Chapter VI

THE NORTHERN FISHERIES
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Background

The North Pacific has been Japan’s fishing ground for about 200 years now. Under the Fishery Agreement of 1907 between Japan and Czarist Russia, Japan obtained fishing rights in Soviet territorial waters in the Sea of Japan, the Sea of Okhotsk and the Bering Sea. These rights were recognised in the Basic Agreement of 1925 between Japan and the Soviet Union. The Fishery Convention of 1928 laid down, in detail, all the conditions pertaining to such rights. When the Japanese Soviet relations deteriorated after 1936, the Soviet Union would only agree to a yearly renewal of these rights after protracted negotiations. The Fishery talks served as a barometer of Japanese-Soviet relations. In 1944, the Fishery Convention was extended for five years, but Soviet participation in the War, in August 1945 cut short the operation of the Convention.

Japan had started offshore fishing for salmon and trout in the North Pacific since 1929 and by 1931 was sending ten mother-ships* and obtaining an average annual

*A mother-ship is a ship which serves as the base for smaller fishing vessels, collection of catch, etc.
catch of 200,000 tons, the highest catch being 300,000 tons.

After the War, Japan not only lost all the fishing rights granted her by the Soviet Union, but the MacArthur Line drawn by the SCAP also deprived her of her offshore fishing rights. Japan's fishing in the north seas came to a standstill. She had to be satisfied with only coastal fishing. The occupation of the Kuriles, Habomai and Shikotan by the Soviet Union and her insistence of a twelve mile limit of territorial waters, gave a further blow to her fishing. Apart from the scope for Japanese fishing becoming more limited, the possibilities of capture due to alleged violations of the Soviet territorial waters became greater.

PRESSURES ON THE GOVERNMENT BY FISHERY INTERESTS

Although the ratification of the San Francisco Treaty would open up the northern seas to the fishermen of Japan, the representatives of the fishing interests felt that their interests would not be protected sufficiently, as the Soviet Union was not a party to the San Francisco Treaty. They, therefore, decided to have informal talks with the Soviet representative in Tokyo. Such a conference was held in Tokyo in January 1952, itself, where representatives of big fishing companies discussed their problems. (1) The

1"Nisso Kosho to Suisankai no ugoki", ChosaGeppo (Japan, Cabinet Research Office), June 1957, p. 38.
hopes of the fishery interests to have further talks at Moscow on the occasion of the World Economic Conference in Moscow, were not fulfilled, because of the refusal by the Japanese Government to permit Japanese businessmen to attend the Conference. However, in August 1953, Onishi Kensaku, President of Hokuyo Suisan Company, who was on a visit to India, East Europe, etc. for discussing fishery problems, entered the Soviet Union and had talks with the officials of the Department of Trade. After return, he made a statement that though normalisation was a political problem, on his private visit to the Soviet Union, he was able to achieve mutual understanding on matters of trade and the talks were held in an atmosphere of goodwill and understanding. Onishi, therefore, felt that trade relations could be promoted. Though the purpose of his Soviet visit, as a representative of the fishing circles, was not made clear, it was believed that he tried to reach an agreement with the Soviet Union about the import of fish from the Soviet coastal waters, the fishing operations being conducted by the Japanese. (2) In other words, there was an attempt to conduct fishing in Soviet coastal waters as a means of trade. Since nothing further was heard about it, the USSR might have turned down the proposal. Yet it indicates the attempts made by the fishing interests to conduct talks unilaterally, since pressure on the Government at that stage would not have been of any avail. The fishing interests did not give up their

2Ibid.
own efforts of having an understanding about the northern fishing. Their opinions were publicly expressed in their own meetings or the meetings of the *Chu So Boeki Sokushin Kaiqi* (Association for promotion of trade with the Soviet Union and China), where they stressed the need for sending their own representative to the Soviet Union for talks. Hiratsuka Tsunejiro of *Dai Nihon Suisan Kai* utilised the opportunity of attending the World Peace Conferences at Berlin and Stockholm, during May–June 1954 for airing his grievances about northern fishing. In these Peace Conferences he not only distributed a pamphlet giving his views but also proposed a World Fisheries Conference. In the pamphlet, Hiratsuka advocated mutual understanding with the Soviet Union and a more positive approach towards normalisation. He argued that for fear of irritating the Soviet Union (with whom Japan does not have normal relations) the Japanese Government was permitting only very limited fishing in the northern waters and particularly denied access to waters near Kamchatka. Hiratsuka himself did not enter the Soviet Union to argue his case, but his representative Fukunaga Kazuomi finally managed to reach Moscow on 10 August 1954.

(3) In the meantime a group of seven Diet Members, who had attended the World Peace Conference along with Hiratsuka, had already reached Moscow and on 21 July 1954 they had talks with Foreign Minister Andrei Y. Vyshinsky. After

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3 Ibid., p. 39.
Malenkov's statement in the Presidium, this was the second official indication of Soviet Union's preparedness to conduct negotiations for normalisation. Vyshinsky proposed that, even before the Peace Treaty was concluded, cultural exchange and proper trade relations could be established. His talks also seemed to indicate a softer policy towards providing relief to fishermen and ships in distress, caught by storms in the waters between Hokkaido and Habomai. However, he repeated the Soviet insistence of a twelve mile limit, but agreed that beyond that limit fishing should be free. He even recognised a joint study of fishery problems along with experts from Japan. All the same, he made it clear that any concessions—more than those enjoyed by Japan—could not be granted without a proper official agreement between the governments following normalisation. (4) Fukunaga Kazuomi who had separate talks with the Secretary of the Soviet Ministry of Fisheries also received replies more or less on the above lines. (5) Hirano Yoshitaro, Member of the Nemuro City Peace Promotion and Economic Promotion Committee, in his talks with his counterpart of the Soviet Peace Promotion Committee on 28 August 1954, was given to understand that


5 "Nisso Kosho to Suisankai no ugoki", n. 1, p. 40.
the Soviet Union was prepared to relight the lighthouse in Kaigarajima near Nemuro and also give relief to Japanese ships in distress. If the Japanese Government started negotiations, the Soviet Union would be prepared to enter into an agreement on fisheries. (6) We have already seen how the Hatoyama Cabinet, which took the reins of government in December 1954 took a positive approach to the question of normalisation of relations with the Soviet Union. The fact that the Soviet representative Dominitsky gained access to Hatoyama through Kuhara Fusanosuke and that the latter was the President of the Nichu Nisso Kokko Kaifuku Kaigi, was not merely a coincidence. The fishery interests carried out their liaison activities between the Soviet representative and the Government through the above Council.

