

JAPAN

Fisheries: North Pacific Driftnet

*Agreement effected by exchange of letters
Signed at Tokyo and Washington June 11 and 16, 1992;
Entered into force June 16, 1992.
With attachment.*

*The Japanese Councillor, Fisheries Agency to the Deputy
Assistant Secretary, Oceans and Fisheries Affairs, Department of
State and the Assistant Administrator for Fisheries, National
Marine Fisheries Service, Department of Commerce*

FISHERIES AGENCY
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES,
GOVERNMENT OF JAPAN

June 11, 1992

Mr. David A. Colson
Deputy Assistant Secretary
Oceans and Fisheries Affairs
Department of State

Dr. William W. Fox, Jr.
Assistant Administrator for
Fisheries
National Marine Fisheries Service

Dear Mr. Colson/Dr. Fox:

I would like to inform you that the Japanese side, in the fishing season for the period of July through December 1992, will implement the attached regulatory, enforcement, and information gathering program on the Japanese squid and large-mesh driftnet fisheries in accordance with the principle that enforcement activities with regard to high seas fishing including, but not limited to, those driftnet fisheries should be conducted under the responsibility and initiative of the flag state.

In devising the program, the Fisheries Agency has paid full respect to the United Nations General Assembly Resolutions 44/225, 45/197 and 46/215 and taken into account your concerns regarding the incidental take of North American-origin anadromous species by the squid and large-mesh driftnet fisheries. The details of this program are described in the Attachment.

Sincerely,
Koji Imamura
Councillor
Fisheries Agency
Government of Japan

cc: Dr. J. C. Davis
Regional Director-Science
Pacific Region
Department of Fisheries and Oceans
Government of Canada

ATTACHMENT

REGULATORY, ENFORCEMENT AND INFORMATION GATHERING
PROGRAM OF THE GOVERNMENT OF JAPAN ON THE JAPANESE HIGH
SEAS SQUID AND LARGE-MESH DRIFTNET FISHERIES FOR THE
PERIOD JULY 1, 1992, THROUGH DECEMBER 31, 1992

The Government of Japan (GOJ), as a flag state with established jurisdiction over its high seas fisheries on the basis of the principle of the freedom of the high seas, has instituted necessary regulatory measures to control the squid driftnet and large-mesh fisheries on the high seas and has constructed enforcement programs to ensure compliance with those measures for the period July 1, 1992, through December 31, 1992. The Japanese side intends to continue to make information available to the Canadian and U.S. sides.

I. Regulatory Measures

(i) Overview

(a) Squid Driftnet Fishery

In response to the rapid expansion of the squid driftnet fisheries, the GOJ introduced a limited-entry licensing system and other regulations in August 1981, prohibiting fishing operations in the North Pacific targeting for squid by using driftnets without a license issued by the Minister of Agriculture, Forestry and Fisheries (MAFF). Since then there has been a steady decrease in the number of vessels. The following are the main elements of these measures.

1. Limit on the number of the vessels engaged in this fishery
2. Limit of the fishing ground and period; in particular, establishment of the northern boundary by month based on the best scientific information available in order to minimize incidental takes of the anadromous species inhabiting waters to the north of the waters where flying squids (*Ommastrephes bartrami*) are distributed.
3. Prohibition on retention of anadromous species, even taken incidentally
4. Prohibition of transfer of catch at sea
5. Mandatory display of the vessel's name, registration number, and license number on the hull for facilitating the identification of the vessel at sea
6. Mandatory marking on fishing gears for identification
7. Restriction on mesh size for stock conservation
8. Mandatory record and submission to the Fisheries Agency of Japan (FAJ) of NNSS data in order to identify operational positions

9. Mandatory vessel position reports
10. Mandatory submission of catch reports to the Government

In the event of the violation of any of the regulations above, penalties will be imposed in accordance with the Japanese domestic regulations.

The period of ‘port confinement’, which is an administrative penalty imposed on violations, has been doubled effective from the 1988 fishing season.

