

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



DATE: April 6, 1989

SUBJECT: International Fisheries

**ACTION REQUIRED**

Status reports on international fisheries negotiations and plans for further action.

**BACKGROUND**

There have been several international fisheries meetings since January. Representatives of the U.S. and Taiwan met on driftnet issues on February 1-3 in Washington, D.C. As summarized in item C-4(a), the talks were not all that productive. The Taiwanese refused to take observers or strengthen enforcement. The U.S. side warned that unless an agreement is reached by June 29, 1989, the Secretary of Commerce would have to certify that Taiwan had failed to meet the requirements of the Pelly Amendment. The President could then restrict Taiwan fish exports to the U.S. which amounted to \$400 million in 1988. The U.S. is one of Taiwan's largest markets for fish and related products.

The U.S.-Soviet Intergovernmental Consultative Committee on Fisheries, established by the May 31, 1988 Comprehensive Fisheries Agreement, held its first meeting on February 6-10. Their discussions covered high seas salmon interceptions, the unregulated harvests of pollock in the Donut, cooperative commercial ventures, and joint research (summarized in item C-4(b)). The U.S.-Soviet Advisory Body also met in conjunction with those negotiations.

A third meeting that took place since January was an INPFC meeting on February 27-March 1 in Sidney, British Columbia. Japan had requested the meeting to discuss their proposal to amend the INPFC treaty to restore their salmon fishery in the EEZ and to switch to a landbased fishery. Another INPFC negotiating session took place just last week in Washington, D.C.

Bob Ford will report on these and any other meetings of importance to the Council. It also would be useful to receive comments from Council members that attended.

Item C-4(c) is a plan developed by Lee Alverson for further action on the Donut fisheries. It includes a seminar with industry to review the issues and alternative solutions, development of industry expectations for a regional agreement that is consistent with Law of the Sea precepts, first steps to get the ball rolling on development of a multilateral agreement which, if failed, could open the way to unilateral action, and further action to strengthen enforcement over illegal fishing activities inside our EEZ.

Item C-4(d) is a summary of activities on the international front since last summer. I'm not confident I have everything included but the list does clearly show everyone has been very busy.



United States Department of State

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

March 9, 1989

Mr. John Peterson, Chairman  
North Pacific Fishery  
Management Council  
Post Office Box 103136  
Anchorage, Alaska 99501

Dear John:

As required by the Driftnet Act of 1987, representatives from the United States and Taiwan met on February 1-3 in Washington, D.C. to discuss the impact of Taiwan driftnet fishing on U.S. marine resources. The American Institute in Taiwan (AIT), a private corporation that represents U.S. interests in Taiwan, negotiated on behalf of the United States. The Taiwan side was represented by the private Coordination Council for North American Affairs (CCNAA). A list of participants is enclosed with a detailed description of the talks.

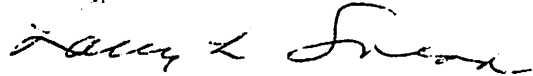
The United States proposal contained provisions for:

- a) an observer program to provide reliable information on the impact of Taiwan driftnet fishing,
- b) a joint enforcement agreement, particularly designed to prevent the incidental take of salmonids,
- c) the exchange of information regarding the nature, extent and effect of current Taiwan driftnet activities.

The Taiwan representatives responded that putting U.S. observers aboard Taiwan fishing vessels was unacceptable. However, the Taiwan representatives stated that they would study the U.S. proposal further and suggested that the next round of talks be held in Taipei.

The meeting closed with the U.S. delegation saying further negotiations would only be fruitful if Taiwan is willing to be more accommodating. The U.S. side also warned that, unless an agreement was reached by June 29, 1989, the Secretary of Commerce would have to certify that Taiwan had failed to meet the requirements of Pelly Amendment. The President could then restrict Taiwan fish exports to the United States.

Sincerely,



Larry L. Snead  
Director  
Office of Fisheries Affairs

Enclosures:  
As stated.

