

THE GROWING ROLE OF INTERNATIONAL AGREEMENTS IN ALASKAN FISHERIES

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About 1,300 ships from Japan, the U.S.S.R., Canada, and South Korea annually fish in international waters off Alaska. These high-seas foreign fleets are capable of depleting the resources supporting Alaska's largely inshore commercial and marine sport fisheries. The United States Government has long recognized this threat. Increasingly, it has used international agreements, particularly bilateral agreements during the last several years, to protect vital U.S. fisheries off Alaska. These agreements are renegotiated frequently to accommodate changes in and further protect U.S. fisheries. Thus far, the U.S. has not sought an agreement with South Korea. Continued expansion of its fisheries, or recurrence of high-seas salmon fishing, could prompt such negotiations.

FOREIGN FLEETS

Alaska's commercial fisheries and a large segment of her marine sport fisheries (salmon on angling) are jeopardized by foreign fleets fishing in offshore international waters. The marine resources largely supporting those fisheries, such as salmon, halibut, and king and tanner crab, range widely; during much of their life, they are in waters beyond the limits of U.S. fisheries jurisdiction (12 miles). Under present international law, the resources, while in high-seas waters, are subject to unrestricted fishing by any nation. This could deplete them before they return to Alaska's largely inshore fisheries. This threat is very real in the Alaskan area where, each year, Japan, the U.S.S.R., Canada, and most recently South Korea dispatch about 1,300 ships.

The United States has long recognized this threat. It has negotiated 10 international agreements designed to provide the needed protection. In earlier years, such agreements were multilateral conventions between the U.S. and two or more other nations aimed

mainly at protecting the resources in international waters. Since the mid-1960s, there has been increasing use of bilateral agreements. These have been aimed at protecting the resources--and also the rights of the smaller U.S. coastal fishing vessels to operate in adjacent areas of the high seas when faced by the larger distant-water foreign fleets. (The development of international agreements affecting Alaskan fisheries was described in earlier articles in *Commercial Fisheries Review*: October 1968, pp. 46-56. Also Sep. No. 825. June 1969, pp. 30-34. Also Sep. No. 841.)

Constant changes are vital to the U.S. and foreign fleets off Alaska in their efforts to survive in highly competitive world fisheries. To facilitate changes by U.S. fishermen and to permit prompt corrective measures for stocks that appear overexploited, the U.S. has insisted that bilateral agreements be of short duration and be reexamined frequently. In 1970 and early 1971, the U.S. and Canada negotiated an agreement concerning reciprocal fishing off their coasts. The U.S. revised several agreements with Japan and the Soviet Union concerning fisheries off Alaska.

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CANADIAN AGREEMENT

In November 1966, the U.S. enacted Public Law 89-658 establishing an exclusive 3- to 12-mile fishing zone (contiguous fishery zone or CFZ) adjacent to the territorial sea. The law provides for the continuation of these traditional foreign fisheries within the CFZ as may be recognized by the U.S. Canada enacted a similar law in 1964.

The only foreign nations having fisheries off Alaska which the U.S. could consider as "traditional" were Canada, Japan, and the U.S.S.R. Agreements concerning continuation of certain fisheries within the CFZ by Japan and the Soviet Union were negotiated in 1967 (see following sections). In April 1970, the U.S. and Canada concluded an agreement in Ottawa concerning reciprocal fishing privileges within their exclusive fishing zones.

Principal Features

The two-year agreement allows fishermen of both countries to continue those commercial fisheries they had conducted outside a line three miles from the coasts of the other country prior to establishment of exclusive fishing zones by either Canada or the U.S. It was agreed that:

- (1) Salmon trolling by Canadians is permitted to continue in the U.S. 3- to 12-mile zone only off the coast of Washington. U.S. salmon trollers may fish in the Canadian zone only off Vancouver Island.
- (2) Halibut fishing by either country may continue in the other's zone.
- (3) Fishing for any species of crab, shrimp, scallop, clam, or lobster is not permitted in the other country's fishing zone.
- (4) Neither country may fish for herring in the other's zone (transfers of herring on east coasts of Canada and the U.S. may continue).
- (5) Such trawl fisheries as have been conducted in each country's fishing zone by vessels of the other country may continue.

- (6) The initiation of new fisheries by one country within the fishing zone of the other requires consultation and agreement.

In my opinion, the overall effect of this agreement is advantageous to Alaskan fisheries. Only the longstanding Canadian halibut fishery which began off Alaska in 1913 is allowed to continue within the CFZ. The growing Canadian salmon trolling fleet is prohibited from competing with U.S. trollers within 12 miles of Alaska's coasts (Public Law 88-308 enacted in 1964 prohibits all foreign fishing within the U.S. 3-mile territorial sea). Canadian fishermen are denied access to Alaska's valuable inshore resources of king and tanner crab, shrimp, scallops, and herring. Finally, Canada must consult with and obtain permission from the U.S. if her fishermen want to fish for any species (other than halibut and the prohibited species listed above) within 3 to 12 miles off Alaska. This has great potential importance when you think of the latent resources near Alaska's coasts.

JAPANESE AGREEMENTS

U.S. and Japanese delegations met in Tokyo November 1970 to discuss the future of two agreements: (1) King and Tanner Crab Agreement and (2) Contiguous Fishery Zone Agreement. New agreements, effective for two years, 1971-1972, were signed on December 11, 1970.

King and Tanner Crab Agreement

Under the 1958 Geneva Convention of the Continental Shelf, the U.S. maintains that king and tanner crab are natural resources of the Continental Shelf. As a coastal state, the U.S. has exclusive jurisdiction over the management and use of these resources. Japan, a nonsignatory of the Convention, believes that king and tanner crab are high-seas resources and that its nationals are entitled to fish for them in international waters. At the first negotiation, in 1964, and later, both Governments agreed to set aside their positions without prejudice to their views and to seek practical solutions.

The 1964 agreement restricted Japanese king-crab fishing to the eastern Bering Sea.