(b) Large-mesh Driftnet Fishery

Major enforcement measures imposed upon this fishery have been restrictions on the fishing season, the fishing grounds and the fishing gears. In addition to these measures, the MAFF introduced a registration system to this fishery in August 1989 by modifying its ministerial ordinance. Under this registration system, large-mesh fishermen operating on the high seas are required to register their fishing plan in order to engage in the fishery and submit catch reports and other necessary information to the MAFF for a better understanding of the fishing operations.

The following are the main elements of these measures:

- 1) Restrictions on fishing ground and period
- 2) Prohibition of retention of anadromous species, even taken incidentally
- 3) Mandatory display of vessel’s name and registration number for facilitating identification of the vessel at sea
- 4) Mandatory marking of fishing gears for identification
- 5) Restriction on mesh size for stock conservation
- 6) Mandatory submission of catch reports to the Government

Based upon the 1989 registration system, the FAJ adopted a new regulatory system for the high seas large-mesh driftnet fishery in 1990. The regulatory system imposed a limited entry system which restricts the number of vessels which can participate in the high seas fishery for 1990 and beyond, strictly limiting new entrants to the fishery, and prohibits expansion of the capacity of fishing vessels. Furthermore, the regulatory system provided for the adoption of measures which require the deployment of transmitters on all high seas vessels, prohibit transfers at sea, and mandate the submission of vessel position reports. Other regulatory measures will be adopted as necessary.

In the event of the violation of any of the regulations above, penalties will be imposed in accordance with the Japanese domestic regulations.

(ii) Restriction on the number of vessels

(a) Squid Driftnet Fishery

Licensing certificates will be issued to squid driftnet fishing vessels operating in the North Pacific after the necessary domestic procedures. The number of licensed vessels is no more than 426 for the 1992 season.

The list of the licensed vessels, including enlisting name, license number and vessel registration number, will be made available to the Canadian and U.S. authorities on request at the earliest possible time after the licenses are issued. In addition, each driftnet vessel must submit to the FAJ a color photograph of each side of the vessel.

(b) Large-mesh Driftnet Fishery

Based upon the 1989 registration system, the FAJ imposed a new regulatory system to limit the number of fishing vessels engaged in the high seas large-mesh driftnet fishery to a number less than the actual number of vessels which operated during the last twelve months. No more than 31 vessels are permitted in this high seas fishery for the 1992 season. In addition, each driftnet vessel must submit to the FAJ a color photograph of each side of the vessel. The list of the vessels will be made available to the Canadian and U.S. authorities upon request.

(c) Measures to be taken for implementation of the U.N. Resolution 46/215

In addition to what is mentioned in (a) and (b) above, the FAJ will take the following measures to implement the provisions in paragraph 3 of the U.N. Resolution 46/215 for both the squid and large-mesh driftnet fisheries on the high seas.

- 1) The average number of squid and large-mesh driftnet fishing vessels to engage in actual operations is limited to 280 per month between July and December of 1992, and no license for any high seas driftnet fishing will be valid after December 31, 1992.
- 2) In order to secure smooth implementation of the measures described in 1) above, the maximum number of fishing vessels to engage in actual operations is established for each month, beginning at 420 in July and August with reduction of 140 in every subsequent two months. The maximum number of fishing vessels to engage in actual operations in each month is shown in the table below.

Year	1992							1993
Month	July	Aug.	Sep.	Oct.	Nov.	Dec.	Avg.	
Max. #	420	420	280	280	140	140	280	0

- 3) If, by any chance, the actual number of fishing vessels in any particular month should exceed the maximum number set for that month, such an excess effort will be adjusted and subtracted from the maximum number allowed in December, and if necessary, November, October, etc. Furthermore, even if the actual number of fishing vessels does not reach the maximum number in any particular month, such a shortfall will not be compensated and transferred to the later months.

(iii) Restriction of fishing period and area

(a) Squid Driftnet Fishery

The operation of the squid driftnet fishery is permitted only within the limits of the waters surrounded by 20 degrees N, 170 degrees E, 145 degrees W and the northern boundary that changes by month (40–46 degrees N). The period in which the operation is permitted is limited from June to December. The northern and eastern boundaries have been specifically established to minimize incidental takes of anadromous species.