The Hatoyama Cabinet seemed to promise a bright future for the fishing industry by the inclusion of Kono Ichiro as its Agriculture and Forestry Minister. Kono was very closely associated with Hiratsuka Tsunejiro, Chairman of Dai Nihon Suisan Kai. While it is not possible to document clearly each and every move of the fishing world, especially of Hiratsuka and his colleagues for influencing Kono and the Government, the evidence at hand clearly shows that they persistently worked towards creating conditions favourable for their own interests. They prevailed upon him to increase the number of fleets allowed to set out for salmon fishing. In 1956, the number of fleets was raised to nineteen. This decision was taken in November 1955 and

6Ibid.
permits were given to the fleets belonging to fishing companies, Taiyo, Nissui and Nichiro. Out of these seven fleets were to proceed towards Okhotsk Sea; six fleets for crabs were also sanctioned. (7)

The fishery circles were confident of the goodwill maintained by the Soviet Union towards the industry, as they had taken pains to establish their ties with the Soviet Union, through the Soviet representative in Tokyo, and also through direct talks with the Soviet Government officials during their visits to Moscow. In fact, in August-September 1955, the Soviet Union had intimated to the fishing industry her desire to send a mission to study tuna fishing in

7Kono Ichiro's homeground was fishery interests. His connections with Hiratsuka Tsunejiro, President of Nichiro gyo-gyo date back to the pre-war days. Kono himself had been President of Nichiro. With the end of the war, when northern fishing was completely closed, Nichiro was in a bad way, but in 1952, when the seas were thrown open, Hiratsuka tried to regain his monopoly, which was facilitated when Kono became Minister for Agriculture and Forestry. "Nihon no ushio", Sekai, March 1956, pp. 168-9.
Kono's policy of distributing the mother fleets only among the big three fishing companies created a big stir in the fishing circles, but Kono could not be made to retract his decision. Other smaller firms could only get permission to fish with small boats.
The increase in number of fleets over the years was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Mother-ships</th>
<th>Small boats</th>
<th>Catch (salmon and trout)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>3</td>
<td>57</td>
<td>36,400 tons</td>
</tr>
<tr>
<td>1953</td>
<td>3</td>
<td>105</td>
<td>43,000 *</td>
</tr>
<tr>
<td>1954</td>
<td>7</td>
<td>222</td>
<td>78,700 *</td>
</tr>
<tr>
<td>1955</td>
<td>14</td>
<td>407</td>
<td>171,900 *</td>
</tr>
<tr>
<td>1956(proposed)</td>
<td>19</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Zengo Ohira, "Dai Niji Taisen Ato ni okeru Nisso gyo gyo Kankōei", Kokusaiho gaiko zasshi, March 1962, pp. 277-316. Apart from increase of numbers, the increase in the horsepower of engines, the enlargement of size of ships, etc. made it possible to increase the capacity of catch per ship by 2.5 times. "Nisso gyo gyo kosho to suisankai", Nihon Keizai no Ugoki, July 1956, pp. 67-74.
Japan. The industry agreed to this, subject to a Japanese observation team being allowed to inspect Soviet fishing. This condition was accepted by the Soviet Union which agreed to welcome such a team in November 1955. Ultimately, the inspection teams were not exchanged, probably because of the Japanese Government's refusal to give the Soviet team entry permits. (8) Still, this proposal clearly shows the concrete steps taken by the fishing industry to place the fishing operations on a mutually acceptable basis and their confidence in continued goodwill.

Bulganin Line

Even so, the Soviet Union had been watching with concern the increasing fishing operations of Japan. Since 1955, she had been expressing publicly that there was a decline in the salmon stock in the Northern Pacific waters. At the Rome Conference (UN Conference for Conservation of the Living Resources of the Sea) held between 18 April and 16 May 1955, the Soviet delegate warned about the decrease of pink salmon in the Far East, after Japan resumed fishing operations in the northern seas. Though the Soviet Union tried to support her statement by quoting figures, her

8 "Nisso kosho to suisankai no ugoki", n. 1, pp. 43-44
Moscow Broadcast, 3 April 1956.
Ibid., p. 49.
inability to name the rivers or the fishing waters, where there was a decline, made her argument rather weak. (9)

On 10 February 1956, the Soviet Union announced that the Soviet Council of Ministers was seized of the problem of depletion of salmon and trout resources in the north seas, consequent on the reckless fishing pursued by Japan. (10) The Japanese Department of Fisheries denied that the Japanese fishing circles were resorting to reckless fishing, quoting that the annual catch was even less than 60 per cent of the pre-war levels. *Dai Nihon Suisan Kai* argued that the decrease in the number of fish coming to lay eggs in the river beds was not due to reckless fishing by the Japanese but due to the Soviet Union's plans of development of river basins and the loss of beds for laying eggs, by the felling of trees, etc. In their statement, the industry made it clear that while they were prepared to accept the need for conservation of resources, it was not proper to attain this by an unilateral declaration. A better method would be to have joint teams to study the question. The industry, however, clarified that their statement was not meant as a

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10. *Pravda*, 11 February 1956 in *CDSP*, vol. 8, no. 6, pp. 33-34
protest but as an expression of their views on the Soviet statement and that they proposed to watch and wait. (11)

This optimistic mood was shattered by the Moscow broadcast of 21 March 1956, which gave, in detail, the decision of the Soviet Council of Ministers, more commonly known as the Bulganin line. (12)

The Soviet limitations on salmon fishing for conservation purposes might be justified. Japan had already agreed in 1951 to voluntarily abstain from fishing in the northern Pacific waters east of 175° longitude in the Agreement with the USA and Canada. The Soviet Union was rather peeved at the concessions made by Japan in the interests of USA and Canada. In 1955 autumn, the USSR put

11"Nisso Kosho to Suisankai no ugoki", n. 1, pp. 45-46.