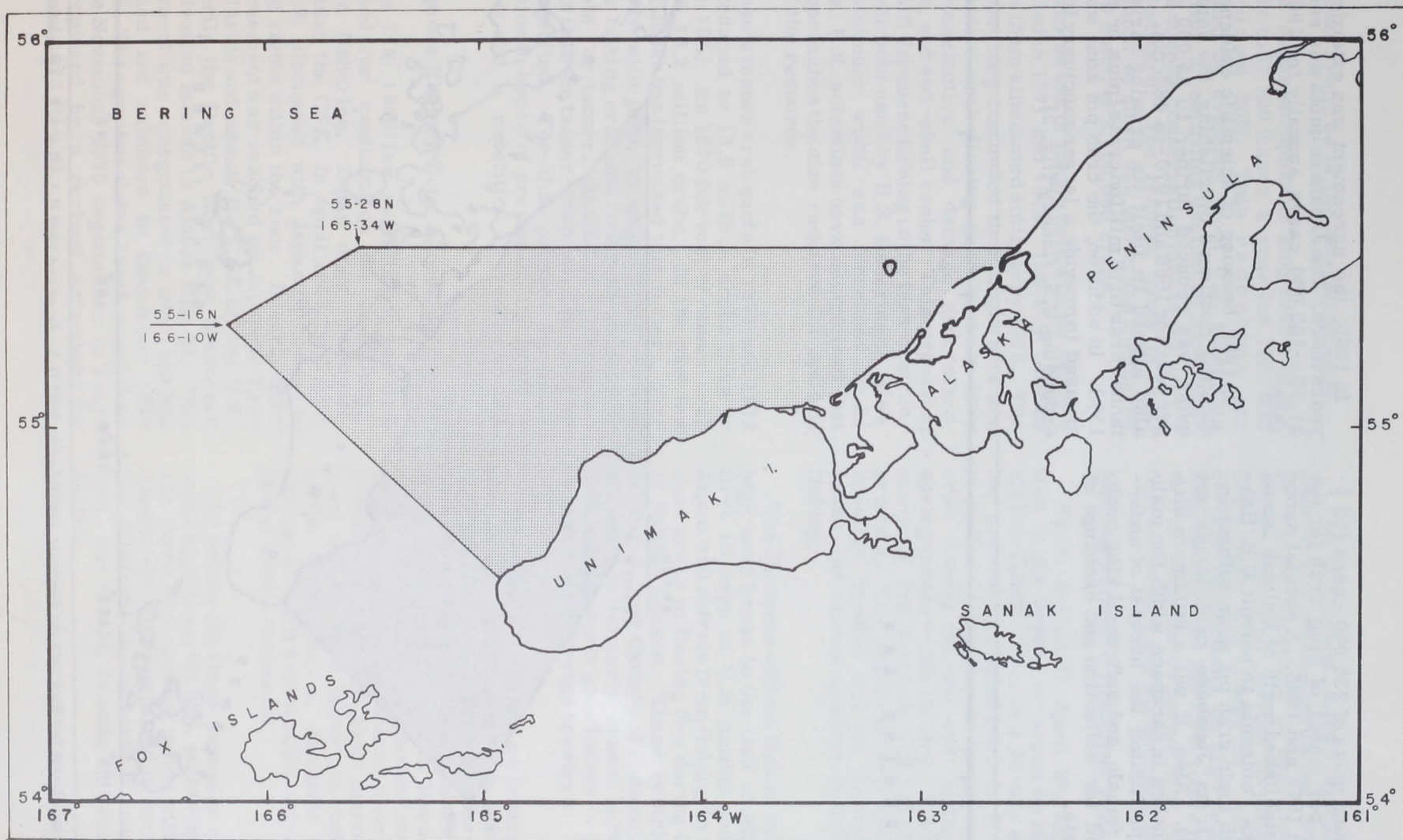


Fig. 1 - Eastern Bering Sea king crab pot sanctuary established by 1964 U.S.-Japan and 1965 U.S.-U.S.S.R. agreements.

It set an annual quota of 235,000 cases (48 $\frac{1}{2}$ -pound cans per case) of king crab for the Japanese in 1965 and 1966. A special sanctuary was established north of Unimak Island off the Alaska Peninsula to permit U.S. fishermen to fish their crab pot gear without interference from Japanese crab tangle-net gear (fig. 1). Also, it set a minimum size limit of $5\frac{3}{4}$ inches in carapace width for male king crab, prohibited the harvest of undersized male, female, and soft-shell king crab, and provided for collection and exchange of scientific data.

In 1966, the agreement was extended two years more. The Japanese quota was reduced 21.3%--185,000 cases annually for 1967 and 1968.

In 1968, because of scientific evidence indicating continued overfishing, the Japanese quota was reduced further to 85,000 cases per year for 1969 and 1970--a 48% cut. Japan also agreed to limit its growing harvest of tanner crab to 16 million crabs (plus or minus 15%). In addition, the crab pot zone was increased to provide a larger sanctuary for the expanding U.S. fishery (fig. 2).

