

8-14-1996

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Recommended Citation

LADB Staff. "U.S., Mexico Close to Resolving Dispute Over Tuna Restrictions." (1996). <https://digitalrepository.unm.edu/sourcemex/3619>

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U.S., Mexico Close to Resolving Dispute Over Tuna Restrictions

by LADB Staff

Category/Department: Mexico

Published: 1996-08-14

The US and Mexico appear close to resolving a long-standing dispute over the US's embargo on imports of Mexican tuna. The US imposed the embargo in 1990, arguing that Mexican fishing boats were exceeding the 15% international limit for incidental capture of dolphins in fishing nets (see SourceMex, 11/07/90). In late July, the US House of Representatives, by an overwhelming vote of 316-108, approved legislation to lift the embargo on tuna imports from Mexico and other countries in Latin America and the Caribbean.

The decision to eliminate the embargo was based on a recommendation from a House committee, which determined that Mexico and five other countries had implemented sufficient changes to greatly reduce the number of dolphins caught in fishing nets. "We felt it was time to reward those efforts," said Rep. Wayne Gilchrest (R-Md), author of the House legislation. In the Senate, the measure has already been approved by a key subcommittee, but has yet to reach the Senate floor. Supporters expect the bill to be approved easily by the full Senate, possibly in September.

For his part, US President Bill Clinton has already said he intends to sign the legislation. A major element of both the House and Senate measures is to relax restrictions on the use of the "dolphin-safe" label in cans of tuna sold in the US market. The US currently has a law covering requirements for labeling cans of tuna "dolphin-safe," which means fish have not been caught in the nets that also may trap and drown dolphins. According to the House and Senate legislation, any fishing vessels from Mexico and the other countries that make a good-faith attempt to avoid ensnaring dolphins in their nets would be able to claim the dolphin-safe designation for their tuna catches. Observers would be placed on tuna-fishing boats in the Pacific Ocean, where dolphins and tuna tend to swim together. The legislation sets a total limit of 5,000 dolphin deaths annually for all the countries before any restrictions would be imposed.

Environmental and wildlife protection groups in the US have expressed mixed reactions to the legislation. On one hand, opponents such as the Humane Society of the United States argue that the bill would loosen previously tight restrictions on dolphin protection. These groups also express concern that the measure would allow increased harassment of dolphins, which would cause stress and lead to the death of thousands of dolphins annually. On the other hand, a number of prominent environmental organizations including the Center for Marine Conservation, the Environmental Defense Fund, the World Wildlife Fund, the National Wildlife Federation, and Greenpeace have endorsed the House bill. The groups have suggested that the bill's enforcement, monitoring, and incentive measures will actually reduce dolphin deaths.

In Mexico, the prominent environmental organization Grupo de los Cien (G-100) expressed guarded support for the lifting of the embargo. "We have to see now whether the Mexican fisheries industry will take the necessary steps to protect dolphins once the embargo is lifted," said G-100 president

Homero Aridjis. Aridjis said the embargo was supported by two groups in the US with very different motivations: environmentalists with legitimate concerns and economic interests seeking to profit from restrictions on Mexican tuna imports.

The argument about whether the US embargo has been fair to Mexico has been a major source of tension in bilateral relations between the US and Mexico. For example, Mexican negotiators raised the issue during discussions of the North American Free Trade Agreement (NAFTA) but ultimately left the issue out of the negotiations. Even though the matter was excluded from NAFTA, Mexico still filed a complaint with a special committee of the General Agreement on Tariffs and Trade in 1994 (see SourceMex, 08/10/94).

According to statistics released by the Environment, Natural Resources, and Fisheries Secretariat (Secretaria del Medio Ambiente, Recursos Naturales y Pesca, SEMARNAP), the Mexican fishing industry lost a total of US\$350 million during the six years in which the embargo was in effect. Before the embargo was imposed, Mexican tuna exports to the US peaked at US\$81 million in 1988. After the embargo, exports declined to US\$55 million in 1990 and US\$36 million in 1991. The national fisheries industry chamber (Camara Nacional de la Industria Pesquera, CANAIPES) said the US restrictions resulted in the loss of 6,000 direct jobs in the fisheries industry in Baja California state. "The embargo was imposed for "environmental" reasons but, in reality, represented another unfair trade practice by our competitors," CANAIPES said.

CANAIPES and SEMARNAP officials argue that Mexico has already shown a commitment to reduce dolphin deaths, independent of any legislation passed in the US. For example, they noted that Mexico was among the eight countries that signed the Declaration of Panama in 1995, which committed those nations to reduce dolphin deaths in the western Pacific Ocean to about 5,000 annually (see Chronicle of Latin American Economic Affairs, 10/25/95). They said the Declaration of Panama was motivated by statistics showing that more than 7 million dolphins have died in the eastern Pacific Ocean over a 30-year period after accidentally becoming caught in fishing nets.

CANAIPES spokespersons said Mexico has also signed the Multilateral Accord of La Jolla, which pledges progressive reductions in the incidental capture of dolphins. Still, CANAIPES officials acknowledged that the embargo also forced the Mexican fisheries sector to improve its capture methods to better protect dolphins. Some US opponents also criticized the US Congress and the Clinton administration for accepting weaker environmental rules to promote international trade. One group, the United We Stand organization founded by presidential candidate Ross Perot, sent a series of faxes to members of Congress before the House vote to denounce the end to the tuna restrictions. The group said the lifting of the embargo was another improper use of taxpayer money to subsidize the Mexican economy, similar to the package of financial assistance engineered by President Clinton in early 1995 to help Mexico overcome its economic crisis. (Sources: La Jornada, 04/15/96, 08/01/96; Reforma, 04/19/96, 06/07/96; Notimex, 04/30/96, 07/15/96, 07/17/96, 07/28/96; Reuter, 05/08/96; The News, 08/01/96; Excelsior, 08/07/96)

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