The Resolution of the USSR Council of Ministers specified the area of fish preservation zone, the annual catch and the duration of fishing. It was also laid down that fishing should be done only under express permits from the Soviet Union and would be strictly supervised by Soviet Union.

Fishing Zone: The whole area of Okhotsk Sea and the western part of the Bering Sea and in the Pacific Ocean adjacent to the USSR territorial waters, to the west and northwest of a conventional line running from Cape Olyutorsky in the Bering Sea south along the meridian to a point 48° north 170° 25' east thence southwest until it reached the limits of USSR's territorial waters at Anuchin island in the lesser Kuriles.

Period of catch: 15 May - 15 September.

Quantity of catch: for 1956, 50,000 tons.
forward a proposal to Canada that she too should be made a party to the fishery agreement between Japan, USA and Canada. At the Rome Conference, Canada also had complained about the depletion of salmon and trout resources, as the Japanese methods of mother ship fishing enabled huge catches. In fact, Canada proposed that a Conference of Soviet Union, Canada, USA and Japan should be held in Tokyo. (13) Therefore, the Soviet contention of Japanese reckless fishing and the need for imposing limitations, had the support of other nations as well. Moreover, the increase of fleets sanctioned by Kono for 1956, coupled with the improved fishing techniques, made an increased catch possible and this too might have agitated the Soviet Union. But the unilateral character of the decision imposing the limitation and the timing of the decision were such as to make it clear that the Soviet Union desired to use this issue to impress upon the Japanese Government the disadvantages of lack of normal relations between the two nations.

The fishing industry was not averse to taking steps for the conservation of fish. In fact, as soon as the negotiations with the Soviet Union were started, it created Nisso gyogyo tokubetsu iinkai (Special Committee on Japanese-Soviet Fisheries) with membership open to all fishing

interests and which included experts on fishing. This Committee brought forth studies on the subject and presented them to Matsumoto Shunichi. The objectives, which the fishing circles wished to achieve through the talks, were conditions conducive to safe fishing in high seas, recognition of freedom of fishing beyond the territorial waters and facilities to land in Kuriles for processing fish, in case the demand for the return of Kuriles could not be stressed. They were also willing to discuss any measures for the conservation of fish. (14) This attitude of the fishing circles in presenting their demands through the Government delegation and awaiting the results was suddenly changed, however, when the Bulganin line was announced. There was resentment against the Government for bungling the negotiations, which led to such a rigid stand taken by the Soviet Union on the fishery issue. The industry announced that it would set forward for fishing, as planned, and that the Government should ensure safety. It also put forward a proposal that fishery negotiations be allowed to be conducted privately between the industry and the Soviet Union. Finally, realising that such a course would be impossible, it dropped this demand. The folly of violation of Soviet directives also became clear with the publication of the Soviet decision of 21 April 1956 giving details of

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14 Details of the policy of the fishery circles were announced by Dai Nihon Suisankai on 9 February 1955 "Nisso Kosho to Suisankai no ugoki", n. 1, p. 42.
penalties for violation of Soviet directives. Direct approaches to the Soviet representative, Dominitsky, had made clear that violators would be seized without fail. (15)

Therefore, the industry came out openly with the demand for separating the fishery issue from the territorial problem. The stand taken by the industry revealed its desire to promote its self interest, even if that did not accord with the national interest. It asked for the normalisation of relations over the fishery agreement only.

**FISHERY NEGOTIATIONS**

The Fishing Industry succeeded in prevailing upon the Government the inclusion of their representatives in

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It is worth noting here that the petty independent fishermen felt that as far as they were concerned, before the War, Hiratsuka Tsunejiro who had monopoly of fishing rights in Kamchatka, used to forbid offshore fishing and now Soviet Union had taken his place. Again, criticism was also levelled against the Government policy of urging fishermen to go to the high seas in order to make up for depletion of stocks in coastal waters. In 1951, when Government rationalised below subsistence fishing, those who lost the fishing grounds were permitted to go north and the newly opened grounds for the salmon fishing in the north were a boon to them. The Government also came under attack for catering to the interests of big fishing companies and not pursuing a responsible policy. It was felt that this policy had resulted in provoking Soviet Union to announce the restrictions. Asahi, 16 April 1956, 17 April 1956. Feature Article, "Northern Fisheries".
the delegation to Moscow. Nakabe Kenkichi, President of Taiyo, Suzuki Kyutei, President of Nihon Suisan and Fujita Iwao, Vice-President of Dai Nihon Suisan Kai represented the fishing circles. Even though Kono affirmed that the terms of reference of the delegation were limited to the agreement on fisheries, he had the intention of going beyond the scope of fisheries. (16) Again, the fishery circles were demanding that the delegation should be vested with sufficient powers to exercise independent judgement on issues, depending on circumstances. They also reiterated that no useful agreement on fisheries could be arrived at unless some undertaking was given for the early termination of the state of war and the opening of diplomatic relations, leaving the territorial problem to be settled at a future date. (17) The pronouncements of the representatives of the fishing industry gave an indication that the negotiations at Moscow would not stop short at a fishing agreement, but might result in some other commitment as well. It also appears that Fujita Iwao, Member of the delegation, visited Dominitsky before the delegation's departure. Thus the Soviet representative was posted with the developments about the problem. This is also borne out by the fact that even as the delegation had reached Stockholm, Nishi Haruhiko, Japanese Ambassador in