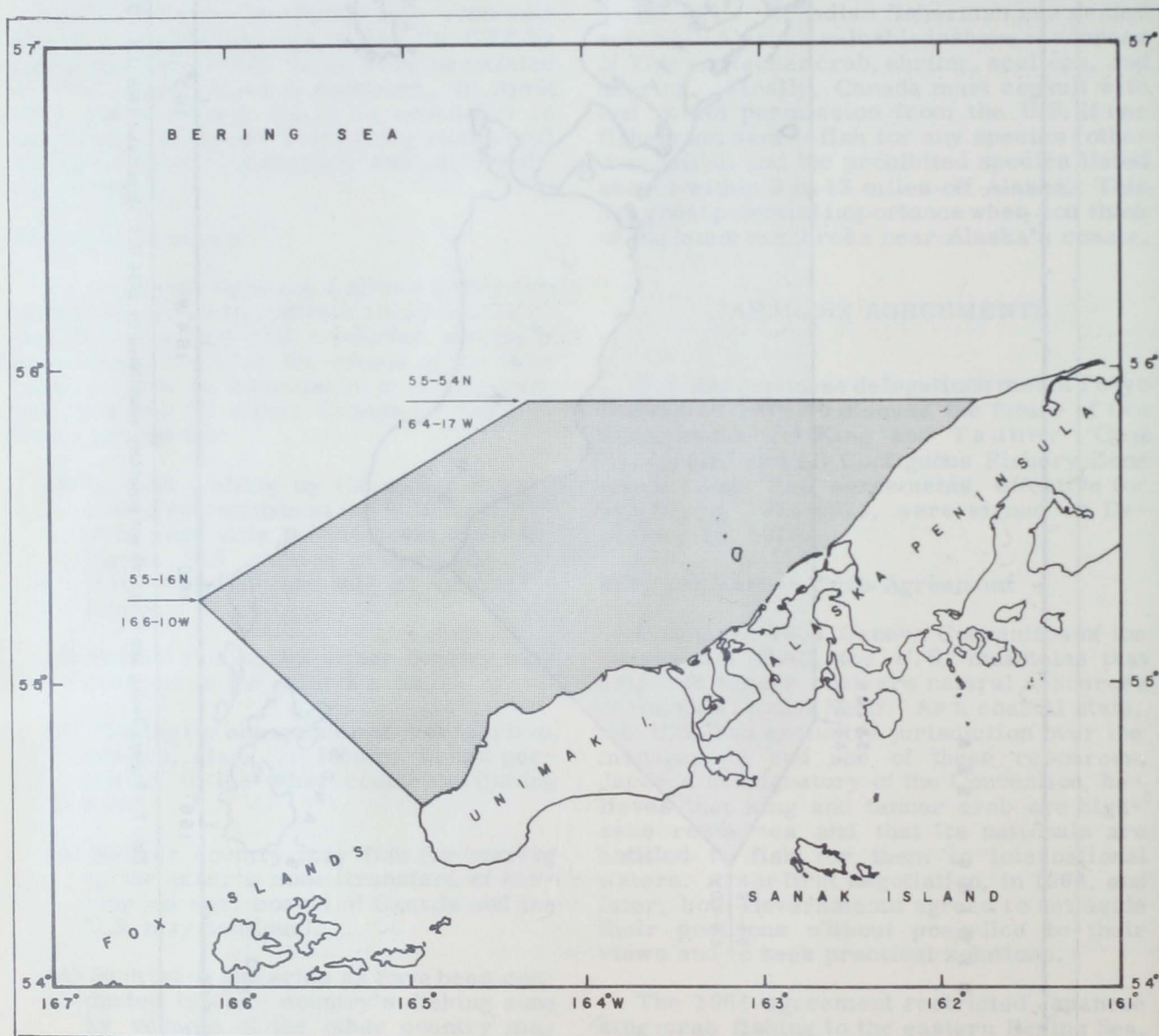


Fig. 2 - Eastern Bering Sea king crab pot sanctuary established by 1968 U.S.-Japan and 1969 U.S.-U.S.S.R. agreements.

Principal Features of the New Agreement

The Japanese quota of king crab was cut sharply to 37,500 cases a year for 1971 and 1972--down 56%. This reduction was prompted by evidence from U.S. scientists indicating a continuing decline in stock conditions despite conservation measures previously adopted. The reduced quota is equal to a catch of about 920,000 crabs compared to 1970 catch of 2,100,000 crabs.

Japanese use of tangle nets will be sharply curtailed in 1971 and 1972. The U.S. intends to have them eliminated entirely by 1973. The U.S. has long contended that tangle nets are destructive crab-fishing gear because they are nonselective and damage undersized, female, and soft-shell crabs. This provision will shift Japanese fishing to the less-destructive crab pots used by U.S. fishermen. Also, the minimum width was increased to $6\frac{1}{4}$ inches. U.S. scientists have determined that this approaches the size required for optimal use of the resource.

Japan's tanner crab quota in 1971 and 1972 was reduced to 14.6 million crabs (plus or minus 10%). Its 1970 harvest of tanner crab totaled 18.2 million crabs. In the past few years, Japan has increased this fishery, particularly with pots, to augment the reduced quotas of king crab and to supply increasing markets for tanner. Available evidence indicates that the tanner-crab resource may be overexploited. The U.S. pressed for catch reduction in hopes of preventing the tanner's decline and a repetition of the king crab's fate.

Contiguous Fishery Zone Agreement

The U.S. 1966 law establishing the CFZ provided for continuation of "traditional" foreign fisheries. Japan does not legally recognize the CFZ. In April 1967, in Tokyo, the U.S. discussed with Japan its claims to fishing rights within the zone. In early May, an agreement was reached on Japanese fisheries inside and outside the CFZ off the U.S., primarily the Pacific Northwest States and the Aleutian Islands in Alaska (fig. 3). This agreement was renegotiated in late 1968 and modified and extended to December 1970 (fig. 4). The agreement was reexamined during the November 1970 negotiations in Tokyo and replaced by a revised agreement for 1971 and 1970 (fig. 5).

The agreement allows certain Japanese fisheries to continue inside the CFZ--primarily off the Aleutians in specified areas and during specified periods to minimize conflicts with U.S. fisheries. Also, it places certain restrictions on high-seas Japanese fisheries beyond the CFZ to prevent damage to U.S. gear and to permit U.S. fishermen to fish in favored and accustomed areas.

New Agreement's Principal Features

From August 20-April 30, Japan will not fish in six fixed-gear areas on high seas off Kodiak Island. This is a 70-day extension of the previously closed period. It is designed to protect U.S. crab pots during revised king-crab fishing season and during emergent spring tanner-crab fishery. It also protects many of the favored U.S. shrimp fishing grounds. The Japanese will not fish along Aleutian Islands and on Davidson Bank in areas and during seasons of U.S. king-crab fishing.

The Japanese will not fish in three revised high-seas areas in the Gulf of Alaska during first 15 days of U.S. halibut season. Also, Japan will refrain from fishing in three high-seas areas in Bering Sea during first 6 days of halibut season. These restrictions will allow U.S. (and Canadian) fishermen to operate on the better early-season halibut grounds with less danger of gear losses or preemption of grounds by foreign trawlers.

Japanese vessels are no longer permitted to fish or support operations within CFZ off St. Paul Island in Pribilof Islands. Oil spills have been detected in the Pribilofs. Many fur seals have been found with discarded materials associated with fisheries (mainly pieces of webbing) entwined around their necks. To protect fur seals and their marine environment on this most important rookery island in the North Pacific, Japanese fishing and support activities within CFZ around St. Paul Island were eliminated.

In return for these Japanese concessions on the high seas, the U.S. authorized Japan to use three new loading zones within CFZ off Alaska--St. Matthew Island in central Bering Sea, Unalaska Island north of eastern Aleutians, and Semidi Islands in western Gulf of Alaska.

