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U.S. Embargo Of Mexican Tuna Officially Reinstated

by Steven Ranieri

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On Feb. 20, the 9th US Circuit Court of Appeals in San Francisco reinstated the embargo on Mexican tuna imports. The embargo was ordered last October by US District Judge Thelton Henderson. In October, the judge ruled that Mexico failed to meet congressional requirements to reduce dolphin kills to no more than twice the number killed by the US tuna-fishing fleet. Since the US law went into effect, the limit on the number of kills has become even more stringent, according to Joshua Floum, attorney for Earth Island Institute. Foreign fleets are now limited to no more than 1.25 times the number killed by the entire US fleet. Mexico was the only one of five nations that did not meet the US restrictions on accidental dolphin deaths. The US fleet has shifted largely to dolphin-safe fishing methods and the number of dolphins killed is about 13,000 per year, according to Floum. The Mexican fleet kills an estimated 100,000 dolphins a year, he said. The embargo, hotly contested by both the US and Mexican government, is expected to remain in effect for at least a year while US Commerce Department officials collect data on the Mexican fleet's efforts to reduce dolphin kills. The Mexican fishing industry, hit hard by the official and unofficial boycotts of tuna over the last five months, had already begun the search for new markets. "There is not enough consumption of fish products in Mexico to support the industry. We need to export, and we need to develop new markets," said Andres Armenta, president of the National Association of Fishing Industries (CANAINPES). With the support of the Fisheries Secretariat (SEPESCA), CANAINPES has organized "Pescaindustria 91," an international fair scheduled for Feb. 25 in Ensenada, Baja California, to promote the country's fishing technology and products. Fishing industry representatives from Canada, France, Poland, and the Soviet Union were expected to attend. However, the legal guidelines for foreign investment in the industry have yet to be determined. "We still do not know if foreign investment in Mexican fishing industries will be allowed up to 100%, or only up to the current 49% limit," said Armenta. Other efforts to develop Mexico's fishing industry include new fisheries in such regions as the Gulf of Mexico and the Yucatan Peninsula. Meanwhile, the Mexican Maritime Confederation (CMM) has said that even if the US tuna embargo is eventually lifted, export sales to the US will continue to be affected by public perceptions associating tuna with the killing of dolphins. "The Mexican tuna industry, after successfully displacing other nations in the market, has been successfully sabotaged," said Alfonso Cabrera Toledo, CMM coordinator of Fish and Sea Resources Research. In response to the reinstatement of the embargo, the Foreign Ministry released a statement that, according to international law, "no nation has the ability to impose its own criteria on another, much less apply sanctions." The general reaction of government officials to the renewed embargo is that the action, although unfair, unilateral and illegal, will not affect the negotiation of the free trade agreement. (Sources: Excelsior, 02/21/91; The Mexico City News, El Nacional, 02/21/91, 02/24/91; El Financiero, 02/21/91, 02/24/91, 02/25/91)

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