16 Ichiro Kono, Ima dakara hanaso (Tokyo, 1958), p. 9

17 Tokyo, 11 April 1956.
Sankei, 24 April 1956.
London, was given a note by Jacob Malik that Dominitsky be allowed to leave the country to assist in the Moscow talks and an official to replace him be allowed to enter Japan. In addition, two or three officials should be given entry permits to handle the problems arising out of the fishery negotiations. This request agitated Foreign Minister Shigemitsu. He asked Kono to await his orders before proceeding to Moscow. However, after due consideration of the consequences of recall of Kono and denial of an exit visa to Dominitsky, the Foreign Ministry decided to allow entry of only one person. They also made it clear that the person who replaced Dominitsky would not be given a diplomatic status and other privileges but would only be treated as an official responsible for dealing with fishery problems. (18)

The recall of Dominitsky and the insistence on his replacement might be considered as the Soviet attempt to legitimise the status of the mission and thus resort to the normalisation of diplomatic relations by instalments.

The talks on northern fisheries were only held for two weeks from 28 April to 14 May 1956. The Soviet delegation was headed by A.A. Ishkov, Minister for Fishing Industry.

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18 Sergei Tchivinsky, Third Secretary in the London Embassy was deputed to take Dominitsky's place and he arrived on 13 May 1956. However, the Foreign Ministry had to agree, later on, to the entry of two more officials for dealing with the question of fishing permits.

Sovieto Nenpo 1958, pp. 374-5.
Hokuyo Gyogyo Soran, n. 9, p. 82.
The two delegations divided into sub-committees for consideration of specific issues and the resolutions by these sub-committees were submitted to the main meeting. By 11 May, agreement was reached on the draft Convention concerning the High Sea Fisheries of the Northwest Pacific Ocean and the draft agreement for cooperation for the rescue of persons in distress at sea. However, when the Agreement was about to be signed on 12 May, Ishkov put forth a condition that even the catch of 65,000 tons within the Bulgamin Line, proposed for the year 1956 as Japan's share in the north-western seas, would not be permitted unless the Japanese Soviet Convention on Fisheries was actually brought into effect. In Kono's talks with Bulgamin, earlier on 9 May, Bulgamin had expressed his opinion that the Fishery Convention would become valid only on the normalisation of relations between the two countries either through a Peace Treaty or through the adoption of the Adenauer formula. But Kono never anticipated that this restriction would hold in the case of 1956 operations also. He, therefore, protested to Ishkov, who in turn asked Kono to wait till 14 May, so that he could have consultations with Bulgamin. Finally, the Treaty was signed on 15 May without the insistence of the validity of the Convention to operate for 1956 also. However, the Soviet Union made it clear that she had affixed the signature to the Convention, on the express condition that the negotiations for the normalisation of relations would be taken up again in the near future and not later than
31 July 1956. The acceptance of this condition by the Japanese Government was also asked for. Finally, it was decided not to insist upon the exchange of formal letters laying down these conditions, but, instead, it was proposed to issue a joint communique, which stated that Kono and Ishkov had exchanged views on normalisation and in order to expedite normalisation, mutually agreed that talks should be started again at a very early date and not later than 31 July 1956. (19)

In short, the Soviet Union drew the fishery talks to a close in such a way that the Japanese Government had no other alternative but to recommence the talks in the near future. Again, by tying up the date of the effectiveness of the fishery convention with normalisation of relations, the Soviet Union stimulated the activities of a very powerful interest group, which maintained very close ties with the Government and which could goad the Government to action.

As for the informal agreement regarding the 1956 expedition was concerned, the position was as follows: While the total catch from Japan was laid down as 65,000 tons

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19Sovieto Nenpo 1958, p. 374.
of salmon and trout within the Bulganin line, it was also understood that express permits should be obtained from the Soviet Government before any ship was launched. The other restrictions in the Convention, relating to the length of the drift-nets, the haul of an individual ship, etc., would operate for 1956 also. (20) This, in other words, meant the reduction in the number of fleets which were kept ready for fishing. This fact created some dissatisfaction. Yet the fishing circles welcomed the agreement, since it signified an increase over the total catch of 50,000 tons announced earlier at the time of the publication of the Bulganin line. (21) But with the delay in the receipt of permits, etc. out of the 200 vessels, about 62 vessels could leave the harbour only on 15 June, while the rest left in two lots, one on 2 July and the rest on 8 July. It was not possible to catch the full 65,000 tons by the end of the term, 10 August 1956. The Japanese Department of Fisheries tried to get the fishing date extended up to 25 August, but this was refused. (22)

20 There was no written agreement about the catch for 1956 and the various regulations to be applied for that year. This led to a good deal of difficulty in practice. See Sato Eisaku and Yoshida Shigeru's questions to Kono Ichiro on this and Kono's vague justifications. Nihon Keizai, 30 May 1956. Kono also did not make clear at this stage his informal commitment to Ishkov to limit the catch to 80,000 tons during lean years and 100,000 tons during abundant years.


22 The Soviet representative also delayed matters in issuing permits. An attempt was thus made to force Japan's hand to grant proper diplomatic status to the Soviet representative. Hokuyo Gyogyo Soran, n. 9, p. 89.
Thus, though the fishing operations in 1956 were actually carried out, the fishing circles insisted on their demand of early normalisation in order that they were not faced with the same problem the next year. They also needed the goodwill of the Soviet Union not only for the determination of the annual catch but also for a more lenient attitude towards the trespassers into Soviet territorial waters. It was clear to the fishing circles that Japan could not take a strong rigid posture and insist upon concessions as a matter of right from the Soviet Union. She would again the most, if a friendly and cooperative atmosphere was created and this could be achieved only if Japan acceded to the Soviet demand of restoration of diplomatic relations.

