

No. 9925

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**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.*

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**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<sup>er</sup> octobre 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
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

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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

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<sup>1</sup> 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 :

- (a) The Government of the United States of America will submit to the Government of Mexico, and the latter will submit to the former, before January 1, 1968, or, at the latest, 30 days after that date, a report designating the areas now included within the exclusive fishery zone of the other country where its fishermen have operated in a sustained manner during the years 1963 to 1966 inclusive, indicating the species caught and the volume of each species, and the two Governments will submit to each other similar reports for the year 1967 no later than June 30, 1968;
- (b) The two Governments will report to each other before January 1, 1968, or, at the latest, 30 days after that date, the number of vessels and the types and net tonnage of said vessels as well as the types of fishing gear used during the previous years by their respective nationals;
- (c) The two Governments will exchange, no later than January 31 of each year, and at such other times as it may become necessary owing to special circumstances, lists of vessels that will operate under the terms of the present agreement;
- (d) Representatives of the two Governments will meet annually on mutually agreeable dates to review the operation of this agreement and to determine the need for any additional arrangements. To facilitate this review, the Government of the United States will submit to the Government of Mexico, and the latter will submit to the former, as soon as practicable after January 1, but not later than April 1, each year a report on the fishing activities of its nationals in the exclusive fishery zone of the other country, indicating the volume of catch of each species authorized to be taken and the areas in which such catches were made.

7. The United States and Mexican fishermen may continue to use, within the exclusive fishery zone of the other country, only vessels and fishing gear not prohibited by the laws of the respective country and of the same types as those employed during the five years prior to January 1, 1968, except that technological improvements to existing types of vessels and gear are not precluded, provided they are not inconsistent with the legislation of the respective country.

8. Notwithstanding the limitations on fishing indicated in paragraphs 1, 2, 3, 4, and 7 of this agreement, each Government may establish additional limitations when, in its judgment, they become indispensable in order to protect the living resources of the sea in the exclusive fishery zone under its jurisdiction, or when each Government or both Governments must establish extraordinary restrictions pursuant to resolutions or recommendations of international organizations of which they are members. In any of these eventualities, the interested Government will consult with the other Government before establishing the new limitations and will notify the other Government 60 days in advance of their application in order to reasonably allow the fishermen of the other country to adjust their activities accordingly.

9. The United States of America and the United Mexican States, in accordance with their respective laws on the exclusive fishery zone, will exercise within their respective zones the same exclusive rights with respect to fisheries as they exercise in their territorial sea. Nevertheless, without renouncing their sovereign powers and in order to respect the traditional fisheries by their respective nationals in the

zone of the other country during the period indicated in this agreement, both Governments state that it is their intention neither to impose duties or taxes nor to impose other fiscal obligations, nor to propose to their respective Congresses the establishment of financial burdens upon the fishermen of the other country, who, within the terms of this agreement, will continue to operate in the waters within their respective exclusive fishery zones during the five years beginning January 1, 1968.

10. Notwithstanding the provisions of the previous paragraph, if either of the two Governments, due to circumstances which may arise during the life of this agreement, should deem it necessary or convenient to establish and collect such taxes, duties or fiscal obligations from the fishermen of the other country, it will first grant the other Government the opportunity to express its point of view. If, finally, such taxes, duties or obligations are established, the other Government, in strict reciprocity, will have the right to impose identical or similar fiscal measures, within its exclusive fishery zone, upon the fishermen of the country that first applied them.

11. For purposes of this agreement, the Government of Mexico will permit only vessels flying the flag of the United States of America to continue to operate within its exclusive fishery zone. For purposes of this agreement, only vessels flying the Mexican flag will be permitted to operate within the exclusive fishery zone of the United States of America.

12. Any fishing vessel of either country operating under the present agreement which acts contrary to the provisions of the agreement will not have the protection of the agreement in the particular case and will be subject exclusively to the legal regime, penal and administrative, of the country having jurisdiction over the exclusive fisheries zone.

13. The Government of the United States understands that neither the enactment of the Mexican law on the exclusive fishery zone of the nation nor the provisions of the present agreement imply *ipso facto* and of themselves any change regarding the legal regime on the exploitation of the living resources of the Mexican territorial sea, including the provisions of Mexico's law relating to the imposition of fees and taxes on foreign fishermen who fish within Mexico's territorial sea, since the law on the fishery zone of the nation, in accordance with its Article 2 (transitory), only repeals previous provisions contrary to it, and this agreement, as was expressed in the points of initial consideration, is based on said law.