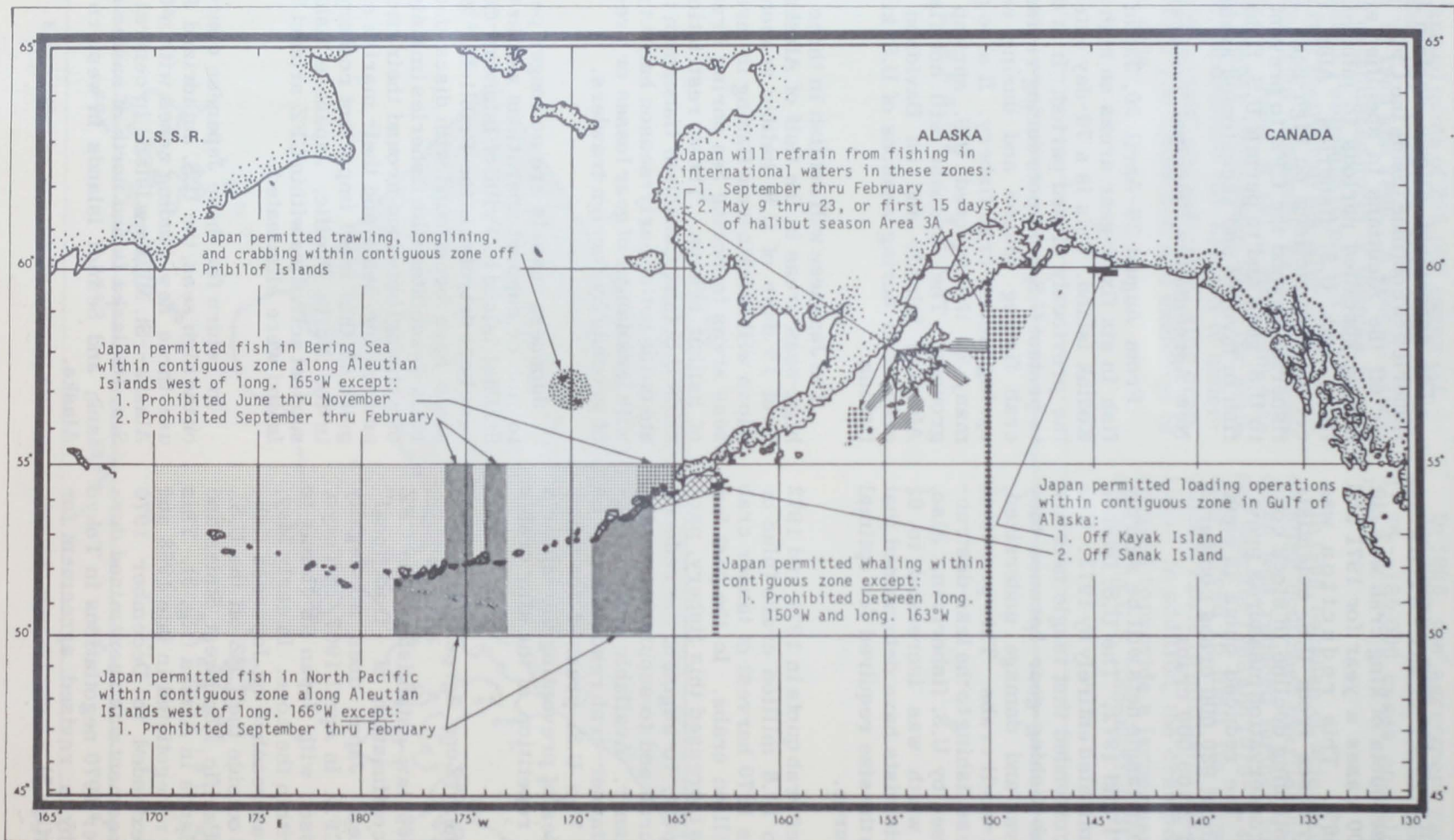


Fig. 3 - Fishing and loading areas off Alaska established by 1967 U.S.-Japan contiguous fishery zone agreement.

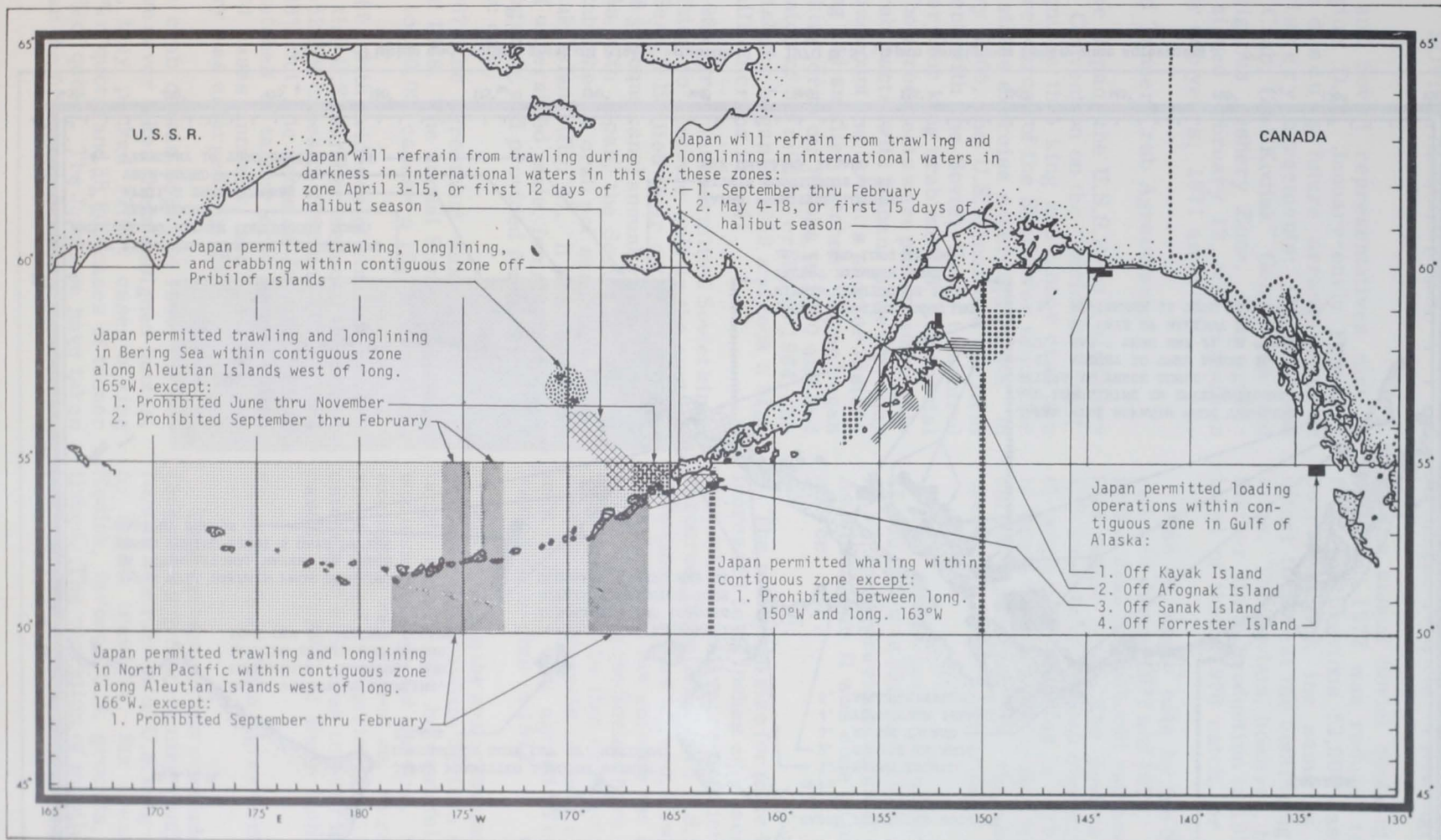


Fig. 4 - Fishing and loading areas off Alaska established by 1968 U.S.-Japan contiguous fishery zone agreement.

