

# WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

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AGENDA ITEM 6b  
May 1977

May 16, 1977

Mr. David H. Wallace  
Associate Administrator  
for Marine Resources  
National Oceanic and Atmospheric Administration  
U. S. Department of Commerce  
Rockville, Maryland 20852

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Dear Mr. Wallace:

Your proposed principles for a position on transboundary stocks, which you sent to us for review on April 25, have been distributed to our Council members, and we have received some comments from them. The matter is of such great importance, however, that I hope that your deadline of May 21 will not mark the last word on this issue. Like some of the other Regional Councils, we need an opportunity to have this policy discussed at a full Council meeting, and our next meeting is not scheduled until late in June. You will understand that it is not as convenient for us to bring our members together frequently as in some of the more compact regions.

For the present, on the basis of comments received, I can say the following about the proposed principles. The numbered paragraphs 1 - 3 appear to give the Councils an adequate voice in the negotiation of treaties for the management of transboundary stocks. The last sentence of paragraph 3 is a red flag to alert the Councils to what should be quite apparent throughout, that is, that the area of real concern must always be in the contents of the treaties. The Councils will have to be prepared to employ every political weapon at their command at all times to make sure that the Government does not strip them of their statutory authority by the treaty route.

The final, unnumbered paragraph needs thorough revision. For example, there is no apparent reason why the Councils should lose their right to review the results of negotiations, just because the treaty calls for establishment of a commission or consultative body. The following reformulation is suggested:

"In case a treaty provides for an international commission or consultative body, the concerned Council(s) shall be represented on this body by members drawn from a list submitted by the Council(s). Furthermore, the Council(s) may also make recommendations for others to serve as advisors to that body or commission. The decisions or recommendations of the Council(s) with respect to the management of fisheries for transboundary stocks within the fishery conservation zone(s) of their region(s) shall be incorporated into any management regime and proposed regulations which United States representatives on the commission or consultative body may accept."

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The drafting can perhaps be improved, but I am sure that you will understand the principle, which is simply that the authority of the United States to manage fisheries within the conservation zone, through the mechanism of regional councils established by the FCMA, must be maintained as the supreme authority. We have had enough experience on both sides of the other type of arrangement to know that it cannot adequately protect the interests of the coastal nation.

I hope that we will have the opportunity to comment further on this general question, after mature consideration by the Council.

Sincerely,

  
Wadsworth Y. H. Yee  
Chairman

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