For squid driftnet vessels operating in the area between 170 degrees E to 145 degrees W longitude, the northern boundaries are established as follows:

January through May	Closed to fishing
June	Latitude 40 degrees N
July	Latitude 42 degrees N Between 170 degrees E – 170 degrees W Latitude 43 degrees N Between 170 degrees W – 145 degrees W
August	Latitude 45 degrees N Between 170 degrees E – 170 degrees W Latitude 46 degrees N Between 170 degrees W – 145 degrees W

September	Latitude 46 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

In addition to what is mentioned above, for the 1992 fishing season, the FAJ will introduce additional area restrictions for implementation of the U.N. Resolution 46/215. These are prohibitions of operations as specified below:

August 1 to August 10	West of 175 degrees E North of 44 degrees N
September	East of 150 degrees W
October	East of 155 degrees W
November	East of 160 degrees W
December	East of 165 degrees W
July through December	South of 34 degrees N

(b) Large-mesh Driftnet Fishery

The FAJ will maintain existing time and area restrictions, including the prohibition of the large-mesh driftnet operation in the following areas.

- 1) north of 20 degrees N latitude and east of 145 degrees W longitude
- 2) north of the northern boundaries between 170 degrees E and 145 degrees W longitude described below:

January through June	Latitude 40 degrees N
July	Latitude 42 degrees N
August	Latitude 44 degrees N
September	Latitude 46 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

The FAJ has introduced additional northern boundaries established as follows for the indicated areas and times for the large-mesh driftnet fishery, as a part of the new regulatory system.

Between 170 degrees E and 145 degrees W:

January through April	Latitude 36 degrees N
May	Latitude 37 degrees N

Area west of 170 degrees E longitude:

January through April	Latitude 36 degrees N
May	Latitude 30 degrees N

June	Latitude 40 degrees N
July through September	Latitude 38 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

Beginning on January 1, 1992, the FAJ has introduced additional area restrictions for the January-June fishing period in response to the provisions in paragraph 3 (a) and (b) of the U.N. Resolution 46/215, and these restrictions will be maintained through December 31, 1992. These are prohibitions of operations as specified below:

North of 44 degrees N, between 170 degrees E and 180 degrees
 North of 40 degrees N, east of 180 degrees
 South of 20 degrees N, east of 175 degrees E
 East of 150 degrees W

For the July-December fishing period, the FAJ will further introduce additional area restrictions for implementation of the U.N. Resolution 46/215. These are prohibitions of operations as specified below:

September	East of 150 degrees W
October	East of 155 degrees W
November	East of 160 degrees W
December	East of 165 degrees W

(iv) Display of the vessel's name, and other identification on the hull

(a) Squid Driftnet Fishery

In order to facilitate the identification of squid driftnet vessels at sea, displaying vessel's name, license number and vessel's registration number in a specified size on the hull is mandatory for all the licensed vessels.

Each squid driftnet vessel is to be assigned a license number. This license number is to be displayed on both sides of the hull and on both sides of the bridge in a color in contrast to the background. The license number affixed to the hull must be in Roman letters and Arabic numerals at least 50 cm in height. The license number affixed to the bridge must be in Roman letters and Arabic numerals at least 30 cm in height. In addition, each squid driftnet vessel will have two blue stripes, one at least 30 cm in width and the other at least 20 cm in width, surrounding the bridge.

(b) Large-mesh Driftnet Fishery

Each large-mesh driftnet vessel will have one black stripe at least 30 cm in width surrounding the bridge. For the identification of large-mesh driftnet vessels at sea, displaying the vessel's name and the vessel's registration number in a specified size on the bridge is mandatory. The registration number affixed to the bridge must be in Roman letters and Arabic numbers at least 30 cm in height and in a color in contrast to the background.

(v) Marking of fishing gear

Each driftnet vessel is to use methods to identify the driftnet gear it deploys by permanently marking at every tan (45–50 m) of net with the name of the vessel and its corresponding license number or port of registry if the vessel has not been issued a license number. Each vessel is also required to refrain from discarding used or damaged driftnets, to stow them on the vessel, and to return them to port for proper disposal upon completion of the vessel's voyage. The location, date, and amount of lost fishing gear must be reported to the FAJ.

(vi) Gear restrictions

Driftnet vessels may only carry the gear type for which they are permitted (large mesh (15 cm or more) or small mesh (10–13.5 cm)). No driftnet vessel can be permitted to engage in more than one kind of driftnet fishery during any given scheduled fishing trip.