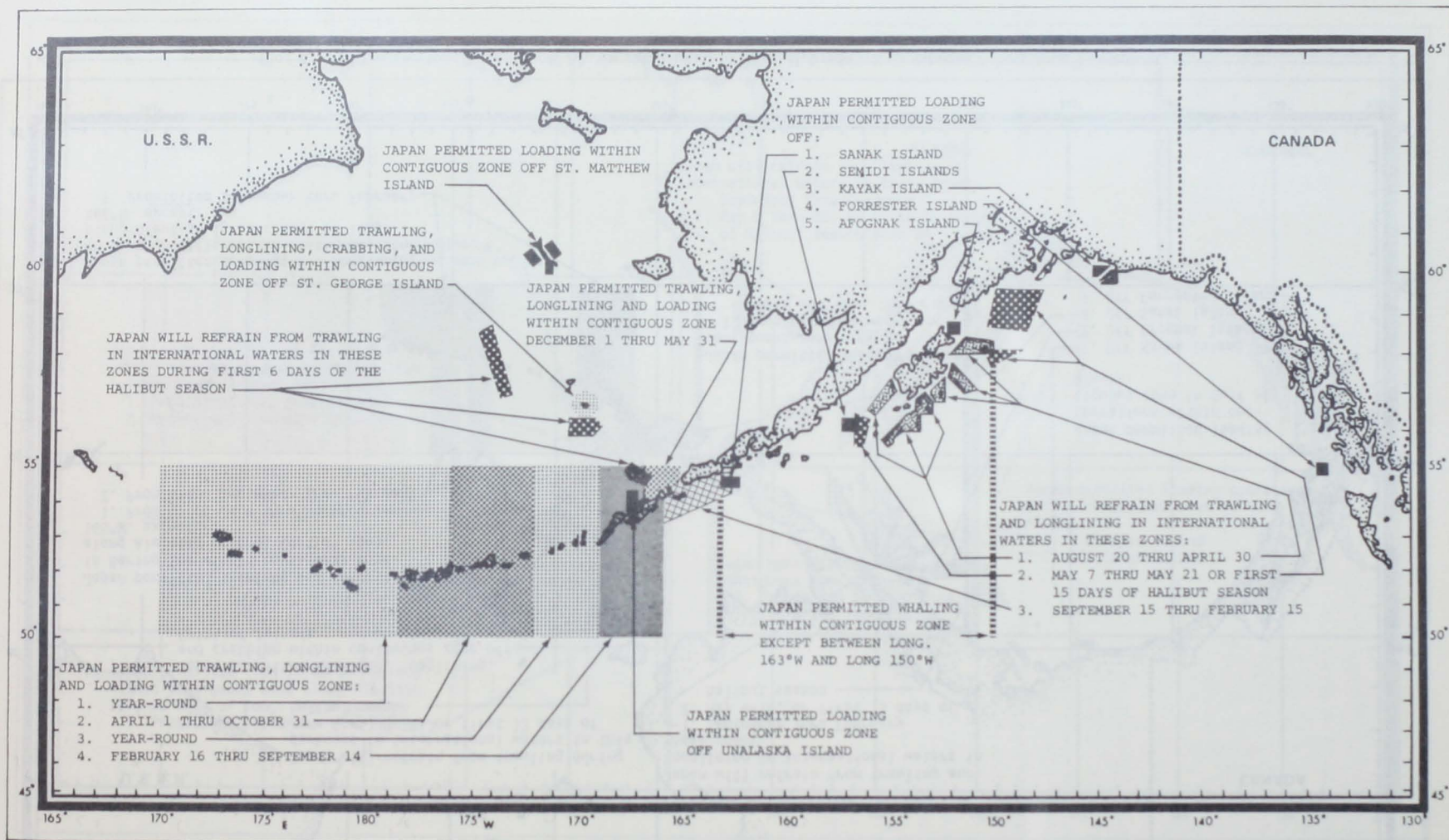


Fig. 5 - Fishing and loading areas off Alaska established by 1970 U.S.-Japan contiguous fishery zone agreement.

SOVIET AGREEMENTS

U.S. and Soviet representatives met in Washington, D.C., January-early February 1971, to discuss future arrangements on three fishery agreements: (1) King and Tanner Crab; (2) "Kodiak" Gear Area; and (3) Contiguous Fishery Zone. New agreements, signed February 12, will remain in force for two years: 1971 and 1972.

King and Tanner Crab Agreement

Unlike Japan, the U.S.S.R. is a signatory to 1958 Convention on the Continental Shelf. It recognizes that king and tanner crab are natural resources of the Shelf over which the coastal states exercise sovereign rights. In February 1965, the U.S. concluded the first agreement with the Soviet Union to control its fishery for king crab on U.S. Continental Shelf. The agreements were patterned largely after crab pacts with Japan; however, they took into account the Soviet's shorter history of fishing and smaller catches. Japan began fishing king crab off Alaska in 1930 and had a high catch of 5.9 million crabs in 1964; the Soviet fishery began in 1959 and took a high of 3.4 million crabs in 1961.

The 1965 agreement permitted Soviet king-crab fishing to continue only in the eastern Bering Sea. It limited their catch to 118,600 cases (48 $\frac{1}{2}$ -pound cans) annually for 1965 and 1966. As with Japan, the Soviet agreement also established a crab pot sanctuary north of Unimak Island (fig. 1). It prohibited the taking of undersized male, female, and soft-shell king crab, and provided for exchange of scientific data.

In 1967, the agreement was extended for 1967 and 1968. The annual Soviet quota was reduced to 100,000 cases--a 15.7% reduction.

In 1969, with evidence of continued over-fishing, the U.S. further reduced the Soviet quota to 52,000 cases in 1969 and 1970. This was a 48% cut, the same as Japan's. Also, Soviet catches of tanner crab were limited to 40,000 cases annually, and the crab-pot sanctuary was enlarged (fig. 2).

Since crab quotas began in 1965, the Soviets have never taken their assigned quotas. In 1970, they packed 12,800 cases of king crab (25% of quota) and 38,000 cases of tanner crab (95% of quota). The Japanese have taken each year the full amounts allowed.

Principal Features of New Agreement

The annual Soviet quota of king crab for 1971 and 1972 was reduced to 23,000 cases from the previous 52,000-case quota. This 56% reduction, the same as Japan's, is an effort to arrest the continuing resource decline. The Soviets, however, have agreed to further limit production in 1971 and 1972 to level of their 1970 catch, or 12,800 cases.

Use of tangle nets by the Soviets will be reduced during 1971 and 1972. The U.S. view is that crab pots should replace the destructive tangle nets. The Soviets are aware of U.S. intentions to seek complete elimination of tangle nets beginning in 1973. Elimination of tangle nets is a major step for the Soviets: unlike Japan and U.S., they have not developed a pot fishery for crabs.

The Soviet quota of tanner crab will be 35,000 cases in 1971 and 1972, a reduction of 12.5% from previous quota of 40,000 cases. As with Japan, it was done to protect the resource.

The minimum size for male king crab was increased to 6 $\frac{1}{4}$ inches carapace width. This size will permit more productive use of the resource; it applies also to U.S. and Japanese fishermen. It was agreed, however, that the Soviets would not enforce the new size until 1973. Because the Soviets have not developed the capability to fish crab pots, they cannot reequip their vessels to reduce use of tangle nets in 1971. They agreed to concentrate on switching to pots in 1972.

Returning to the sea crabs under 6 $\frac{1}{4}$ inches, but over the previous 5 $\frac{3}{4}$ -inch size caught in tangle nets, would be wasteful because they would most likely not survive. So the special exemption was agreed on. In return, the Soviets agreed to restrict their 1971 and 1972 catches of king crab to 1970 level of 12,800 cases, or 55.6% of their authorized quota.

