

New Laws Make Waves

by Richard Shomura

Japan is the leading fishing nation in the Pacific with an annual catch that in recent years has been on the order of 10 million metric tons. In 1977, the catch reached 10.7 million tons. Today, Japan and other nations throughout the world are adjusting to a new maritime regime. This adjustment is in response to

the move by many nations to extend their jurisdictions over fishery resources to 200 nautical miles from their shorelines. Japan's concern with extended jurisdiction is due to the fact that 40-45% of its total annual catch is taken from within 200 miles of other nations' shores.

Extended Jurisdiction

In comparison with today's complexities, the rules governing the movement and operation of vessels in the high seas before World War II, were simple. Before World War II, the international

community generally accepted a 3-mile territorial sea along with specific language to cover passage through straits, definition of bays and so on.

In the Post WWII era, three major events took place to complicate maritime and fishing activities.

The first was a United Nation's Law of the Sea Conference held in 1958. The outcome of this conference resulted in an agreement to a Convention on Fishing.

The second event was the 1964 ratification of the Geneva Convention on the Continental Shelf. This convention established the concept that a coastal state had full jurisdiction over fishery resources which were intimately associated with the shelf all the way out to the edge of the continental

shelf. As expected, problems arose on the definition of what constituted a creature of the continental shelf. Furthermore, Japan did not sign the agreement.

The third and most awesome event that started in the 1950's but steamrolled in the 1970's was the unilateral claim of jurisdiction seaward of 12 miles by coastal states. El Salvador claimed a 200-mile territorial sea while Peru, Ecuador and Chile joined forces and established a trilateral maritime zone. The Congress of the United States passed the Fishery Conservation and Management Act of 1976, whereby the U.S. claimed jurisdiction over fishery resources out to 200 nautical miles off its shores. The language of that law however, excluded tuna from this jurisdiction.

The U.S. position was that tuna, being highly migratory, could best be protected through an international forum. Since the U.S. move, other countries have established their own 200-mile legislation.

Japan's Situation

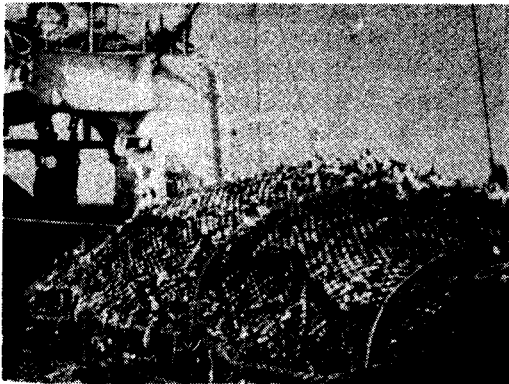
Obviously for a nation such as Japan, which depends upon getting 45% of its catch from someone else's 200-mile zone, the FCZ-EEZ (Fishery Conservation Zone - Exclusive Economic Zone) poses problems of major dimensions. What action has Japan taken to counter this move by the international community? While recognizing the fact that the current series of Law of the Sea meetings is still trying to resolve the problems created by the extended jurisdiction, it appears to be a reality and an accepted fact. When Japan realized that extended jurisdiction would not go away, steps were taken to protect Japan's waters from neighboring countries which had already established extended jurisdiction zones, out to provide access to 200-mile zones of countries with resources important to Japan. Tuna fishing access agreements were signed with Australia, Papua New Guinea, the Trust Territory of the Pacific Islands and Kiribati. Squid agreements were also made with New Zealand.

Japan developed fisheries in foreign countries by (A) buying into domestic fishing companies (B) forming trading companies and (C) by establishing joint ventures. For example, Japan's joint-venture in the Solomon Islands includes catcher vessels, shoreside facilities, a cannery and so on.

ESTIMATED CATCHES BY JAPANESE, TAIWANESE, AND KOREAN LONGLINERS FROM THE 200-MILE ZONES OF SPC MEMBER NATIONS. FROM THE BOOK, THE POLITICS OF PACIFIC ISLANDS FISHERIES BY GEORGE KENT.

| | 1973 | 1974 | 1975 | 1976 |
|--|-------|-------|-------|-------|
| American Samoa | 404 | 19 | 496 | 387 |
| Cook Islands | 1107 | 361 | 3812 | 2866 |
| Fiji | 818 | 303 | 281 | 1554 |
| French Polynesia | 5658 | 5266 | 7044 | 7265 |
| Kiribati | 4368 | 4044 | 12091 | 11348 |
| Guam & Trust Territory | 16692 | 19860 | 20166 | 20602 |
| Tonga | 158 | 29 | 82 | 817 |
| Nauru | 1407 | 1101 | 948 | 1844 |
| New Caledonia | 4617 | 1585 | 1689 | 1801 |
| Vanuatu | 1758 | 432 | 448 | 1012 |
| Niue | 69 | 10 | 5 | 289 |
| Norfolk Island | 812 | 419 | 312 | 700 |
| Papua New Guinea | 14104 | 7039 | 3810 | 6313 |
| Pitcairn Island | 1251 | 1209 | 513 | 1089 |
| Solomon Islands | 6825 | 2875 | 1279 | 2709 |
| Tokelau | 764 | 25 | 1034 | 449 |
| Tuvalu | 1186 | 174 | 2205 | 1886 |
| Wallis and Futuna | 513 | 57 | 189 | 386 |
| Western Samoa | 264 | 11 | 133 | 160 |
| Howland, Baker, Palmyra, and Jarvis Islands | 1059 | 1396 | 3588 | 3152 |

(metric tons)



Photos by George Kent

Developing profitable fishing industries and canneries through joint ventures and other cooperative efforts are important goals of many countries in the Pacific.

Technical assistance and aid is offered by Japan to interested Pacific Island nations. Japan was already moving in this direction even before the flurry of extended jurisdiction activity. It makes good sense to provide aid and technical assistance to developing countries if one wants to have access to the resources of that country. Japan has also provided financial backing to international fishery organizations such as the Southeast Asian Fishery Development Center. In addition to funds, Japan also provides technical assistance to these organizations.

In Western Samoa, Japan is providing the funds to develop the harbor infrastructure for fisheries,

funding the construction of the fisheries building in Apia and also providing technical aid. In Tonga, Japan has a project to assist in developing a tuna bait fishery. Japan also has the equivalent of the U.S. Peace Corps program with specialists helping in the area of fisheries.

Although Japan is recognized as the leader in aquaculture, recent developments suggest that the plan to increase their efforts is in this field. Part of this move is based on the premise that Japan will find it difficult obtaining access to natural stocks in coastal waters of other countries.

Finally, Japan is looking at new

resources for exploration. For the last several years, Japan has sent major expeditions to the Antarctic to see if krill can be caught in commercial quantities. Krill are small shrimp-like animals that form the main diet of whales. Now that the whale populations are down, the krill resources may be under-utilized. Other potential resources include squid, sauries and possibly other deep-water species. Undoubtedly, Japan will be looking at these resources also.

There is no question that Japan has played a major role in fisheries in the Post-WWII years. I expect Japan to continue as a leader in the extended jurisdiction era.