

## A U.S. Perspective on Access to Fisheries Resources

LARRY L. SNEAD

The passage of the Magnuson Fishery Conservation and Management Act of 1976 (MFCMA) and the establishment of a 200-mile exclusive economic zone (EEZ) in 1983 have resulted in a radical change in the pattern of foreign fishing operations off the U.S. coasts. Likewise, the extensions of 200-mile EEZ's by other nations have impacted U.S. distant-water fisheries. The result has been that a new international framework for fisheries is emerging and is continuing to evolve.

U.S. international fisheries policies have paralleled this change in the pattern of access to fisheries resources. In the 10 years following the passage of the MFCMA, emphasis was placed on policies designed to promote the rapid development of the U.S. fishing industry within the U.S. EEZ. In this process, the allocation to foreign countries of surplus fish stocks in the U.S. EEZ was the primary tool by which those countries were encouraged to assist in the U.S. industry's development.

In recent years, however, the U.S. harvesting and processing sectors have displaced most foreign fisheries in U.S. waters. Allocations to foreign countries have declined from more than 2 million metric tons (t) in 1977 to less than 200,000 t in 1987. Consequently, foreign fishermen are rapidly being replaced by U.S. fishermen and increased domestic emphasis is now being placed on issues relating to fisheries activities beyond the EEZ. These

issues include access to resources in other countries' waters, the problems surrounding straddling and trans-boundary stocks, and issues related to fisheries trade.

I would first like to review the progress we have made in the evolution of U.S. fisheries policy in the decade following the introduction of the MFCMA in 1976, and some of the key responsibilities of the Department of State. Upon the MFCMA's entry into force on 1 March 1977, the United States suddenly had under its jurisdiction an enormous fisheries resource, much of which had previously been targeted only by foreign countries. In the waters off Alaska, for example, the United States now controlled a groundfish fishery in which U.S. fishermen had almost no previous participation. The MFCMA's objective to promote the complete domestic utilization of the fish stocks in the U.S. EEZ and to phase out foreign fishing has proven to be a monumental, but achievable task.

Following MFCMA passage, one of the first challenges we faced at the Department of State was the negotiation of bilateral framework agreements with foreign countries which desired to fish in the U.S. 200-mile zone. These agreements, called "GIFA's" simply spelled out the principals and procedures under which countries could apply to fish; they did not guarantee fisheries access, nor did they guarantee fishery economic benefits to the United States. Currently, ten such agreements are in force.

The MFCMA also gives the Department of State responsibility over the allocation of fish to foreign countries

which have concluded GIFA's and which apply to fish in the U.S. zone. The allocation of surplus fish stocks to foreign countries since the late 1970's has reflected our concern for conservation as well as development. The MFCMA originally mandated that allocations be made to foreign countries on the basis of four factors: 1) Traditional fishing patterns, 2) contributions to research on U.S. stocks, 3) adherence to U.S. fisheries regulations, and 4) other appropriate factors (the so-called basket clause). Under these guidelines, foreign fishing effort was substantially reduced on major traditional fisheries such as herring (*Clupeidae*), mackerel, *Scomberomorus* sp.; butterfish (*Stromateidae*), yellowfin sole, *Limanda aspera*; and Pacific ocean perch, *Sebastes alutus*, in the late 1970's to provide for the recovery of U.S. fisheries.

However, in addition to curbing overfishing, the rapid development of the U.S. fishing industry required domestic expansion into the nontraditional groundfish fisheries that had not previously been exploited by the U.S. industry. It became clear early on that allocations represented strong leverage by which foreign countries could be encouraged to assist in the U.S. industry's development and expansion.

In 1980, the MFCMA was amended to add four new criteria to the list of those which must be considered when making allocations. These were: 1) Barriers to the import of U.S. fisheries products, 2) purchases of U.S. fisheries products, 3) participation in the development of the U.S. fishing industry, and 4) domestic consumption considerations. This amendment ushered

Larry L. Snead is Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, D.C.

in the so-called "fish and chips" policy under which foreign country performance in such matters as the purchase of fish from the U.S. industry and the elimination of trade barriers were specifically added as factors to be taken into account in the allocation process.