"Kodiak" Gear Area Agreement

This agreement was concluded initially in 1964 to resolve continuing conflicts over the loss or destruction of U.S. king-crab pot gear by Soviet trawlers. Six areas adjacent to Kodiak, favored U.S. grounds, were established. The operation of mobile fishing gear (trawls) was prohibited there during the U.S.

season (fig. 6). The six zones were seaward of U.S. 3-mile territorial sea and included large areas of the high seas or international waters. Later, these areas were protected from Japanese trawling by the 1967 CFZ Agreement with Japan. The initial agreement excluded trawling by small shrimp craft so development of a U.S. fishery on known shrimp stocks in Kodiak Island area would not be impeded.

The agreement was effective in substantially reducing gear conflicts; at later negotiations, it was extended and revised. Major revisions were adjustment of period during which trawling was prohibited to reflect changes in U.S. season and exclusion of U.S. scallop-fishing vessels from trawling prohibitions to facilitate emergent Alaskan scallop fishery.

Principal Features of New Agreement

Descriptions of the six areas were adjusted to eliminate small segments of CFZ previously included. These changes eliminate previous possibility of Soviet trawling in these areas within the 3- to 12-mile zone. These CFZ segments now support large U.S. fisheries for king crab, tanner crab, and shrimp. Since initial agreement preceded 1966 establishment by U.S. of a CFZ, the Soviets under previous agreement could have trawled within 3- to 12-mile zone during open season in the six areas. Although the Soviets did not trawl, this revision removes the possibility. This is particularly desirable because of increasing Soviet interest in shrimp fishing off Kodiak.

The period closed to trawling in three of the six areas (1, 2, and 4 on fig. 6) was

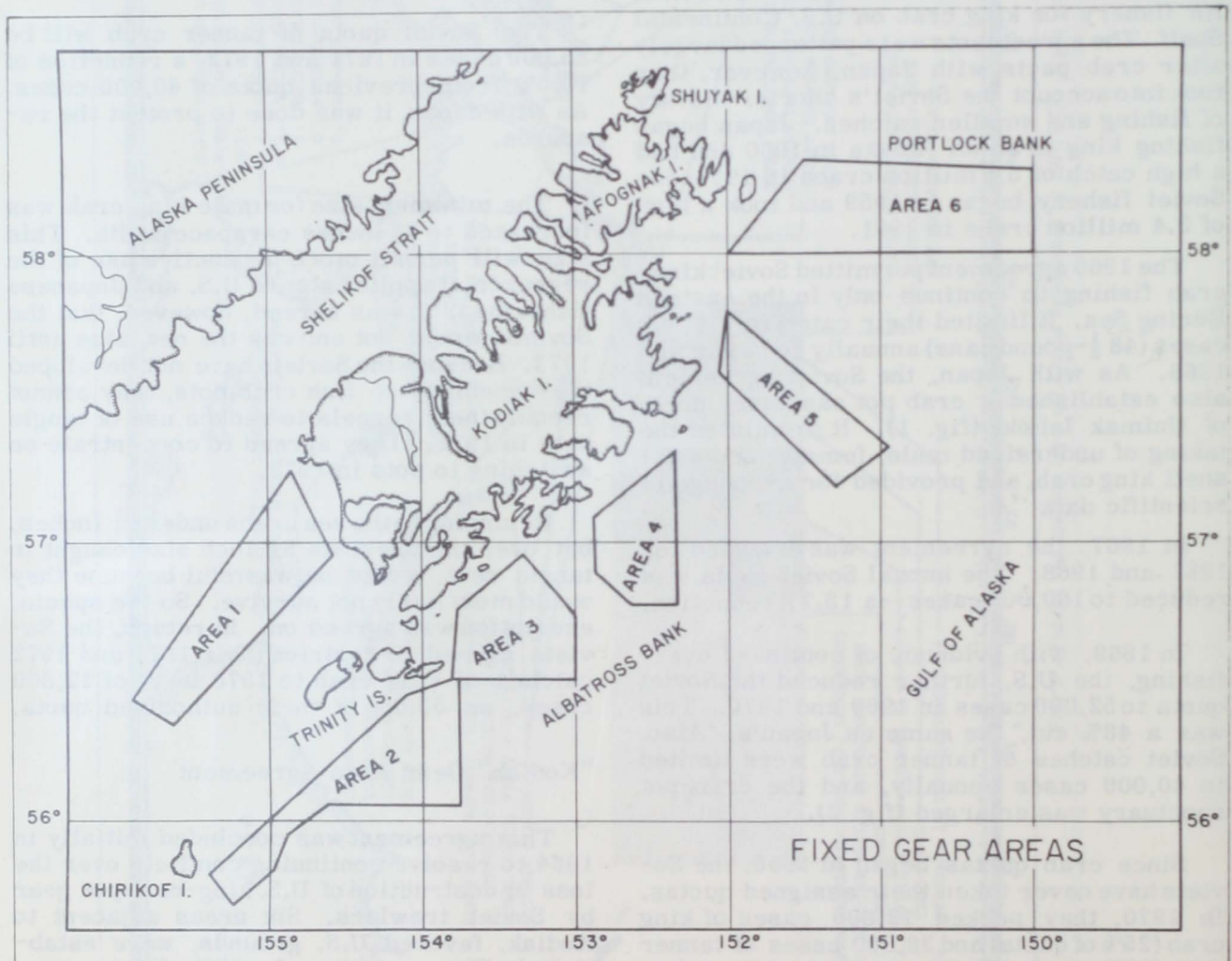


Fig. 6 - Fixed fishing gear areas established by 1964 U.S.-U.S.S.R. agreement.