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TAGS: EFIS, SENV, TW  
SUBJECT: AIT - CCGAA DRIFTNET DISCUSSIONS

REF: (A) STATE 9606; (B) SEOUL 1304

1. SUMMARY AIT/W HOSTED DISCUSSIONS OF TAIWAN NORTH PACIFIC DRIFTNET FISHERY WITH CCGAA DELEGATION IN WASHINGTON FEB 1-3, 1989. AIT SIDE SOUGHT INFORMATION ON TAIWAN DRIFTNET FISHERIES, CLARIFICATION OF CURRENT REGULATIONS ON TAIWAN DRIFTNET FISHERIES, AND AGREEMENT ON DRIFTNET MONITORING AND ENFORCEMENT PROGRAMS ON A PILOT BASIS DURING 1989 FISHING SEASON. CCGAA WAS UNWILLING TO COMMIT TO A DRIFTNET MONITORING PROGRAM INVOLVING AIT CONSULTANTS ON TAIWAN COMMERCIAL DRIFTNET VESSELS OR ON AN ENFORCEMENT PROGRAM INVOLVING AIT CONSULTANTS ON TAIWAN ENFORCEMENT VESSELS. DISCUSSIONS CONCLUDED WITHOUT AGREEMENT ON EITHER PROGRAM. AIT POINTED OUT THAT KOREA AND JAPAN HAD AGREED TO ACCEPT U.S. OBSERVERS ON THEIR COMMERCIAL FISHING VESSELS. CCGAA DELEGATION AGREED TO REVIEW AIT PROPOSALS AND CONSULT WITH AUTHORITIES IN TAIPEI. NOAA-FISHERIES

REPORT OF DISCUSSIONS IS IN PREPARATION AND WILL BE POUCHED TO POSTS AS SOON AS IT IS AVAILABLE. END SUMMARY.

2. DISCUSSIONS CONCERNING TAIWAN NORTH PACIFIC DRIFTNET FISHERY WERE HELD IN WASHINGTON ON FEB 1-3, 1989 PURSUANT TO THE DRIFTNET IMPACT MONITORING, ASSESSMENT AND CONTROL ACT OF 1987. ACT REQUIRES SECRETARY OF COMMERCE, THROUGH SECRETARY OF STATE, TO INITIATE NEGOTIATIONS WITH NATIONS ACTIVE IN THE NORTH PACIFIC DRIFTNET FISHERY TOWARD COOPERATIVE MONITORING OF DRIFTNET IMPACTS AND EFFECTIVE ENFORCEMENT OF APPLICABLE LAW AND REGULATIONS ON DRIFTNETTING NATIONS' FISHING VESSELS. ACT ALSO PROVIDES FOR CERTIFICATION UNDER THE PELLY AMENDMENT (SECTION 8 OF THE FISHERMEN'S PROTECTIVE ACT OF 1967) OF THOSE NATIONS FAILING TO CONCLUDE AND IMPLEMENT APPROPRIATE AGREEMENTS WITH THE U.S. PRIOR TO JUNE 29, 1989.

3. MEETING AGENDA WAS IDENTICAL TO THAT PROPOSED IN LETTER FROM DAVID LAUX TO HOU-SHIN DING DATED DEC 16, 1988 (REF A):

1. OPENING COMMENTS AND PROCEDURES
2. REVIEW OF AVAILABLE DATA ON TAIWAN DRIFTNET FISHERIES
3. REVIEW OF CURRENT REGULATIONS FOR TAIWAN DRIFTNET FISHERIES
4. CONSIDERATION OF DRIFTNET MONITORING PROGRAM
5. CONSIDERATION OF DRIFTNET ENFORCEMENT PROGRAM

6. SOUTH PACIFIC TUNA DRIFTNET FISHERY  
7. OTHER BUSINESS  
PARA 4-9 ARE KEYED TO AGENDA TOPICS 2-7, RESPECTIVELY.

4. AIT DELEGATION THANKED CCGAA DELEGATION FOR INFORMATION ON TAIWAN DRIFTNET FISHERY PROVIDED DURING BILATERAL MEETING OF SCIENTISTS IN TAIPEI, NOVEMBER 5-7, 1988. AIT DELEGATION HAD NO SIGNIFICANT SCIENTIFIC QUESTIONS FOR CCGAA DELEGATION AT THIS TIME DUE TO THE ABSENCE OF PRINCIPAL AIT CONSULTANT SCIENTIST DUE TO EXTREME ALASKAN WEATHER CONDITIONS.