The negotiations leading to the resumption of diplomatic relations through a Joint Declaration by Japan and Soviet Union have already been discussed in detail in Chapter IV.

AFTER THE CONVENTION

The Convention regarding High Sea Fisheries came into effect with the ratification of the Joint Declaration in December 1956. Accordingly, as mentioned in Art. 3 therein, a Northwest Pacific Fisheries Commission composed of three members from both Japan and Soviet Union was established and meet annually to determine the annual catch
of salmon, herring and crabs and also make recommendations in the matter of conservation and increase of fishery resources in the Convention area. The meetings are held in Tokyo or Moscow alternatively and have become notorious as the "100 day meetings" because of the prolonged negotiations. (23) Though the meetings are generally started in February itself, till 1962, every year, some compromise on the annual catch could be arrived at only through diplomatic bargaining between the two Governments, after prolonged wrangling. These compromises were finally arrived at as any further discussion would only delay the departure of the fishing fleets. Therefore, just as it happened in 1956, every year, there was considerable uncertainty about the total catch, the fishing areas, etc. till the final decision was reached in the Commission. This led to lobbying. Apart from the conflict

23 Meetings of the North West Pacific Fisheries Commission between 1957-63

<table>
<thead>
<tr>
<th>Year</th>
<th>Duration</th>
<th>No. of days</th>
<th>Place</th>
</tr>
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<tbody>
<tr>
<td>1957</td>
<td>15 2 6 4</td>
<td>51</td>
<td>Tokyo</td>
</tr>
<tr>
<td>1958</td>
<td>13 1 21 4</td>
<td>99</td>
<td>Moscow</td>
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<tr>
<td>1959</td>
<td>12 1 13 5</td>
<td>122</td>
<td>Tokyo</td>
</tr>
<tr>
<td>1960</td>
<td>2 2 18 5</td>
<td>107</td>
<td>Moscow</td>
</tr>
<tr>
<td>1961</td>
<td>6 2 21 5</td>
<td>105</td>
<td>Tokyo</td>
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<tr>
<td>1962</td>
<td>26 2 12 5</td>
<td>76</td>
<td>Moscow</td>
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<tr>
<td>1963</td>
<td>4 3 12 4</td>
<td>40</td>
<td>Tokyo</td>
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</table>

Source: Chosa Geppo (Japan, Cabinet Research Office), June 1966, p. 37.
of opinion on the total annual catch of fish resulting in decrease of fishing fleets, the Soviet Union's proposal every year demarcating areas where salmon fishing should be completely prohibited also caused dissatisfaction among the Japanese. The Japanese representatives in the Commission did not agree with the Soviet Union about the depletion of resources, which called for such measures, as the Soviet proposals were not fully based on scientific data. As a result, the fishery negotiations generally left an impression that the Soviet Union was using her big Power status to make Japan accede to her demands. Again it should be noted, that fishing in the Convention area has been and is carried out by Japanese vessels only, the Soviet catches being limited to fishing in the rivers within the USSR territory. Therefore, the regulations apply only to the Japanese fishing on the high seas. The Soviet catches are not regulated by the Commission, though the estimated annual catches are reported to it.

Following up the negotiations, year by year, from 1957 to 1963, we can trace the developments regarding (i) the extension of the prohibited area for fishing not only with respect to salmon, but gradually with respect to crabs also; (ii) the total annual catch; (iii) duration of fishing and (iv) the length of the drift-nets, the distance between the drift nets and the length from knot to knot of the meshes of the drift-net.
At the very first session in 1957, the Commission decided to prohibit fishing of salmon within 20 miles from the coast in the waters south of 40°N. lat. and 40 miles from the coast in other areas. These areas were revised at the second annual session by drawing a straight line connecting some points which extended 40 miles or 20 miles from the peaked coasts; they were substantially extended to the areas south east of Kamchatka peninsula and around Komondorskiye Islands at the third annual session. In 1960, in two more areas, one east of Kuriles but both south of 48°N. lat., it was decided not to fish for that year. In 1961, these were also included in the prohibited areas. (24)

It is hardly necessary to say that Japan's protests against the extension of these areas were futile. Neither could Japan succeed in preventing Soviet attempts to close the Okhotsk Sea for salmon fishing. In 1957, itself, Soviet Union tried to tie up the issue of extending the regulated area to Okhotsk Sea with the question of annual catch. However, after the mediation of Foreign Minister Kishi Nobusuke with the Soviet Ambassador, the catch was finally

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Sovieto Nenpo 1959, p. 367.
decided to be 120,000 tons instead of the Soviet proposal of 100,000 tons and no mention was made of the closure of Okhotsk Sea. In 1958, Japan could get agreement for 110,000 tons only after Agriculture Minister Kono flew to Moscow and met Ishkov and also agreed that Okhotsk Sea would be closed for salmon fishing from 1 January 1959. (25)

Another great blow dealt to the Japanese fishing industry by the Soviet Union, apart from the prohibited areas for fishing under the Convention, was the announcement by the Soviet Union on 20 July 1957 that Peter the Great Bay would be closed to all foreign vessels and air-crafts. The Soviet Union has been insisting on a twelve mile limit for her territorial waters, but the width of the entrance to Peter the Great Bay is more than 100 nautical miles. It is clear that the Soviet action has been motivated in the interests of security for the area around Vladivostok. However, it is contrary to international law; but the protests made by Japan USA, Great Britain and other States did not result in the reconsideration of the Soviet