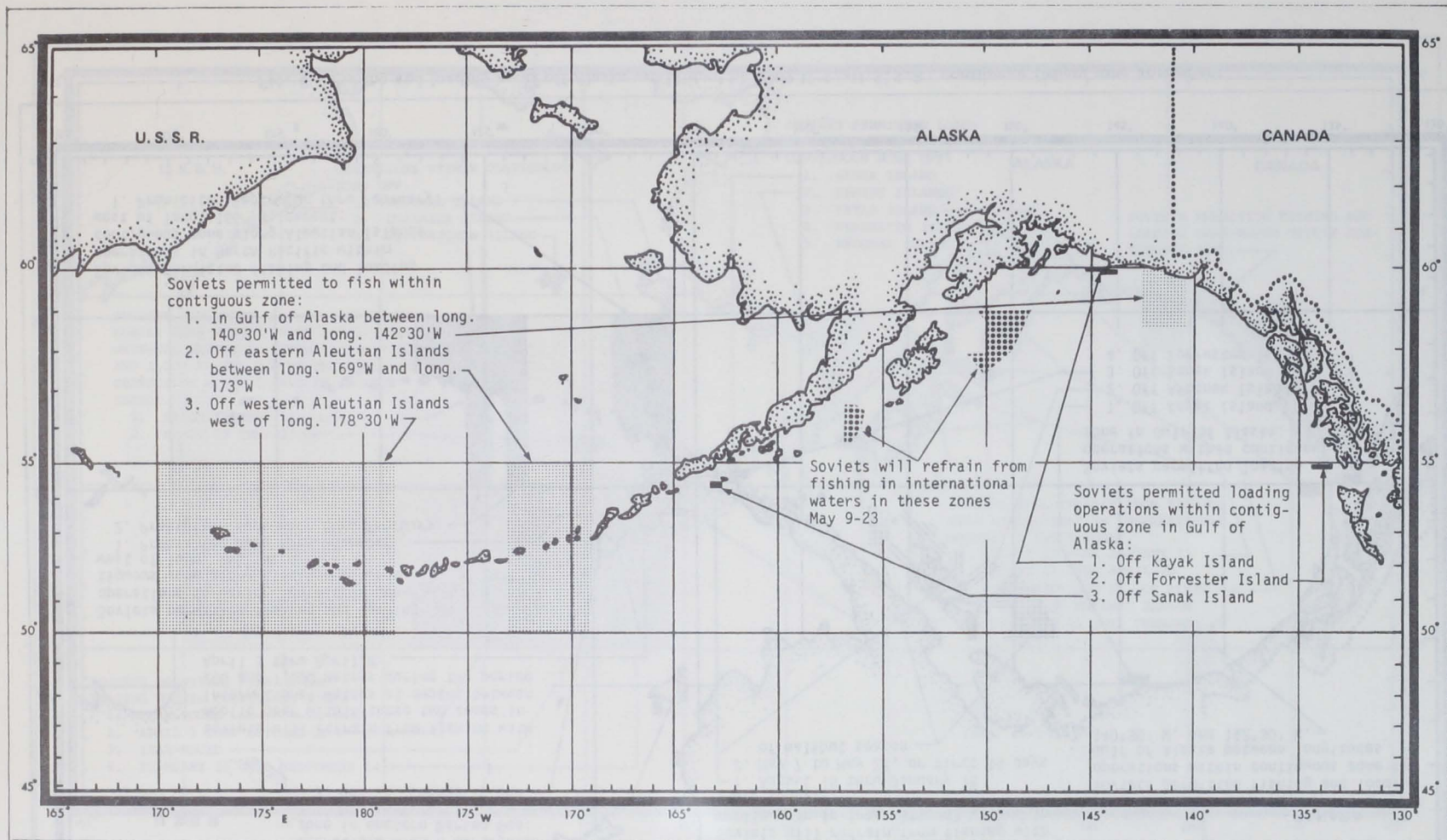


Fig. 7 - Fishing and loading areas off Alaska established by 1967 U.S.-U.S.S.R. contiguous fishery zone agreement.

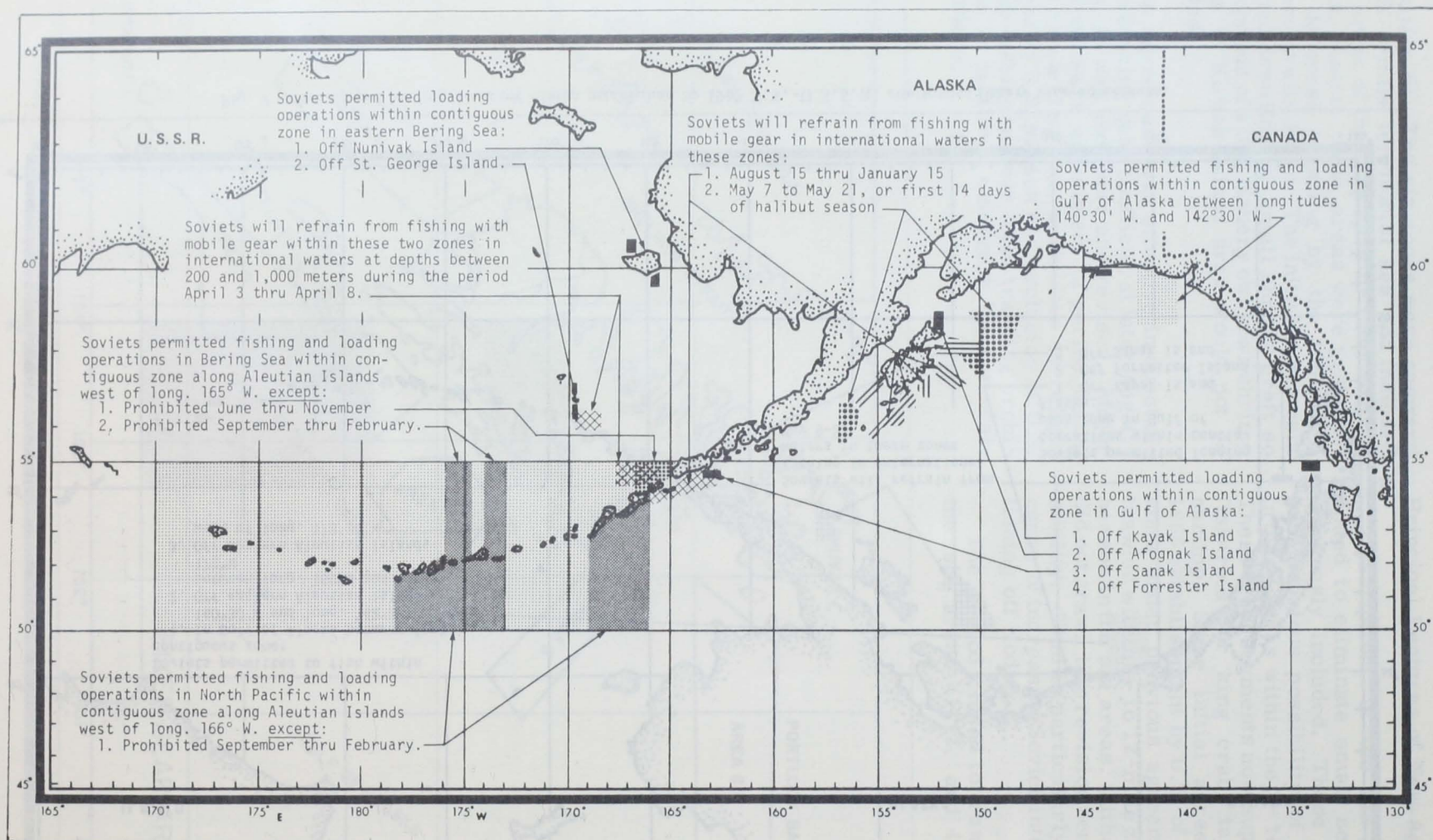


Fig. 8 - Fishing and loading areas off Alaska established by 1969 U.S.-U.S.S.R. contiguous fishery zone agreement.