5. SUBSTANTIAL DISCUSSION CENTERED ON REGULATIONS OF TAIWAN NORTH PACIFIC DRIFTNET FISHERY. PARTICULAR EMPHASIS WAS PUT ON REGULATIONS CONCERNING NON-RETENTION OF SALMONID SPECIES OWING TO REPORTS OF LAUNDERED U.S. ORIGIN SALMON APPEARING IN EAST ASIAN MARKETS (REF B) AND THE APPEARANCE OF LARGE NUMBERS OF NET-MARKED SALMON IN THE U.S. COASTAL FISHERY.

6. AIT DELEGATION PROPOSED A PILOT COOPERATIVE MONITORING PROGRAM UNDER WHICH SIX U.S. AND SIX TAIWAN

OBSERVERS WOULD BE PLACED ON TWELVE COMMERCIAL DRIFTNET VESSELS OF TAIWAN FOR PERIODS OF AT LEAST 30 DAYS SO AS TO OBSERVE AT LEAST 30 NET RETRIEVALS. CCGAA DELEGATION INDICATED THAT THE PRESENCE OF FOREIGN OBSERVERS ON COMMERCIAL FISHING VESSELS WOULD BE UNACCEPTABLE TO TAIWAN FISHERMEN. CCGAA COUNTERED WITH A PROPOSAL TO PLACE TAIWAN SCIENTIFIC OBSERVERS ON TAIWAN COMMERCIAL DRIFTNET FISHING VESSELS. CCGAA REQUESTED U.S. TRAINING FOR THESE OBSERVERS. CCGAA ALSO PROPOSED STATIONING U.S. OBSERVERS ON A TAIWAN RESEARCH VESSEL TO OBSERVE DRIFTNET FISHING. HOWEVER, THE CCGAA PROPOSAL LIMITED THESE OBSERVERS TO AREAS NOT CURRENTLY FISHED BY TAIWAN VESSELS. AIT DELEGATION INDICATED THIS PROPOSAL WAS COMPLETELY UNACCEPTABLE AND REQUESTED THAT CCGAA DELEGATION RECONSIDER ITS POSITION AFTER CONFERRING WITH ITS PRINCIPALS IN TAIPEI. (COMMENT: AIT POINTED OUT TO CCGAA THAT KOREA AND JAPAN HAD ACCEPTED U.S. OBSERVERS ON THEIR COMMERCIAL FISHING VESSELS. CCGAA REQUESTED DETAILS OF THESE ARRANGEMENTS AND AIT AGREED TO PROVIDE THEM.)

7. AIT DELEGATION PRESENTED A DRAFT AGREEMENT DESIGNED TO ENSURE THAT TAIWAN'S DRIFTNET VESSELS OBSERVED ESTABLISHED AREA OPERATING LIMITATIONS AND REGULATIONS AGAINST RETENTION OF SALMONID SPECIES. KEY FEATURES OF PROPOSAL WERE PROVISIONS FOR REALTIME AUTOMATIC MONITORING OF DRIFTNET VESSEL LOCATION USING SATELLITE TECHNOLOGY, THE EXCHANGE OF ENFORCEMENT PERSONNEL TO FACILITATE DRIFTNET FISHERY ENFORCEMENT AND SURVEILLANCE ACTIVITIES, AND A PROGRAM OF AT-SEA BOARDINGS OF TAIWAN DRIFTNET VESSELS BY OFFICIALS OF BOTH AIT AND CCGAA. CCGAA DELEGATION INDICATED THE COMPLETELY UNACCEPTABLE NATURE OF THIS PROPOSAL BASED ON SOVEREIGNTY CONSIDERATIONS. (AIT TAKES THE POSITION THAT BOARDING CCGAA VESSELS PURSUANT TO AN AGREEMENT DOES NOT IMPACT ON SOVEREIGNTY.) CCGAA DELEGATION INDICATED THEY WERE WORKING ACTIVELY TO DETECT AND PROSECUTE VIOLATORS OF SALMON REGULATIONS AND THAT CLOSING OF MARKETS FOR ILLEGALLY CAUGHT AND RETAINED SALMON WOULD PRECLUDE THE NEED FOR AT-SEA ENFORCEMENT.

8. AIT DELEGATION ALSO EXPRESSED CONCERN OVER THE RAPIDLY GROWING DRIFTNET FISHERY FOR ALBACORE IN THE SOUTH PACIFIC, CITING BOTH CONSERVATION AND NAVIGATION/SAFETY CONCERNS. CCGAA DELEGATION INDICATED THAT THIS WAS A VERY NEW FISHERY AND THAT THEY DID NOT YET HAVE DATA TO SHARE. THEY INDICATED THEY WOULD DO SO

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NO OTHER BUSINESS WAS DISCUSSED.