II. Gear materials

In 1992, the FAJ will continue its basic research, started in 1989, on the development of biodegradable materials which break into segments that do not represent a significant threat to the living marine resources. Reports of this research will be provided to the U.S. and Canadian sides. The U.S. and Canadian sides will provide the FAJ with any useful information for the development of biodegradable materials.

III. Enforcement program

(i) Intensification of enforcement activities

In the 1992 season, enforcement activities such as the deployment of patrol boats and surveillance at landing ports by Japanese enforcement officers will be maintained.

The number of vessel-days of patrol cruises focusing mainly on the enforcement of the northern boundary will be maintained in the 1992 season (5 patrol-boats to be deployed for about 600 vessel-days in 1992). During July-December 1992,

an enforcement presence at sea will be maintained comparable to that during the same period of 1991 unless violations should indicate otherwise.

(ii) Communication with the U.S. enforcement authorities

FAJ will conduct surveillance and boardings of Japanese driftnet fishing vessels, both dockside and at sea. On the high seas, FAJ will coordinate with the appropriate U.S. authorities communications between their respective patrol units. Both sides will use state-of-the-art communications equipment such as International Marine Satellite (INMARSAT) and facsimile to facilitate communications, where possible.

(iii) Utilization of the information supplied by the U.S. officials in Japanese investigations

The Japanese side intends to continue to utilize, to the maximum extent, the information supplied by the U.S. officials indicating alleged violations by the Japanese driftnet fishing vessels, in the investigation and identification of the violator. In order to facilitate the investigation on the Japanese side, photographs are expected to be as clear as possible, and/or with reliable information of sighting positions.

The Japanese side intends to continue to provide the U.S. authorities with the results of its investigation, which has utilized the information supplied by the U.S. officials, including specific penalty imposed on the violators.

(iv) Notice of the outline of Japanese enforcement activities:

The Japanese side intends to continue to be prepared to provide the Canadian and U.S. authorities with the outline of the Japanese enforcement activities on a voluntary basis.

IV. Exchange of Enforcement Observers

The Japanese side is prepared to invite a U.S. observer to at least one 30 day patrol cruise of the Hakuryu-maru of FAJ in 1992.

The Japanese side understands that the U.S. side will invite a Japanese observer to get on board a U.S. Coast Guard surveillance plane. The flight will stage out of Coast Guard Air Station, Kodiak, Alaska or other appropriate U.S. facilities.

The Japanese side also understands that both sides will pay the travel and per diem costs of their own observers and each side will cover all operational costs of their patrol operations.

V. Deployment of Satellite Transmitters

Real-time automatic satellite position fixing devices (transmitters) will continue to be deployed by the relevant fishery organization on board 100% of the Japa-

nese driftnet fishing vessels which leave port for operation beyond the 200 nautical mile zone of the flag state in the 1992 fishing season, and which allow automatic, real-time monitoring of the location and identity of each vessel at all times while at sea.

Real-time vessel location and identification data and information from the satellite transmitters will be made available to the FAJ under contract with Argos. Based upon the information received from Argos, the FAJ will take immediate and appropriate action as required.

The FAJ authorizes Argos to make those data and information available to the appropriate Canadian and U.S. authorities under contract between Argos and these authorities. In this connection, it is confirmed that such access by those Canadian and U.S. authorities to the said data and information will not be deemed to authorize in any way the Canadian and U.S. sides to be engaged in enforcement activities with respect to Japanese high seas driftnet fisheries. The Japanese side understands that raw transmitter data will be kept confidential within these authorities.

VI. Exchange of information on driftnet operations by the vessels of non-contracting parties to the INPFC

When Japanese patrol vessels have witnessed driftnet operations by the vessels of non-contracting parties to the INPFC which are deemed to be engaged in fishing for anadromous species, the Japanese side will continue to transmit the following information on those vessels to the Canadian and U.S. sides as quickly as possible.