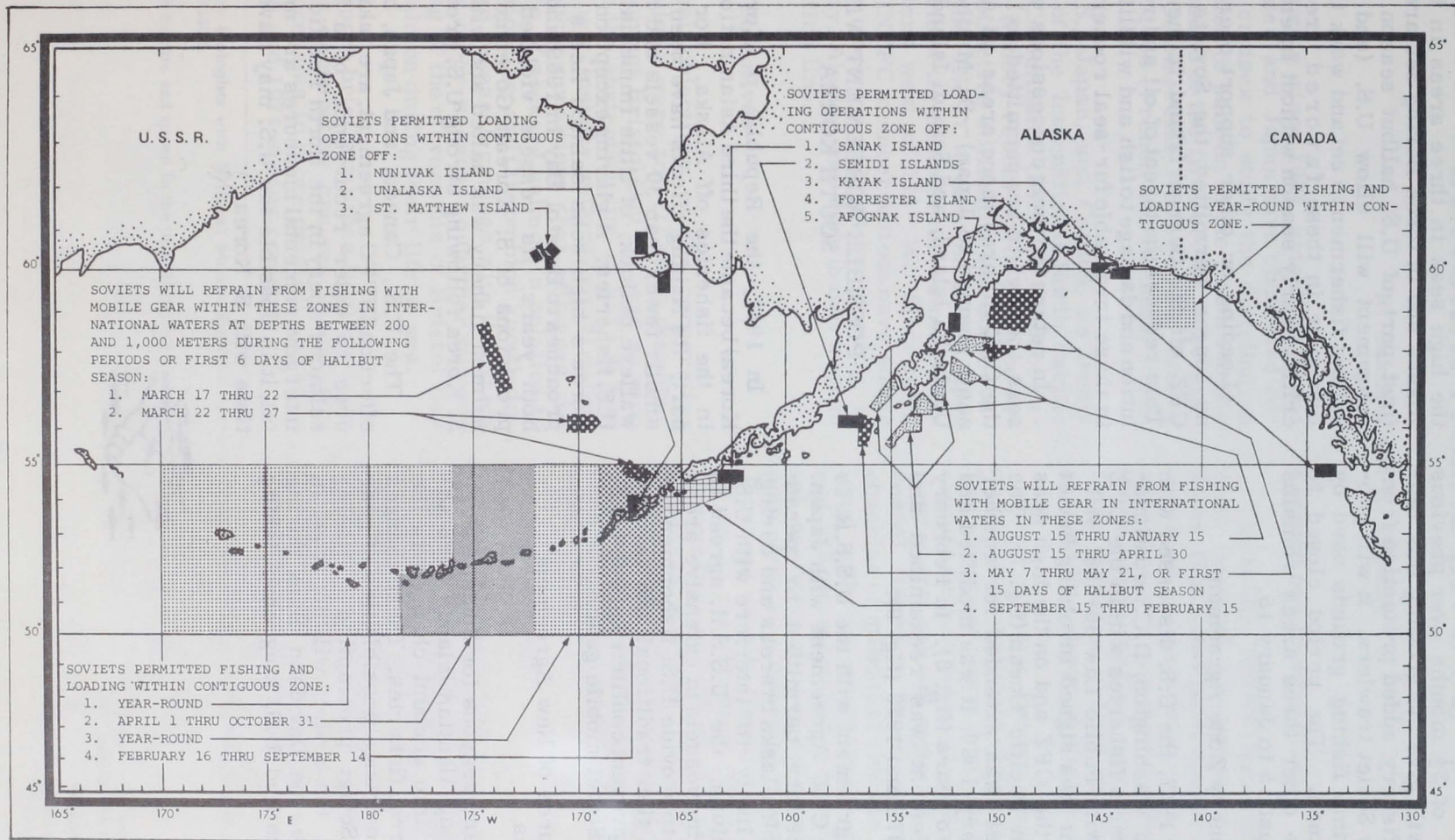


Fig. 9 - Fishing and loading areas off Alaska established by 1971 U.S.-U.S.S.R. contiguous fishery zone agreement.

changed to run from August 15 to April 30. This increase of $3\frac{1}{2}$ months over previous closed period will give the growing U.S. tanner crab pot fishery added protection from interference by Soviet trawlers. It will protect many shrimp fishing grounds used by Kodiak fishermen. The period closed to trawling in the other three areas remains the same, August 15 to January 15.

Contiguous Fishery Zone Agreement

In February 1967, the U.S. discussed with the U.S.S.R. in Washington, D.C., continuation of the latter's fisheries within the CFZ in accordance with Public Law 89-658. A 1-year agreement was signed involving Soviet fishing within the CFZ and on the high seas in northeastern Pacific Ocean (fig. 7). The agreement later was extended for another year. In January 1969, it was modified and extended for two years (fig. 8). In February 1971, the agreement was reexamined and replaced for 1971 and 1972 (fig. 9).

The CFZ Agreement with the U.S.S.R. is similar to the CFZ Agreement with Japan. Soviet fisheries are permitted to operate within the CFZ off Alaska in areas and during periods least likely to interfere with U.S. fishing. In return, the U.S.S.R. agreed to restrict its fishing vessels in extensive areas of the high seas to provide U.S. fishermen the opportunity to fish traditional and favored grounds and to prevent conflicts between U.S. fixed gear and Soviet mobile gear.

Principal Features of New Agreement Affecting Alaska

The areas and seasons for Soviet fishing within CFZ along Aleutian Islands were adjusted to take into account changes in the pattern of U.S. crab fisheries. These changes are designed to reduce possibilities of gear conflicts and Soviet preemption of fishing grounds. Also, the Soviets will not trawl in a high-seas area on Davidson Bank during the recently changed U.S. king crab fishing season.

The Soviets will refrain from fishing on the high seas in three areas in the Gulf of Alaska and in three Bering Sea areas during first part of U.S. halibut season. This arrangement will allow U.S. (and Canadian) halibut fishermen to set and work their long-line gear in these favored areas during critical early season without interference.

Loading or other support operations are no longer permitted the Soviets within the CFZ off St. George Island in the Pribilofs. This reduces the threat of oil and refuse pollution and damage to fish and wildlife habitats in these invaluable fur-seal rookery islands.

In return for their concessions on the high seas, the Soviets are permitted to load within the CFZ in three more areas off Alaska (the same granted to Japan)--St. Matthew Island, Unalaska Island, and Semidi Islands.

POSSIBLE AGREEMENT WITH SOUTH KOREA

In 1967, the Republic of Korea (South Korea) became the third Asian nation engaged in the fisheries off Alaska. For the most part, its fishing efforts have been relatively small: fewer than 30 vessels and mainly for walleye pollock, of little immediate value to U.S. fisheries. A glaring exception was South Korea's high-seas salmon fleets in the approaches to Bristol Bay in 1969 and 1970. In both years, its vessels violated licensing provisions of S. Korean Government. The salmon fishery was halted and withdrawn by S. Korea following strong U.S. protests.

The U.S., Canada, and Japan, because of effect on INPFC agreement, are taking measures to deter recurrence of a S. Korean salmon fishery in the North Pacific. If these intergovernmental measures are unsuccessful, it is possible the U.S. may have to negotiate with S. Korea.