10. DISCUSSIONS CONCLUDED WITH NO AGREEMENT BEING REACHED ON OBSERVER OR ENFORCEMENT PROGRAMS. AIT DELEGATION TOOK PAINS TO MAKE THE CCNA DELEGATION AWARE OF THE TIME CONSTRAINTS IMPOSED BY THE DRIFTNET ACT (PARA 2, ABOVE) AND REQUESTED THAT THEY RECONSIDER THEIR POSITIONS FOLLOWING INTERNAL REVIEW OF U.S. PROPOSALS IN TAIPEI.

11. NOAA-FISHERIES REPORT ON DISCUSSIONS WILL BE POUCHED TO POSTS AS SOON AS IT IS AVAILABLE. BAKER

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## JOINT PRESS STATEMENT

The U.S.-USSR Intergovernmental Consultative Committee on Fisheries (the Committee), which was established pursuant to the May 31 Comprehensive Fisheries Agreement, held its first meeting in Washington, D.C. from February 6-10, 1989. The Committee considered a number of fisheries issues, including the conservation of salmonids on the high seas of the North Pacific Ocean, the expanded pollock fisheries in the central Bering Sea, and the provisions for reciprocal access to the fisheries resources of the two countries' 200 nautical mile zones. The two delegations were headed by their respective Representatives on the Committee, Dr. V.K. Zilanov, Deputy-Minister, Soviet Ministry of Fisheries, and Ambassador Edward E. Wolfe, Deputy Assistant Secretary for Oceans and Fisheries Affairs, U.S. Department of State.

The Committee considered in detail matters related to the conservation of salmonids in the North Pacific Ocean beyond the U.S. and Soviet 200-mile zones and the zones of other countries. It was agreed that fishing for salmonids beyond 200 mile zones is an irrational and wasteful harvesting method and that all efforts should be taken to prevent the unauthorized possession, harvest, transport, and sale of salmon in the North Pacific. Noting their concern over the unauthorized harvest of salmon in this region, the two Representatives signed an agreement on areas in which they can increase their bilateral cooperation in the field of enforcing salmon conservation measures. The two sides also agreed to consider the possibility for multilateral cooperation of the countries concerned which would provide for the protection of salmonid stocks on the areas of the North Pacific beyond 200 nautical miles.

The Committee considered in detail the unregulated harvest of pollock in the central Bering Sea. Scientists of both sides reviewed the findings made during bilateral talks in Leningrad in October 1988 and agreed that the harvests in the central Bering Sea are clearly detrimental to the stocks in the adjacent zones. The two sides considered specific measures which could be taken to prevent adverse impacts on the Bering Sea pollock stocks from this large-scale unregulated fishery. It was agreed that the two delegations would work towards the finalization of recommendations for regulatory measures for the central Bering Sea at an early date.

The Committee also reviewed the progress made in the establishment of cooperative commercial ventures in the field of fisheries between their respective industries as provided for under the Comprehensive Fisheries Agreement. The Parties expressed satisfaction regarding the establishment of joint Soviet American enterprises in various aspects of the fishing industry since the March 1988 meeting in Khabarovsk, and agreed to facilitate the establishment of contacts between the interested enterprises and companies. The two delegations also considered the technical aspects of reciprocal fishing privileges, including familiarization with laws and regulations on fishing applying to operations by vessels of each country operating in the zone of the other country.

Scientists from both countries agreed to joint research on salmonids and groundfish, the exchange of scientific information on salmonids, groundfish, and crab, and the exchange of scientists to conduct research on stocks of mutual interest. It was agreed to hold a symposium on Pacific salmon biology in the near future in the Soviet Union.

The Committee agreed to hold its next meeting in the Soviet Union at a time to be agreed upon.

