NRT. Second violation: Criminal penalties, confiscation of vessel, equipment, catch.	Regulations described here apply only to foreign tuna fishermen. Foreign vessels less than 400 tons which sell at least 100 tons of catch to domestic canneries are granted free extension of their licenses. Foreign vessels under contract to a domestic company are treated the same as Costa Rican-flag vessels.
Ecuador	$100, valid for 1 calendar year.	$80 per NRT.	1 trip of up to 50 days.	Submit to Directorate General of Fisheries or Ecuadorean consulates. Permission to fish can be gotten by radio.	60-mile zone reserved for Ecuadorean vessels only.	Explosives and poisons prohibited. Foreigners are not allowed to fish for lobster or shrimp.	Payment of fine equal to $120/NRT and confiscation of catch for first offense; increased for subsequent violations.	Foreign fishermen can obtain special treatment by signing association agreements with Ecuadorean canneries.
El Salvador[4]	Not available	Not available but will be based on NRT of vessel.	Not available	Submit to Department of Industrial Development and Control or from Salvadorean consulates.	12-mile zone reserved for vessels of companies at least 50% Salvordean owned. 12-60 mile zone reserved for vessels operated by companies domiciled in El Salvador.	Not available	Payment of fine equal to US$80 per NRT; possible further punitive action.	
Guatemala	Free	Access rights: US$500/month for all vessels in excess of 91 NRT[5]	10 years	Submit to Ministry of Agriculture.	None	Use of poisons and explosives prohibited. No licenses issued for Pacific shrimp fishing.	Payment of fine from $100 to $5,000 or the equivalent in confiscated catch and gear. Fines are doubled for a second violation.	Number of licensed vessels limited by coast and species. Pacific coast tuna licenses are limited to 10 vessels.
Honduras		No licensing regulations for the nation's small Pacific coast.			None	None		
Mexico		$55 (P/1,250) per vessel and $61 (P/1,350) per NRT.	60 days	Submit to Mexican Department of Fisheries.	None	None	Confiscation of catch plus fine of from $3,750 to $15,000.	Foreign fishing authorized only if Mexico determines there is a surplus in its 200-mile EEZ. Foreign tuna fishermen must have an accredited representative in Mexico.
Nicaragua[6]		$10 for vessels up to 10 feet in length; $1 additional for each foot in excess of 16 feet[7]	20 years[8]	Submit to the Nicaraguan Fisheries Institute, km 4½ Carretera Sur, Managua.	None	Use of poisons and explosives prohibited.	Not available.	Fishing licenses are only issued to persons or corporations who have contracts with processing plants in Nicaragua. A free navigation permit must be obtained from the Marine Division, Ministry of Defense.

Table 1.—Continued.

Country	Regis-tration	Licenses: Cost	Licenses: Duration	Licenses: Applica-tion	Restrictions: Zone	Restrictions: Methods	Sanctions	Other
Panama[9]		US$30 per NRT.	6 months	Submit to the Marine Resources Office, Ministry of Commerce and Industry.	None	Use of poisons and explosives prohibited.	Foreign vessels are subject to fines of from $10,000 to $100,000; repeated violations may result in confiscation of the vessel.	Foreign fishermen must have an agent in Panama and purchase a navigation permit costing from $500 to $1,200 (depending on the vessel's GRT) as well as miscellaneous charges totaling about US$100.
Peru	US$1,000, valid for 1 calendar year.	US$80 per NRT.	100 days[10]	Submit to the Ministry of Fisheries or to Peruvian consulates.	None	Use of poisons and explosives prohibited. Foreigners not allowed to fish for anchovies.	Fines of up to $80 per NRT for first offense, larger fines for subsequent violations.	Foreign commercial fishing vessels must have an agent in Peru. Fishermen must also have an operating license which costs $370 (S/90,000).

[1] NRT = Net registered tons.
[2] Based on exchange rates as of 31 March 1980.
[3] GRT = Gross registered tons.
[4] License information based on dated information about draft law.
[5] A separate fee schedule exists for the Caribbean coast.
[6] The U.S. Embassy in Managua reported on 25 July 1980 that INPESCA has prepared new regulations for foreign fishermen, but had not yet released them. INPESCA officials stated that there were "substantial changes" in the new regulations, but provided no details.
[7] An exploitation tax must also be paid, but it can be waived under the Industrial Development Law. The government studied the possible revision of these fees in 1980.
[8] In addition, a fishing permit for each vessel must be obtained annually.
[9] Panamanian regulations are described in greater detail by IFR-80/60.
[10] Waived for foreign ships under contract to Peruvian companies and selling entire catch in Peru.