In the 1961 Session, the Soviet Union proposed that the regulations prescribed in the Convention should be extended to all salmon-cruising waters in the Pacific. The Japanese representatives strongly opposed this, as they stated that Japan was voluntarily taking necessary measures for the regulation of fishing in that area and was reporting to the Commission in detail all the steps taken by her to prevent reckless fishing in this area. In the informal meetings as well as the meeting with Press, the Soviet Union reiterated that the Japanese catch in the areas south of 45° N. lat. had increased tremendously, since the signing of the Convention and was nullifying the very object of the Convention, viz., conservation of the salmon sources in the Pacific. Therefore, she held that the conservation area must be expanded. The Japanese representatives, on the other hand, felt that extension of the Convention area would bring into force all the regulations of the Convention in the extended area also. In other words, Japan would be compelled

26 Notes verbale exchanged between Japan and the Soviet Union.


to operate totally under the supervision of the Soviets even in areas south of 45°N lat. It was not surprising that they tried to get out of the situation. But in order to meet the criticism of the Soviet Union about increased catches, Japan agreed to voluntarily reduce her catch for 1961 by 20,000 tons compared to the 1959 catch and also implement the system of permit fishing in these areas. Though this evoked comments from the Soviet representatives that it was an attempt to bypass the authority of the Commission, the 1961 fishing was done on these very lines. (27)

The 1962 negotiations were started on a better footing because of the preliminary negotiations among the experts from 27 November to 27 December 1961 at Moscow. Japan had been proposing this type of preliminary negotiations every year, but the Soviet Union was not agreeable. In 1961, when Vice Premier Mikoyan visited Japan in connection with the Industrial Fair, Kono got his consent for the opening

of the experts' meeting in November. This preliminary exchange of opinion smoothed the way for the annual negotiations. This, however, could not prevent the conflict over the Soviet insistence of extension of the Convention area south of 45°N. lat. The Moscow Broadcast, on 4 February 1962, had given an inkling that the Soviet Union would bring up this issue again at the 1962 meeting. (28)

Since the fishing fleets had to depart even while the negotiations were going on in the Commission, the Japanese Government took certain voluntary steps in restricting the number of fleets permitted to fish south of 45°N. lat. (29) Japan also agreed to take any constructive advice given by the Soviet Union for voluntary restrictions. The Soviet criticism that the 1961 catches in the area south of 45°N. lat. exceeded the 70,000 tons agreed to in the previous year was, however, correct. But that alone did not justify Soviet supervision in this area as well. In any case, the Soviet Union did not relent and Japan had to accept the Soviet proposal that the Commission would be seized of the annual catch and other regulations in the area south of 45°N lat. (termed B zone) also and from 1962, the annual catches


29 In mother-boat salmon catch operations, 41 catcher boats or 10% of the total no. of 410 will be left idle. In drift net fishing operations, 81 fishing boats or some 20% of the total no. of 414 will be placed out of operation. Oriental Economist, May 1962, p. 259.
are determined for the A and B zones separately. All the same the extent and method of restrictions in the A and B zones have been placed on a different basis. Restrictions in B zone are more lenient than in the A zone. For instance, in the A zone, Soviet patrol boats are in operation. In the B zone, competent Soviet officials are stationed aboard Japanese ships. (30)

Apart from the prohibited areas for salmon and trout fishing, in order to conserve crab resources, some areas west of Kamchatka were decided to be prohibited regions for crab fishing. In addition, the fishing areas off the west coast of the peninsula, except one free zone, were divided between Japan and the Soviet Union*. The amount of annual catches for both Japan and the Soviet Union was determined by the Commission. (31)

*See Map on p. 373

31 Annual catch of crabs (in 1000 boxes)

<table>
<thead>
<tr>
<th>Year</th>
<th>Japan</th>
<th>Soviet Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>no limits</td>
<td>480</td>
</tr>
<tr>
<td>1958</td>
<td>320</td>
<td>420</td>
</tr>
<tr>
<td>1959</td>
<td>280</td>
<td>390</td>
</tr>
<tr>
<td>1960</td>
<td>260</td>
<td>390</td>
</tr>
<tr>
<td>1961</td>
<td>260</td>
<td>278</td>
</tr>
<tr>
<td>1962</td>
<td>252</td>
<td>278</td>
</tr>
<tr>
<td>1963</td>
<td>252</td>
<td>278</td>
</tr>
</tbody>
</table>

Till 1963 crab fishing did not pose any problem between the

continued:
MAP SHOWING AREAS PROHIBITED FOR FISHING AS AGREED TO BY JAPAN AND SOVIET UNION

- **A Zone**
  - For Mother Ship Fleets, Salmon and Trout Fishing
  - South of 48° N Lat Drift Net Fishing

- **B Zone**
  - Salmon Drift Net Fishing

- **Line Showing the A Zone of the North West Pacific Fisheries Convention** (below this line B Zone)

- **Areas Prohibited for Salmon Trout Fishing**

- **Areas Prohibited for Crab Fishing**

- **Mother Ship Fishing** (below this line drift net fishing)

- **No Fishing Area Only for 1966**

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Legend:
- **USSR**
- **Bering Sea**
- **Sea of Okhotsk**
- **Kamchatka**
- **Aletian Is.**
- **Salmon Drift Net Fishing**
As regards the annual catches, the Soviet Union based her proposals on the fact that there has been agreement between Kono and Ishkov during the Moscow Fishery negotiations that they would be limited to 100,000 tons during rich haul years and 80,000 tons during lean haul years. Japan considered these estimates too low and demanded a higher figure. Thus, each year, the talks got into a deadlock. Since the Soviet proposals were not backed up by scientific surveys, Japan

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31 contd.

two countries. But in 1964, the Convention on Continental Shelf becoming operative law, has introduced a new problems. Art. 2 of the Geneva Convention of 1958 states that coastal States have sovereign rights over the natural resources in the Continental Shelf and this Convention became operative law in June 1964 with the ratification of 22 States. Soviet Union which has ratified this Convention claims that crabs being natural resources of the Continental Shelf, she has full sovereign rights over their exploitation and Japan could only fish as and when permitted by her. Soviet Union has also passed a decree of the Supreme Soviet laying down penalties for violators of the Convention. Japan has not ratified this Convention and holds that she is not bound by the fact that crab is a natural resource of the continental shelf. Thus a new point of dispute has arisen in the case of crab fishing and Soviet Union feels justified in increasing her quota.