## MEMORANDUM OF UNDERSTANDING

The Representatives of the Governments of the United States and the Soviet Union to the Intergovernmental Consultative Committee have agreed to record the following in connection with Article VII of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed at Moscow on May 31, 1988 (hereinafter referred to as "the Agreement"), in order to further cooperation on the conservation and management of anadromous Salmonidae in the North Pacific Ocean:

1. The Representatives of the United States and the Soviet Union recognize the principle that fishing for anadromous species of U.S. and Soviet origin in areas beyond any exclusive economic zone or its equivalent is a wasteful method for harvesting anadromous species and is contrary to the requirements of rational management.
2. The Representatives of the United States and the Soviet Union further recognize the principle that no harvesting or taking of anadromous species should occur in areas beyond any exclusive economic zone or its equivalent, except as provided for under their international agreements.
3. The Parties agree to work together, consistent with their international obligations, to reach multilateral agreements to conserve and manage anadromous species in the areas of the North Pacific Ocean beyond any exclusive economic zone or its equivalent.
4. The Parties agree to exchange information on the unauthorized harvest of anadromous species in the North Pacific Ocean, including:
  - (a) available information on unauthorized harvests of anadromous species from surface vessel and aircraft surveillance patrols in the North Pacific Ocean;
  - (b) available information on the sale, purchase, or transport of such unauthorized harvests of anadromous species;
  - (c) other relevant information.



5. The Parties will take, consistent with international law, the necessary measures to ensure that fishery enforcement activities of each Party may be conducted where feasible on a cooperative basis, including in the following aspects:

(a) the competent authorities of the two Parties will facilitate cooperation on anadromous species enforcement issues between the two Parties;

(b) the competent authorities of either Party may investigate where feasible reports from competent authorities of the other Party of the unauthorized harvest, sale, purchase, or transport, of anadromous species; and

(c) the competent authorities of the two Parties will exchange information regarding the results of enforcement actions taken regarding anadromous species.

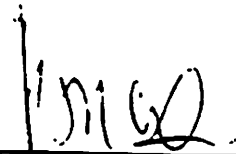
Detailed arrangements will be coordinated between the competent authorities of the two Parties.

6. The Parties shall form a working group of experts to consider further efforts to enhance the effectiveness of conservation and management measures, including, inter alia, cooperative enforcement and other efforts among countries of origin of anadromous species.

9 February 1989



\_\_\_\_\_  
Representative of the  
United States of America



\_\_\_\_\_  
Representative of the Union  
of Soviet Socialist  
Republics

# NRC



NATURAL RESOURCES CONSULTANTS

4055 21ST AVENUE WEST  
SEATTLE, WASHINGTON 98199, U.S.A.  
TELEPHONE: (206) 285-3480  
TELEFAX: (206) 283-8263

March 30, 1989

MEMORANDUM

TO: Mr. John Peterson, Chairman  
North Pacific Fishery Management Council

FROM: Dr. Dayton L. Alverson, Managing Partner  
Natural Resources Consultants

SUBJECT: Doughnut Hole - Bering Sea

It has been almost five months since various elements of the industry first met to discuss what to do about the "doughnut" area. At that time there seemed to be a strong sentiment that somehow the U.S. and U.S.S.R. would get together and squeeze out Japan and other foreign operators in the region. This was to occur as the result of a fishery moratorium or bilateral arrangement between the U.S. and U.S.S.R. Although at least some of us felt it had little chance of success (see attached) and involved certain "risks" that might not be in the best interest of the U.S. fishing industry, we skeptics stepped back in order that the plan be given a fair trial.

Now, some four months later, I'm not at all sure what, if anything, has been achieved between the Department of State and the U.S.S.R. What I am sure of, however, is that there is good evidence that the U.S.S.R. does not endorse a bilateral solution to the Bering Sea issue and perhaps very little support exists at high levels within our own Department of State.

Please note the attached statement from Dr. Artemy Saguirian, Institute of World Economy and International Relations, U.S.S.R. Academy of Sciences. With or without "glasnost" I doubt that this statement would have surfaced if it did not reflect the Soviet position. There are several key points in the statement. First, it is ultimately clear that the U.S.S.R. does not support the approach of either unilateral or bilateral actions to gain control over fishing activities within the "doughnut hole." Second, the

author makes it clear that the U.S.S.R. prefers to pursue a multilateral agreement. Quoting from Saguirian, "It seems, though, from the point of view of the long-term marine interests of both the U.S.S.R. and U.S, that declaration of the Bering Sea as an enclosed or semi-enclosed sea, with the establishment on the basis of a bilateral agreement of strict control over the activities of the non-coastal states fishing ships, is not the best acceptable option of dealing with the problem of conservation of the Bering Sea's living resources." Note he further states, "Obviously, no special circumstances and conditions can justify the changes of high seas status on the basis of a bilateral agreement; and references to a necessity to protect as a basis for controlling the fishing resources have no legal validity. Such is the position of the International Law: such is the position of the U.S.S.R."

