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PRIORITY

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SECURITY INFORMATION
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822.245/2-152

FOREIGN SERVICE DESPATCH

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FROM **Ambassy, Quito**

609.

DESP. NO.

TO **THE DEPARTMENT OF STATE, WASHINGTON.**

February 1, 1952

DATE

REF: **Embassy Telegram 260 of January 31, 1952**

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SUBJECT: **NEW ECUADORAN FISHING DECREE**

By virtue of Executive Decree No. 0160 of January 29, 1952, foreign flag vessels are prohibited henceforth from fishing within Ecuadoran continental waters, defined as an area including all waters within a line measured 12 nautical miles from the low tide mark and apparently to be drawn between the westernmost points of the coast. This would mean that the territorial waters would in effect vary from a minimum of 12 nautical miles to a maximum of some 40 or 50 miles at certain points. It is not clear whether the islands adjacent to the continent are to be considered as projections of the coast for the purpose of drawing this imaginary line, or whether they are to be surrounded by a separate 12-mile band of territorial waters. The wording of this section of the new decree parallels that of the basic law (Decree No. 003 of February 22, 1951); therefore, it does not appear that any change is intended in the definition of territorial waters.

The new decree also provides that foreign flag vessels can continue to fish in the territorial waters around the Galapagos Islands but that permits for fishing in those waters must be obtained in writing in advance. Henceforth, only permit renewals may be obtained by radio (from the Ecuadoran consul who issued the original permit). Previously, a fishing permit could be obtained after the vessel was at sea. Another provision of the new decree permits all Ecuadoran flag vessels to report violations of this decree and grants 50% of any fines imposed to the reporting ship.

Pressure from the local fishing industry is probably primarily responsible for this new decree; however, the proposed imposition of import quotas and increased duties on frozen tuna brought into the United States may be a secondary reason for this restrictive measure on the part of Ecuador.

The Spanish text of the new decree is enclosed together with a translation. These enclosures are unclassified.

- Copies to:
1. Ecuador Desk, Dept. of State
 2. Amconsulate General, Guayaquil
- Enclosures:
1. Decree 0160, 1-29-52 (copy)
 2. Translation of Decree 0160

For the Ambassador:
Royce A. Wight
Royce A. Wight
Economic Attaché

NEWarner/mc
REPORTER

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SECURITY INFORMATION

C-O-P-Y

NO. 0160

GALO PLAZA

PRESIDENTE CONSTITUCIONAL D'LA REPUBLICA

CONSIDERANDO:

Que el I. Concejo Cantonal de Manta, varias Entidades y los pescadores organizados del mencionado Puerto, centro pesquero principal de la Costa, se han dirigido al Gobierno solicitándole arbitre las medidas necesarias tendientes a prohibir la pesca en aguas territoriales continentales, por naves de bandera extranjera, las que sin acatar la Ley de Pesca realizan sus operaciones sin las correspondientes licencias, creando así un problema grave para la alimentación de nuestras poblaciones como para la naciente industria pesquera nacional, ya que disponiendo de medios modernos para la pesca están realizando las actividades cotidianas de centenares de ecuatorianos que viven de la pesca, y por otra parte, agotan la riqueza biológica del mar Continental;

Que la prohibición de la pesca en aguas continentales para naves de bandera extranjera, no menoscaba, en forma alguna, los ingresos que tanto al Fisco como los cooparticipes perciben por concepto de licencia de pesca, ya que esas naves pueden operar en Archipiélago de Colón, que es la zona pesquera más importante de América;

Que la Función Ejecutiva de acuerdo con el Art. 11 de la Ley de Pesca y Cacería Marítima se halla facultada para prohibir, restringir, limitar o condicionar las actividades de la pesca en cuanto dicen relación, entre otras cosas con su intensidad y más requisitos señalados en el mismo artículo;

Que es deber de los Poderes Públicos defender la riqueza nacional, y sobre todo, precautelar los legítimos intereses de su pueblo.

DECRETA:

Art. 1 - Prohibese la pesca a naves de bandera extranjera en las Aguas Territoriales Continentales, a lo largo de la faja comprendida entre el límite con las aguas de Colombia, por en Norte, y, el límite con las del Perú, por el Sur, entendiéndose ésta como la zona comprendida dentro de las doce millas náuticas medidas desde la línea de la más baja manera en las puntas más salientes de la costa ecuatoriana e islas adyacentes.