All driftnet vessels of non-contracting parties to the INPFC sighted by the Japanese salmon fishery patrol vessels and those vessels of non-contracting parties to the INPFC sighted in operation in waters north of the northern boundary by the Japanese squid fishery patrol vessels will be reported. Information will include if available:

1. position (coordinates) sighted
2. nationality and registry
3. name of vessel
4. registration number
5. estimated tonnage
6. color of hull
7. activities, including description of fishing procedures, nature of catch, and estimated course and speed

VII. Reflagging

The FAJ will review their regulatory measures regarding the reflagging of Japanese driftnet vessels. If necessary, the FAJ intends to reinforce under its competence appropriate regulations and penalties to prohibit such reflagging.

VIII. Data Exchange

1. For the 1992 squid driftnet fishery, total fishing effort and catch in weight by species group by 1° x 1° statistical block, 10-day period, and vessel size class (i.e., large and small vessels) will be provided to the appropriate authorities of Canada and the United States by April 1, 1993. Fishing effort will be expressed in the number of standardized (50m) tans and number of fishing operations. Species groups will include flying squid, salmonids, albacore, skipjack tuna, swordfish, marlins, pomfret, sharks, yellowtail, and other fishes.

2. For the 1992 large-mesh driftnet fishery, total fishing effort and catch in weight by species group by 1° x 1° statistical block, 10-day period, and vessel size class (i.e., large and small vessels) will be provided to the appropriate authorities of Canada and the United States by April 1, 1993. Fishing effort will be expressed in the number of standardized (50m) tans and number of fishing operations. Species groups will include albacore, skipjack tuna, bigeye tuna, northern bluefin tuna, yellowfin tuna, striped marlin, blue marlin, black marlin, sailfish, spearfish, swordfish, sharks, pomfret, and other fishes.

3. A report on results of the 1992 research cruises in the squid driftnet fishing areas will be provided to the appropriate authorities of Japan, Canada and the United States within 90 days after the completion of the cruises.

4. Reports of results of other research related to the high seas driftnet fisheries will be provided to the appropriate authorities of Japan, Canada and the United States upon completion.

IX. Research Coordination

Canadian, Japanese and U.S. scientists familiar with North Pacific high seas fisheries research will exchange views on potential research collaboration.

Discussions will include:

- (1) current and anticipated research on the biology and population dynamics of species taken in the North Pacific high seas fisheries;
- (2) current and anticipated research on the physical and biological oceanography of the high seas fishing area;

- (3) current and anticipated research plans and development of fisheries technologies relevant to high seas fisheries and the avoidance of non-target species; and
- (4) research vessel and chartered fishing vessel activities for the North Pacific high seas region in 1992.

*The Deputy Assistant Secretary, Oceans and Fisheries Affairs,
Department of State and the Director, National Marine
Fisheries Service, Department of Commerce to the Japanese
Councillor, Fisheries Agency*

United States Department of State
Washington, D.C. 20520

June 16, 1992

Councillor Koji Imamura
Department of Oceanic Fisheries
Fisheries Agency of Japan
2-1, 1-Chome, Kasumigaseki
Tokyo 100, Japan

Dear Mr. Imamura:

Thank you for your letter of June 11, 1992, regarding the regulatory, enforcement and information gathering program for the Japanese squid driftnet and large-mesh driftnet fisheries for the period of July through December 1992. The U.S. Government reaffirms its support for United Nations General Assembly Resolutions 44/225, 45/197, and 46/215. We look forward to cooperating with the Government of Japan to ensure that the global moratorium on large-scale high seas driftnet fishing is realized by December 31, 1992.

We have repeatedly and consistently protested the Fisheries Agency of Japan's decision to extend the northern boundary of the squid fishery for July and August. Such an expansion of the fishery is unwarranted in view of the risk that it will have unacceptable impacts on the living marine resources of the region.

Finally, we would like to repeat the position of the U.S. Government that the United States has jurisdiction over U.S.-origin anadromous species throughout their migratory range, except during the time they are found within another nation's territorial sea or 200-nautical mile zone as recognized by the United States. The United States has great concern for all living resources of the North Pacific, as expressed in the United Nations Resolutions mentioned previously.

Sincerely,

Ambassador David A. Colson
Deputy Assistant Secretary
Oceans and Fisheries Affairs
Department of State

Dr. William W. Fox, Jr.
Director, National Marine
Fisheries Service
Department of Commerce