I believe it is safe to assume that Ed Wolfe and the Department of State are familiar with the Soviet's position and in my personal discussions with Ed it was apparent that he to, and presumably the Department of State, are eventually expecting to go down the same path. The question then arises why so many elements of our industry believe if we just stand pat, play hard ball, and push our State Department, things will fall into place in terms of unilateral extension or a joint bilateral agreement between ourselves and the U.S.S.R. I think its time to step back and reevaluate the whole Bering Sea "doughnut" issue and perhaps cleanse ourselves of our Pollyanna expectations and self-hypnosis. It isn't going to happen that way.

Ed Miles has noted "In the U.S., fish do not even show up in our national income statistics. Why should fish jeopardize other much stronger interests such as non-military navigation? If jurisdiction is extended unilaterally for fish, these other interests are being disproportionately threatened." Probably not a very popular viewpoint among our industry elements, and I'm not sure the interests noted would necessarily be disproportionately threatened, but there are plenty of people who apparently do.

Regardless of our independent views on this issue, I think we would all agree that we're not making any obvious gains and it's time to rekindle our thinking and position regarding this matter. We do have some time to put our house in order as there is unlikely to be much progress before the subpositions within Commerce and State that deal with ocean affairs are filled. In the meantime, I urge:

1. That the local industry and some of our academic colleagues get together for a seminar on this issue. I'm sure I can get someone at the University of Washington Institute for Marine Studies to sponsor such a get together.
2. That the industry recast its position within the solutions provided for in the Law of the Sea text (e.g. Burke). Our multilateral position could, as a number of us have suggested, be developed between the U.S./U.S.S.R.

prior to initiating multilateral discussions. But just what is it the industry expects to flower within such a U.S./U.S.S.R. coalition? Frankly, I don't believe we even have our own house in order in this regard. The least we might do is give our U.S./U.S.S.R. advisors some seeds to plant in the Kremlin. Let's get together and develop the U.S. expectations for a regional agreement.

3. If a regional agreement is the likely outcome of the "doughnut" problem, let's get the action started. During the shootout here at home and our zealous expectations of achieving a bilateral/unilateral solution, the Koreans and Japanese have been putting together agreements that substantially improve the U.S.S.R.'s access to the Japanese markets, Soviet access to Korean and Japanese technology, and Korean and Japanese access to fish within the U.S.S.R. 200-mile zone. The longer the delay the greater we will strengthen the U.S.S.R.'s position and relationships vis-a-vis the various players and reduce the probability of the U.S. achieving a solution with the Soviets that parallel our special interests.
4. We have spent a lot of time attempting to deal with this issue. It was first introduced to the Department of State about four years ago by The Highliners Association along with a plead to accelerate technological and policy solutions confronting the U.S. We are really not that much further along--although some may argue this point vehemently. I will write this defense off as pride in authorship, but not in progress. In the meantime, we seem to have lost sight of some of our original concerns--controlling illegal fishing and minimizing or stopping access of the pollock fisheries of the zone for both economic and biological concerns. Finally, there is the salmon, marine mammal, and herring by-catch issue. Some have gallantly battled the U.S. bureaucracy, but we can't even seem to find out where we are headed. In the meantime, the real issue of effective monitoring of the fishing activities both in and outside the U.S. jurisdictional zone, which will be needed with or without an agreement (of whatever type) seems to have been lost in the backwash. Let's get the surveillance issue back up front where it belongs, clarify our expectations within a multilateral arrangement, and get them started. If the multilateral negotiations fail, we seem to then have the alternative of unilateral action under the Burke approach.

cc: The Highliners Association Membership  
Robt. Morgan  
Bob Alverson  
Ted Evans  
Ted Smits  
Wally Pereyra  
Joe Blum  
Ed Miles  
Bill Burke

Enclosure

bureaucracy. That might not only be operating on incorrect factual assumptions (politically decreed by the U.N. majority) but seeking to accomplish political aims such as favoring and protecting the Third and Fourth Worlds, and in the end multiplying the cost of any kind of operation. That would clearly be the case for any miner operating under the UNCLOS mining provisions. He (she) or his (her) country would have to support the heavy costs of a duplicating technical management, and a very large bureaucracy controlling it, and to a large extent controlling the activities of the mining entity itself. That's the fear, and the objections. It won't do to say that they are irrational, because they are not irrational. They may be over-wrought, but they are based on the mining provisions that the UNCLOS has over-wrought.