The Soviet stand is strengthened as more than 30 States have ratified this Convention and Soviet Union herself has signed an Agreement with the USA on 5 February 1965 accepting limitations on crab fishing in the US Continental Shelf.


For Japan-USSR conflict on this issue in the 1968 meeting see "Kiro ni tatsu Nisso gyogyo", Asahi, 27 April 1968.
felt reluctant to agree to lower her claims, but in each meeting, political pressure was used for resolving the issue leaving an unpleasant impression. After the preliminary meeting of the experts in 1961, the 1962 negotiations were started on a more scientific basis and though the annual catch in the A zone did not become a thorny issue, as explained above, Japan had to accept the creation of a B zone and determination of the catch in this zone also by the Commission. As regards the annual catch for 1963, in the 1962 negotiations itself, a gentlemen's agreement was reached between Kono and Ishkov about the possibility of increasing the catch quota by the maximum of 10 per cent in the A and B zones, based on the recommendations of the fishery experts. But, in the 1963 meeting, Japan agreed to abandon her original demand of 10 per cent increase and settled for a lower figure. Thus from 1963, a start was made for concluding the negotiations within the aegis of the Commission without the help of the political mediators. Agreement was also reached within forty days and this continued in later years also.

The table given below indicates the annual catches proposed every year, the amount finally agreed to and the actual catches made.
Details of the annual catches of salmon determined by the North West Pacific Fisheries Commission for the years 1957 - 63

(in tons)

<table>
<thead>
<tr>
<th>Year</th>
<th>Japanese catch</th>
<th>Soviet catch</th>
<th>Agreed to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Japanese proposal</td>
<td>Soviet proposal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>165,000</td>
<td>100,000</td>
<td>120,000(121,094)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>52,000(60,445)</td>
</tr>
<tr>
<td>1958</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>145,000</td>
<td>80,000</td>
<td>110,000(110,100)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>71,000(86,400)</td>
</tr>
<tr>
<td>1959</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>165,000</td>
<td>50,000</td>
<td>85,000(85,100)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>88,000(94,000)</td>
</tr>
<tr>
<td>1960</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>85,000</td>
<td>50,000</td>
<td>67,500(66,606)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>(80,200)</td>
</tr>
<tr>
<td>1961</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>80,000</td>
<td>50,000</td>
<td>65,000(64,928)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>70,000(91,430)</td>
</tr>
<tr>
<td>1962</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>-</td>
<td>-</td>
<td>55,000(54,515)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>60,000(41,142)</td>
</tr>
<tr>
<td>1963</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>-</td>
<td>-</td>
<td>57,000(56,616)</td>
</tr>
<tr>
<td>B zone</td>
<td>-</td>
<td>-</td>
<td>63,000(63,779)</td>
</tr>
</tbody>
</table>


Notes: The figures in brackets are the actual catches made. Till 1961, the B zone catch includes coastal fishing.
Duration of fishing and other provisions

Another issue in the fishery negotiations was the duration of the fishing season. From 1958 onwards, Soviet Union was proposing that since in August there was likelihood of baby salmon coming in large numbers to the seas, the fishing should be stopped by 15 July or 25 July at the latest. This was opposed by Japan and the date continued to be 10 August as specified in the Convention. The date of setting out for fishing was not specified in the Convention. Yet, with the negotiations getting into a deadlock, actual setting out for fishing was also delayed every year. Hence, in the 1962 session, Japan proposed that the date of setting out for fishing should also be specified and accordingly, it was decided as follows: (32)

<table>
<thead>
<tr>
<th></th>
<th>Setting out date</th>
<th>Finishing date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother-Ships</td>
<td>15 May</td>
<td>10 August</td>
</tr>
<tr>
<td>Ships having their bases in Japanese ports (drift-net)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A zone</td>
<td>21 June</td>
<td>10 August</td>
</tr>
<tr>
<td>B zone (excluding Japan Sea)</td>
<td>30 April</td>
<td>30 June</td>
</tr>
</tbody>
</table>

The Commission also decided that in future all the details

32 Nihon Soren Koryu Nenshi 1962, p. 34.
about the catch, etc. would be settled before the starting of the fishing season as mentioned above. (33)

The regulations regarding the length of the drift nets and the width of the mesh, etc. mentioned in the Convention (Annex 1(f) were reconsidered from time to time and modifications were made in order to regulate the catch per ship and to prevent the catch of very small fish. These regulations were also intended to preserve the sea lanes for the fish returning to the river beds.

Article 5 of the Convention stipulated the mutual exchange of scholars and experts in fisheries for the study and conservation of fishing resources. This was first started in 1958 and till 1960, annually such experts were exchanged for inspection and investigation. In 1961, the experts committee met at Moscow for a month and there was a frank exchange of opinions and agreement about the evaluation of various kinds of fishery resources. In 1962 and 1963, Soviet investigation teams visited Japan. In the 1963 meeting, an accord was reached between the experts

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33"Nisso gyogyo joyaku ni tsuite", Chosa Geppo (Japan Cabinet Research Office) June 1966, p. 42.

In the case of Japan Sea, the salmon fishing starts from 1 March. If it is started later, all the fish go away north and there is very little haul. The early start made in the Japan Sea was protested against by Soviet representatives in the 1964 meeting, as fishing started even before a decision was taken about the annual catch.
of the Dai Nihon Susan Kai and the Soviet experts regarding salmon hatching programme and a protocol regarding that programme was signed. (34)

FUTURE PROSPECTS

The above facts clearly show that the Soviet-Japanese activities in this field have developed to a stage where they are based on joint consultations and are yielding fruitful results. It is true that the first five years after the signing of the Convention, the annual catches were determined without any scientific basis and were compromised more on political considerations. Nevertheless, from 1962, it appears enough data was collected to place the negotiations on a more scientific basis and apart from purely determining the annual catches, the scientific committee in the Commission is exploring ways and means of replenishing the salmon supplies. (35)

1961, pp. 18, 140.
1962, pp. 305.