Although directed foreign fishing in the U.S. EEZ was increasingly being curtailed in the early to mid-1980's, allocation policy continued to provide important leverage in promoting the utilization of U.S. fisheries resources by the U.S. industry. Particularly important was the use of allocations to encourage the rapid expansion of "over-the-side" joint ventures, in which fish harvested by U.S. vessels is sold at sea to foreign processors. This type of joint venture (J/V) was extremely successful in providing alternative offshore markets for U.S. fishermen.

Joint ventures increased dramatically in size from a mere 33,000 t in 1980, to 350,000 t in 1984, and to an estimated 1.5 million t in 1987. The growth of the J/V fisheries was responsible for the nearly complete displacement of directed foreign fishing by U.S. fishermen in less than a decade. Because of the limited overall availability of fish in the U.S. zone, we are rapidly reaching the point where J/V fishing will necessarily peak out. We expect J/V's to be gradually phased out also as development continues in the domestic shorebased processing industry.

Our objective to promote the development of the processing sector of the U.S. industry has been less dramatic than in the "over-the-side" joint venture area, but some positive movement has been made relatively recently in this area. For example, through the industry to industry forum, Japan agreed in 1985 to assist the U.S. industry through investment in surimi plants in Alaska and through a liberalization of its import quota system. The Department and other U.S. interests are continuing their efforts to encourage additional benefits for the U.S. processing industry through the establishment of equity joint ventures,

further trade liberalization, etc.

In addition to the goal of full domestic utilization of the EEZ for the benefit of U.S. harvesters and processors and for the phaseout of foreign activities in the U.S. zone, the focus of U.S. international fisheries policy and the responsibilities of the Department of State under the MFCMA also concern fisheries issues beyond the U.S. EEZ. Together with opportunities for domestic expansion within the U.S. 200-mile zone, some important sectors of the U.S. industry are looking toward maintaining and possibly increasing their access to stocks in the EEZ's of other countries. The negotiation of favorable access agreements for the benefit of U.S. distant-water fisheries is thus important in our overall fisheries policy and is an important mandate of the Department of State under the MFCMA.

Earlier in 1987, for example, following years of intensive negotiations, a South Pacific Regional Fisheries Treaty was signed with 16 island nations which will permit access for the U.S. tuna industry to some 10 million square miles of rich fishing waters in the South Pacific Ocean. Access to these resources will be on the basis of annual regional licenses issued by the South Pacific Forum Fisheries Agency (FFA). Associated with the treaty is an agreement between the U.S. government and the FFA which provides an annual assistance package of \$10 million to the Pacific Island States. The agreement, which will run for 5 years, will help ensure a viable future for U.S. tunaboat operators and processors in the South Pacific Ocean. In addition, the treaty will resolve a serious foreign policy problem for the U.S. government generated by U.S. fishing activities in the region.

The Department has also initiated negotiations with the Soviet Union regarding possible access by U.S. fishermen to resources in the Soviet EEZ. This effort is in response to requests by some sectors of the U.S. industry, in particular the crab harvesting sector, to explore potential opportunities with the Soviet Union. Following two rounds of talks, we are cautiously opti-

mistic that some type of agreement can be reached. At the same time, however, the Soviet Union has been certified by the Department of Commerce under the Packwood Amendment for whaling policies that are deemed to undermine the objectives of the International Whaling Commission and cannot presently receive any allocations in the U.S. EEZ. This remains a complicating factor in these talks.

Aside from, but related to, the issue of fisheries access, the Department has placed increased emphasis on conservation issues beyond the EEZ which may affect fisheries within the EEZ. For example, as foreign countries have been phased out of the groundfish fisheries in both the U.S. and Soviet EEZ's, fishing effort in the international waters of the Bering Sea (the so-called donut hole) has grown dramatically. This effort, which some observers believe may exceed some 700,000 to 1,000,000 t in 1987, threatens to undo the conservation gains which have been made in the EEZ. We are at present [1987] attempting to obtain timely information from all countries fishing in this area so that the domestic fisheries management bodies can begin to analyze what effects this fishery may have on Walleye pollock, *Theragra chalcogramma*, stocks in U.S. waters. The longer term resolution of this issue is a matter which will require extensive consideration. As noted earlier, significant progress has been made in using allocations as leverage in promoting the full development of the zone by U.S. harvesters and processors. However, allocations have been phased out almost entirely and our leverage in dealing with problems such as the donut area and similar issues has also been reduced.

