

Establishment of an Inter-American Tropical Tuna Commission

Convention between the United States of America And Costa Rica

- Signed at Washington May 31, 1949
- Ratification advised by the Senate of the United States of America August 17, 1949
- Ratified by the President of the United States of America September 1, 1949
- Ratified by Costa Rica December 23, 1949
- Ratifications exchanged at Washington March 3, 1950
- Proclaimed by the President of the United States of America March 23, 1950
- Entered into force March 3, 1950

And Exchange of Notes Signed at Washington March 3, 1950

By the President of the United States of America

A PROCLAMATION

WHEREAS a convention between the United States of America and the Republic of Costa Rica for the establishment of an inter-American tropical tuna commission was signed by the duly authorized plenipotentiaries of the two countries at Washington on May 31, 1949, the original of which convention, in the English and Spanish languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information of facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

James E. Webb, Acting Secretary of State

Wilbert M. Chapman, Special Assistant to the Under Secretary of State

The President of the Government of Costa Rica:

Mario A. Esquivel, Ambassador

extraordinary and Plenipotentiary of Costa Rica

Jorge Hazera, Counselor of the Embassy of Cost Rica

who, having communicated to each other their full powers, found to be in good and due from, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the objective of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.
2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.
3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.
4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.
5. The Commission shall decide on the most convenient place or places for its headquarters.
6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.
7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.
8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.
9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-law or rules for the conduct of its meetings.
10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.
12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.
13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:
 - (a) the drafting of programs of investigation, and the preparation of budget estimates for the Commission;
 - (b) authorizing the disbursement of the funds for the joint expenses of the Commission;
 - (c) the accounting of the funds for the joint expenses of the Commission;
 - (d) the appointment and immediate direction of technical and other personnel required or the functions of the Commission;
 - (e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;
 - (f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;
 - (g) the drafting of administrative, scientific and other reports for the Commission;
 - (h) the performance of such other duties as the Commission may require.
14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the secretary, in either language.
15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.
16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of yellowfin (Neothunnus) and skipjack (Katsuwonus) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.
2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.
3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.
4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.
5. Recommend from time to time, on the basis of scientific investigations proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.
6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by the Convention, from vessels or persons engaged in these fisheries.
7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

ARTICLE III

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

ARTICLE IV

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Parties, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

ARTICLE V

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.
2. The present Convention shall enter into force on the date of exchange of ratifications.
3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.
4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.
5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notifications of denunciation received.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May 1949.

FOR THE UNITED STATES OF AMERICA:

James E. Webb
W.M. Chapman

FOR THE REPUBLIC OF COSTA RICA

Mario A. Esquivel.
Jorge Hazera

WHEREAS the Senate of the United States of America, by their resolution of August 17, 1949, two-thirds of the Senators present concurring therein, did advice ad consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on September 1, 1949, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of the Republic of Costa Rica;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on March 3, 1950;

AND WHEREAS it is provided in Article V of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of March in the year of our Lord one thousand nine hundred fifty
[SEAL] and of the Independence of the United States of America the one hundred seventy-fourth.

HARRY S TRUMAN

By the President:
Dean Acheson
Secretary of State