35 At times, the conclusions of the scientists and experts from the two countries are not similar and this does lead to a conflict. This might be explained by the insufficiency of scientific data. See Asahi editorial, "Nisso gyogyo mondai ni katsuro wo hirake", 27 April 1968.
The gradual decrease in the catches through the years clearly shows the risk of depletion of the salmon sources and also establishes the fact that the fears of the Soviet Union about the total loss of these resources, unless conservation measures were undertaken, were not groundless, though they might have been exaggerated. The Soviet Union was not the first State to levy a charge against Japan about reckless fishing. Nor is the imposition of restrictions on fishing on the high seas, as a means of conservation of fish, a new measure introduced by the Soviet Union in order to exert pressure or harass Japan. The American fishing interests exerted pressure on the US Government for inclusion of a provision in the Peace Treaty itself to prevent Japanese reckless fishing of salmon of American origin, once Japan became independent. Finally, the International Convention for High Sea Fisheries of North Pacific Ocean came into force on 12 June 1953 among Canada, Japan and USA and Japan agreed to abstain from fishing with regard to the stock of halibut, herring and salmon in some specified waters, while Canada and USA agreed to continue to carry out conservation measures in these areas. If Soviet restrictions in the Northwest Pacific have to be interpreted as unfair, it appears that "voluntary abstentions from fishing" demanded by the USA and Canada of Japan will also fall in the same category. USA and Canada have also been trying to extend the area of "voluntary abstentions from fishing". In fact Japan in the 1963 meetings with USA and Canada at Washington
as well as in Tokyo, expressed the opinion that they were "unfair arrangements imposed upon her". (36) It is interesting to note that the Soviet Union has supported the Japanese contention. (37)

While the desirability of conservation measures as well as the necessity for distribution of marine resources among nation states are not questioned, is there any yardstick for regulating the distribution so that the efforts of any one State to maximise her own portion are defeated? Can this problem like all other inter-state problems be considered free from political pressures as well as pressures from the interest groups within the country? Is it also not one of the issues where a strong nation can impose its will to get concessions from a weaker nation?

As we examine the course of Japanese-Soviet fishery negotiations, it is observed that this problem proved to be most difficult in the early years, when the political relations between the two countries, though correct, were not cordial. With the gradual softening of the Soviet attitude


towards Japan, ways and means were found to solve many
ticklish issues. It may be right, therefore, to conclude
that while this need not be an issue, which would continue
to be an irritant with the improvement in mutual relations,
any deterioration of relations would not only be reflected
in this problem, but rather that the Soviet Union could
conveniently use this issue to put pressure on Japan. Moreover
this continues to be an issue which could be used to fan
anti-Soviet sentiments in Japan, if necessary.

It appears that with the widening of Japanese
fishing operations all over the world, development of new
fishing grounds and the progress of the Japanese fishing
industry, through improved techniques, etc., the Soviet
pressure might not have the same effect as it had in 1956.
(38) Also, it cannot be denied that inshore fishery has
become small and poor and is slumping. But this is a problem
which pertains to the domestic fishery policy and the general
economic structure of Japan and cannot be related to
restrictions imposed by other nations on off shore fishery. (39)

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38 The reasons for the progress made by the big fishing
industries are given in detail in Oriental Economist
It is interesting to note that fishing companies are
transferring themselves step by step to integrated food
processors. For details of the activities of the big
fishing companies, viz., Nichiro, Nihon Suisan, Taiyo,
Polarwhaling, see Oriental Economist, November 1958,
pp. 587-93.

39 As regards other coastal fishing, it is declining because
of loss of fishing grounds through reclamation of lands
or fish and sea weed perishing due to contaminated water
from industrial plants, etc. US bases have also taken
away some grounds.
However, in the case of fishing in B zone, since it is limited to drift-net fishing by small fishermen, based on the coastal towns of Hokkaido, the Soviet restrictions and Soviet policy badly affect them. Again, in the case of fishing around Kuriles, the Soviet possession of the Kuriles and the consequent loss of fishing grounds for the small fishermen does pose a problem. This also gives rise to the further problem of fishermen and boats seized in Soviet waters, which continues to be an irritating factor in Soviet Japanese relations. The small fishermen seized are generally tried by the Soviet Union and sentenced from one to three years and their fishing gear and motor of the fishing boats are also confiscated. This creates quite a hardship for these fishermen with very little capital. While in the years immediately after the War, there were more cases of fishermen straying wantonly, lured by the abundance of catches in the waters nearer the Kuriles, lately it appears that the cases of violations occur due to the boats being carried away by the wind or overstepping the limits through ignorance, etc. However, the Soviet patrol ships are very vigilant and it appears that it is difficult to escape seizure, once there is a violation. The sentences for genuine cases of inadvertence are light and an offender gets a stiff sentence, only if there is a repeated violation. The families of the captured fishermen suffer great hardships and the younger generation in these families would rather take up some other profession, which would be less dangerous
and would give more stable and steady income. (40) Therefore, ironically, the Soviet Union, which claims to be the defender of the underprivileged and the downtrodden, is unwittingly hitting at the small independent fishermen of Japan by her uncompromising policy on the problem of the Kuriles.

40 This is based on interviews with fishermen and their families in the fishermen's cooperative in Nemuro, Hokkaido in September 1967. The number of fishermen and boats seized in the 1956 touched the all-time high of 131 boats and 1,207 men.

Also see Sovieto Nenpo, 1958, pp. 378-9.