The Department is also involved in addressing complex transboundary stock issues with our neighbors, Mexico and Canada. One such issue concerns the anchovy (Engraulidae) and king mackerel, *Scomberomorus cavalla*, stocks shared between the United States and Mexico. In the case of anchovy, although we have long been interested in improving coordina-

tion of bilateral management measures for these stocks, Mexico has not shared our perception of the urgency for coordination. In the case of king mackerel, it is generally believed that there is a relationship between stocks harvested off Mexico and those harvested in the U.S. EEZ in the Gulf of Mexico. While we have undertaken some preliminary research with Mexico and have discussed the issue in the context of MEXUS Gulf, much remains to be done.

A similar situation exists regarding transboundary stocks on Georges Bank. For example, Canada has requested on several occasions that we seek ways to expand bilateral coordination of haddock management in this area. While we are willing to do so, it is difficult at present to give detailed consideration to bilateral coordination of management measures. The two countries presently take different approaches in their respective policies on groundfish management. As with the other problems on complex and politically sensitive transboundary and straddling stock issues, a resolution is likely to require extensive discussions over a period of time between the parties involved.

A related area of concern has been access to fisheries stocks outside Canada's 200-mile zone on the east coast. Since October 1984, when U.S. fishermen lost a significant portion of Georges Bank as the result of the Gulf of Maine maritime boundary adjudication by the World Court, a number of U.S. vessels returned to their former traditional fisheries in the Northwest Atlantic Fisheries Organization (NAFO) regulatory area. This has created a difficult situation because the United States is not a member of NAFO, nor has the organization come to grips with the issue of nonmember fishing, other than to urge that such fishing cease. The current NAFO members, of course, do not wish to see their quotas impacted as a result of

fishing by additional nonmember countries. It has been suggested that nonmembers, such as the United States, join NAFO, but, realistically, membership holds few attractions without an assurance that adequate shares in NAFO quotas would be available to new members.

Under the MFCMA, the Department also has the lead on negotiations regarding the protection of U.S.-origin salmonids and this has long been a major area of concern in U.S. international fisheries policies. In recent years, we have concluded a number of successful agreements regarding anadromous species on both coasts. In 1983, the North Atlantic Salmon Conservation Organization Protocol was signed to provide for the protection of North Atlantic salmon from high seas harvests. Two years later, an agreement was reached with Canada, after some 14 years of talks, on the complex issue of regulating fisheries within the 200-mile zone of each country which harvests salmon originating in the other country's rivers. Finally, in 1986, the International North Pacific Fisheries Commission Protocol was amended to provide additional restriction on Japan's high seas harvest of salmon of North American origin.

As mentioned, fisheries trade issues became much more focused as a U.S. objective and were specifically included among the criteria we review prior to making decisions on the allocation of surplus fisheries resources in the U.S. EEZ under a 1980 amendment to the MFCMA. However, the main focus of activity on fisheries trade issues has centered on mechanisms unrelated to the allocation process.

An excellent example of this emphasis is the trade agreement with Japan on pollock and herring quotas reached in March 1987. Following six rounds of talks from September 1986 to March 1987, chaired by the U.S. Trade Representative's office in co-

operation with the Departments of State and Commerce, an agreement was reached by which Japan agreed to remove important nontariff barriers to imports of U.S. produced pollock and herring products. It established for the first time a system by which any willing buyer will have easy access to Japanese fish import quotas on these items. The agreement is of great significance to the developing U.S. surimi industry and the Department of Commerce estimates that it will facilitate a vast increase in U.S. surimi exports to Japan. As we continue to develop the domestic capacity to fully utilize the fish resources in the U.S. zone, efforts to open and stabilize access for U.S. produced fish through international channels will become increasingly important.

In summary, the dramatic changes which have taken place in U.S. fisheries have resulted in a fundamental shift in the emphasis of U.S. international fisheries policies. In the first decade following the MFCMA's implementation, the main goal was the development of fisheries within the U.S. 200-mile zone through the control of large surplus fisheries resources. Now that this goal is clearly in sight, major new emphasis is being placed on international problems we face regarding fishery issues beyond the EEZ. These have taken the form of either a desire for access to fish stocks outside the U.S. EEZ, an interest in ensuring that fisheries beyond U.S. waters do not adversely affect the conservation of stocks within the zone, or efforts to expand foreign markets for U.S. produced fishery products. Based on recent trends, it is likely that this process will continue and that U.S. policies will increasingly be directed toward working out solutions to such difficult issues through international negotiations and cooperation with other countries.