Art. 2 - Para el ejercicio de las operaciones de pesca en aguas territoriales insulares del Archipiélago de Colón, por naves de bandera extranjera, será condición esencial la de que obtengan las correspondientes licencias por escrito; y, por radio, únicamente en el caso contemplado en el inciso 1 del art. 23 de la Ley de Pesca y Cacería Marítima vigente.

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Art. 3 - Toda infracción a las disposiciones de este Decreto será sancionada de conformidad con las penas establecidas en el Art. 52 de la Ley de la materia. Queda facultado el Ministro de Economía para imponer cualquiera de ellas, según la gravedad de la infracción y las circunstancias de la misma.

Art. 4 - Concedese acción popular para la denuncia de las infracciones al presente Decreto; y a las naves de la Marina Mercante Nacional, según Ley, concédese el derecho al 50 por ciento del valor de la multa líquida si se llegare a imponer, por denuncia y servicio de captura.

Art. 5 - Encárguense de la ejecución del presente Decreto, los señores Ministros de Estado en las Carteras de Economía, Relaciones Exteriores, Defensa Nacional y del Tesoro.

Dado, en el Palacio Nacional, en Quito, a 29 de Enero de 1952

GALO PLAZA

El Ministro de Economía,

Ledo. Colón Serrano

El Ministro de Defensa Nacional,

Manuel Díaz Granados

El Ministro de Relaciones Exteriores,

Dr. Neftalí Ponce M.

El Ministro del Tesoro,

A. Peñaherrera V.

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(Classification)

NO. 0160
GALO PLAZA
CONSTITUTIONAL PRESIDENT
OF THE REPUBLIC

CONSIDERING:

That the Council of Manta, various entities, and the organized fishermen of the mentioned port, the principal fishing center of the coast, have approached the Government requesting that it devise the necessary measures to prohibit fishing in continental territorial waters by foreign-flag vessels which, without respecting the fishing law, operate without the corresponding licenses, thus creating a grave problem for the feeding of our towns, as well as for the nascent national fishing industry, inasmuch as with their modern methods of fishing they are displacing hundreds of Ecuadorans who live by fishing from their daily activities and, besides, are exhausting the biological riches of the continental sea;

That the prohibition of fishing in continental waters by foreign-flag ships would not lessen in any way the receipts which the treasury, as well as other participants, receive from fishing licenses, since those ships can operate in the insular territorial waters of the Columbus Archipelago, which is the most important fishing zone in America;

That the Executive Branch, in accordance with Article XI of the Law on Fishing and Maritime Hunting, is competent to prohibit, restrain, limit or lay down conditions governing fishing activities so far as its intensity and other conditions pointed out in the same Article are concerned;

That it is the duty of the Public Powers to defend the national wealth and, above all, to watch over the legitimate interests of the people.

DECREES:

Article 1 - Fishing by foreign flag ships in the continental territorial waters is prohibited within a band lying between the limit of the Colombian waters on the north and the limit of those of Peru on the south, this being understood as the zone within twelve nautical miles measured from the line of the lowest tide at the most salient points of the Ecuadoran coast and adjacent islands.

Article 2 - For the exercise of fishing operations in the insular territorial waters of the Columbus Archipelago by foreign flag ships, an essential condition will be the obtention of the corresponding license in writing; and by radio solely in the case contemplated in paragraph one of Article 23 of the Law on Fishing and Maritime Hunting now in force.

UNCLASSIFIED

Article 3 - Infractions of the dispositions of this decree will be sanctioned in conformity with the penalties established in Article 52 of the basic law. The Minister of Economy is empowered to impose any one of these according to the seriousness of the infraction and the circumstances of the same.

Article 4 - Action by private individuals is allowed in the reporting of infractions of the present Decree; and the right to 50% of the value of the net proceeds of any fine imposed is granted to ships of the national merchant marine for the report and the service of capture.

Article 5 - The Ministers of State for Economy, Foreign Affairs, National Defense and the Treasury are charged with the execution of the present Decree.

Given in the National Palace in Quito, January 29, 1952.

GALO PLAZA

The Minister of Economy,

Lcdo. Colón Serrano

The Minister of National Defense,

Manuel Díaz Granados

The Minister for Foreign Affairs,

Dr. Neftalí Ponce M.

The Minister of the Treasury,

A. Peñaherrera V.

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