Sources: Reports from the U.S. Consulate General in Guayaquil and U.S. embassies in the above countries; Latin American government documents; and various press reports.

Ad Hoc Policies

Many countries in Latin America have not formulated specific procedures, principally because foreign fishing off their coasts is not extensive. These countries evaluate requests from foreign fishermen on an individual basis. Venezuela, for example, has licensed one U.S. vessel and signed an agreement with Denmark allowing Faroese fishermen to fish experimentally in the Venezuelan EEZ, hoping that this will lead to a joint venture[8]. Cuba has still not published its licensing regulations and as a result has not fully responded to a U.S. request to catch swordfish in its 200-mile zone.

The policies enforced by Latin American countries to regulate foreign fishermen have, in several cases, severely impacted the distant-water fishermen who once fished there. U.S. shrimp, lobster, and tuna fishermen, for example, have been adversely affected. In some cases the coastal country has restricted or terminated distant-water fishermen even though local fishermen could not utilize the resource themselves. In 1967, for example, the Soviet Union caught 670,000 t off Argentina. Even though Argentina subsequently declared a 200-mile zone and prevented distant-waters fishing, the total catch by Argentine fishermen had still not reached 600,000 t by 1979.

The policies restricting distant-water fishing, have been very popular politically throughout Latin America and have therefore been of some support to the Government in power. The economic impact on the coastal countries has also been generally positive:

1) They have in some cases generated hard currency earnings from an economic resource which domestic companies were not fully exploiting or in some cases not exploiting at all.

2) They have encouraged distant-water fishermen to either land fish in local ports or to form joint venture fishing companies; in both cases promoting the development of the local fishing industry.

3) They have prevented damage to fishery resources through uncontrolled foreign fishing. (Significant harm was done in the 1960's and 1970's to fishery resources off the coasts of the United States, Canada, and western and southern Africa countries by the failure of coastal countries and international commissions to implement adequate conservation regimes.)

Some observers are concerned that the insistence by Mexico and other Latin American coastal countries to manage tuna unilaterally and restrict distant-water fishing may eventually cause economic problems for the local fishermen as well as distant-water fishermen. There are great variations in the quantities of tuna which appear off various countries each year. A large tuna fleet will have difficulty operating profitably if restricted to the narrow confines of the waters off any single country. In addition, because tuna range over such a wide area, no one country is able to control fishing effort. Without an international body to regulate fishing effort, it may not be possible to limit catches so as not to damage tuna stocks and as a result the profitability of national tuna industries. (Source: IFR-80/141.)

[8] Venezuela's policy toward foreign fishermen is described in IFR-76/102 and 80/95. Copies can be obtained from your local NMFS Statistics and Market News Office.

A Wave-powered Boat?

Boats of up to 50 m in length, propelled by wave energy, might be the result of successful tests in the Ship's Model Tank in Trondheim, Norway, according to the Norwegian Information Service. This item, invented by

Norwegian electrical engineer Einar Jakobsen, may have considerable significance for some sectors of the fishing fleet, say experts at the Trondheim laboratory. Last summer, successful trials were carried out in the Oslofjord, where the invention was mounted on a 27-foot sailboat hull.

The system consists, in brief, of a moveable foil—a water wing—placed horizontally on an axis beneath the boat. This moves up and down in step with the movements of the boat in the waves, and it is reportedly more effective against wave direction than with it. Jakobsen intends to continue the tests to develop the system further before putting it on the market.

France, Canada Agree to End St. Lawrence Cod Take

Roméo LeBlanc, Canada's Minister of Fisheries and Oceans, and Mark MacGuigan, Secretary of State for External Affairs, have announced that agreement has been reached with France on the maximum annual cod catches French vessels will be permitted to take in the Gulf of St. Lawrence until 15 May 1986. Beyond that date, vessels from France will no longer be permitted to fish in the Gulf.