14. The Government of the United States of America will cooperate with the Government of Mexico in the formulation and execution of a program of scientific research and conservation of the stocks of shrimp and fish of common concern off the coast of Mexico, consistent with the Convention on Fishing and Conservation of Living Resources of the High Seas, opened for signature at Geneva on April 29, 1958,<sup>1</sup> to which both Governments are parties. The two Governments at an appropriate time will meet to make the special arrangements necessary to formulate and execute such a program.

<sup>1</sup> United Nations, *Treaty Series*, vol. 559, p. 285.

15. The provisions of this agreement will be enforced by the Government of the United States of America and by the Government of Mexico in their respective exclusive fishing zones.

16. This agreement shall be in effect for a period of five years beginning on January 1, 1968, provided that either Party may denounce the agreement at any time after one year from that date if in its judgment the agreement is not operating satisfactorily. Such denunciation shall have the effect of terminating the agreement six months from the date of the formal notice of denunciation.

If Your Excellency's Government agrees with the terms and conditions previously stated, that have been duly approved and accepted by my Government, I submit they be considered as a formal proposal, with the understanding that this note and the reply of Your Excellency stating the approval and acceptance of the note by the Government of Mexico, will constitute a formal agreement between our two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

Dean RUSK

His Excellency Antonio Carrillo Flores  
Secretary of Foreign Relations of Mexico

## II

[SPANISH TEXT — TEXTE ESPAGNOL]

SECRETARIA DE RELACIONES EXTERIORES  
ESTADOS UNIDOS MEXICANOS  
MEXICO

508939

Washington, D.C., a 27 de octubre de 1967

Señor Secretario :

He recibido la atenta nota de Vuestra Excelencia fechada el día de hoy, en la cual tuvo a bien transcribir los puntos de acuerdo a que llegaron los Representantes de nuestros dos países sobre los términos y condiciones en que las embarcaciones pesqueras mexicanas y norteamericanas podrán seguir operando en la Zona Exclusiva de Pesca del otro país a partir del 1o. de enero de 1968.

En dicha nota Vuestra Excelencia incluye el texto de un Convenio que, en su versión española, lee como sigue :



y conservación de existencias de camarón y de peces de interés común frente a las costas marítimas de México, en consonancia con la Convención sobre Pesca y Conservación de los Recursos Vivos de Alta Mar, abierta a firma en Ginebra el 29 de abril de 1958, en la que son Parte los dos países. Los dos Gobiernos de reunirán oportunamente para concertar los arreglos especiales que sean necesarios para la formulación y ejecución de dicho programa.

15. Las disposiciones del presente Convenio serán ejecutadas por el Gobierno de los Estados Unidos de América y por el Gobierno de México en sus respectivas Zonas Exclusivas de Pesca.

16. La duración del presente Convenio será de cinco años contados a partir del 1o. de enero de 1968, pero después de un año contado desde esa fecha, cualquiera de los dos Gobiernos lo podrá dar por terminado si, a su juicio, no opera satisfactoriamente. La denuncia surtiría efecto seis meses después de su notificación formal.

Sobre el particular, me complazco en comunicar a Vuestra Excelencia que el Gobierno de México ha aprobado y aceptado los términos y condiciones arriba transcritos y, en consecuencia, la nota de Vuestra Excelencia a que antes me refiero y la presente constituyen un Convenio formal entre nuestros Gobiernos.

Me valgo de la ocasión para renovar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

Antonio CARRILLO

Al Excelentísimo Señor Dean Rusk  
Secretario de Estado  
Washington, D. C.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

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

MINISTRY OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO

508939

Washington, D.C., October 27, 1967

Mr. Secretary :

I have received Your Excellency's note of this date, in which you were good enough to transcribe the points of agreement reached by the representatives of our two countries on the terms and conditions under which Mexican and United States fishing vessels may continue to operate in the exclusive fishery zone of the other country beginning January 1, 1968.

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

In the aforesaid note Your Excellency includes the text of an agreement which reads in Spanish translation as follows :

[See note I]

In this connection, I am happy to inform Your Excellency that the Government of Mexico has approved and accepted the terms and conditions transcribed above, and, consequently, Your Excellency's note to which I refer above and this note will constitute a formal agreement between our Governments.

Accept, Excellency, the renewed assurance of my highest and most distinguished consideration.

Antonio CARRILLO

His Excellency Dean Rusk  
Secretary of State  
Washington, D.C.

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