The Agreement reached on 3 October in Ottawa will limit French catches of Gulf-based cod stocks to an annual maximum of 20,500 t for the period 1981-86. This limit may be reduced if total allowable catch limits for the two Gulf-based cod stocks are reduced below current levels. However, this is not believed likely. The French limit for 1980 was 20,540 t and for 1979 was 20,675 t.

The Agreement also gives Canada the option to require the French vessels to take up to 8,500 t of their annual entitlement from the southern Gulf cod stock, with a view to sharing the burden of the French fishery equitably between Canadian fishermen who fish in the north and those who fish in the south.

"The 1972 Agreement was very unclear regarding quantification of French fishing rights up to 1986," MacGuigan said. "The 1980 Agreement settles that issue, and should contribute to the furtherance of the good relations we have with France."

LeBlanc pointed out that the Agreement ensures that further development of the Gulf cod stocks will be for the benefit of Canada. "The stocks are rebuilding," LeBlanc said, "and the evidence indicates that over the next 6 years we will have TAC's well above the 1980 levels of 75,000 t for the northern Gulf cod stock, and 54,000 t for the southern stock. The question of how much fish the French were entitled to catch in the Gulf has troubled us for a number of years. This issue has now been laid to rest. We can now turn our attention entirely to the management of our domestic fishery to ensure that equitable allocations are made to the different sectors and interests represented in the Canadian fleet."

Can Oil and Fish Mix? Two North Sea Reports

The amount of oil pollution in the North Sea has increased in recent years and is greatest in the areas close to the oil fields, according to a report from Norway's Continental Shelf Institute (IKU) on the basis of oil trawling in the North Sea in June 1979. Altogether, 24 tests were made and deposits of oil were found in 21 of these. The oil concentration was calculated at 0.4 mg/mi^2 sea surface. This is double the amount found in a similar investigation in 1975, notes the Norwegian Information Service.

The report says that the increase may be due to increased activity on the continental shelf, increased oil transports in the area, and increased ship traffic. Reservation is made for the possibility that the registered increase in pollution is not indicative of general conditions but that it may be due to special wind or current conditions, or to accidental circumstances at the time the tests were made. The report's conclusion is that the increase observed is probably due to a combination of several of these circumstances.

Meanwhile, the University of Aberdeen in Scotland has prepared a study assessing the loss of access to fishing grounds caused by offshore oil and gas installations in the North Sea. The study was prepared for the British Fishing Federation and the Scottish Fishermen's Federation. It may be of interest to individuals studying the impact of off-shore oil development on the U.S. fishing industry.

A copy of the report can be purchased for £10 (US$24.00) by ordering Research Report No. 1, "Loss of Access to Fishing Grounds Due to Oil and Gas Installations in the North Sea."

Orders should be addressed to: M. Rattray, Department of Political Economy, University of Aberdeen, Edward Wright Building, Dunbar Street, Old Aberdeen, Scotland, United Kingdom. Checks should accompany orders and be made payable to the University of Aberdeen.

Clarification

Two statements in Richard A. MacIntosh's article "The snail resource of the eastern Bering Sea and its fishery" (Mar. Fish. Rev. 42(5):15-20), which could give readers an erroneous impression, have been clarified by William G. Gordon, Director, NMFS Office of Resource Conservation and Management.

1) On page 18, (column 1, last paragraph) is a statement that certain vessels were given an allocation by the North Pacific Fishery Management Council. Actually, "Section 201(d) of the Fishery Conservation and Management Act of 1976 says that the Secretary of State, in cooperation with the Secretary of Commerce, shall determine the allocation among foreign nations of the total allowable level of foreign fishing."

2) On page 19 (column 2) is a reference to "...a preliminary management plan developed by NMFS is being used by the North Pacific Fishery Management Council to manage the fishery." Actually, "Section 201(g) of the Fishery Conservation and Management Act of 1976 provides that the Secretary of Commerce shall prepare a preliminary management plan, under certain circumstances, for a foreign fishery, and may prepare and promulgate interim regulations with respect to such preliminary plan. The snail fishery in question is still being managed under the preliminary management plan prepared by NMFS for the Secretary, first issued in February 1977 and most recently dealt with in December 1979 by setting the OY and TALFF for 1980. The regulations under this preliminary plan are of course the Secretary's regulations, under authority of Section 201(g)."