"Well, LIEDER chorus, let's hear the response. You will have to overcome apoplexy, and respond with reasoned arguments. Remember, it's time to face the music, because we don't have Reggan to kick around any more. If the Sununu-Darman team and the US Congress is to be persuaded to ratify even a sanitized UNCLOS (e.g., an UNCLOS shorn of the treaty amendment process over the US objections, and made a good deal more practical on the technical and financial side), the views set out above will be the ones to be addressed, even if not openly and charmingly articulated as hereinabove. Even with a different administration, Uncle Sam is not yet Unclos Sam. Yours very truly, Frederick S. Wyle, Sympathetic Observer."

### UNCLOS Part IX and the Doughnut Hole

From Dr. Artemy Saguirian, Institute of World Economy and International Relations, USSR Academy of Sciences, 23 Profsoyuznaya St., Moscow, 117418, USSR:

"Having acquainted myself with the information concerning Edward Wolfe's presentation (Help Advise the US State Department - LOS LIEDER 8), I was prompted to share with you some personal thoughts on the question of options of regulation of fisheries in the so-called "Doughnut Hole" of the Bering Sea.

"A number of scholars and experts of both countries think it sensible to declare the Bering Sea an enclosed or semi-enclosed sea and to establish on this basis a bilateral US-Soviet regulation of exploitation of the Bering Sea's bio-resources beyond the 200-mile EEZs of the USSR and the USA.

"It seems, though, that from the point of view of the long-term marine interests of both the USSR and the USA, declaration of the Bering Sea as an enclosed or semi-enclosed sea, with the establishment on the basis of a bilateral agreement of strict control over the activities of the Non-Coastal States' fishing ships, is not the best acceptable option of dealing with the problem of conservation of the Bering Sea's living resources.

"Such an option is not feasible for many reasons on which I am not in a position to dwell at the moment. Such an option, though, is not sensible in particular because it creates a real risk of tilting the conventional balance of rights and privileges of the Coastal and the Non-Coastal States in the EEZs and the continental shelf. Declaration of the Bering Sea as an enclosed or semi-enclosed sea with a special regime regulating the fisheries within the generally accepted geographic boundaries would mean, in effect, an arbitrary change of the status of that part of the Bering Sea which has, in accordance with International Law, the status of the High Seas. Obviously, no special circumstances and conditions can justify the change of High Seas status on the basis of a bilateral agreement; and 'references to a necessity to protect as a basis for controlling the fishing resources have no legal validity.' (I. Brownlie, *The International Law*, Moscow, 1977, vol. I, p. 308.) Such is the position of the International Law; such is the position of the USSR.

"It appears that the 1982 Convention on the Law of the Sea contains a number of provisions aimed at protecting effectively fisheries interests of the Coastal States in such cases. In this connection, the most acceptable form of protection of the

USSR/USA interests would be conclusion of a regional agreement with the participation of Coastal States and the States having considerable fishing interests in the said area.

"Article 118 sets forth the general obligation of States to cooperate in the conservation and management of living resources in the High Seas; the possibility of establishing, as appropriate, regional fisheries organizations to this end is contemplated. In conjunction with Article 63, paragraph 2 requiring the states to seek to agree upon the measures necessary for conservation of the fisheries resources beyond the EEZ but adjacent to it, these two Articles provide a sufficiently solid international law basis for safeguarding fisheries interests of both the USSR and the USA in the central Bering Sea. Under such conditions, a concerted approach of the USSR and the USA to fisheries in the area would force the states that fish in the area into establishing regional cooperation.

"The leading role in the proposed fishing organization would, of course, belong to the US and the USSR. This is justified both by a special position of those countries in the sphere of conservation and management of the fisheries resources in the Bering Sea as a whole and in their respective parts, and by a direct link between bioproductivity of the EEZs of the USSR and the USA and the condition of the stocks of the central (open) part of the Sea and vice-versa.

"Should LOS LIEDER be interested in my more detailed views on this subject and the potential prospects of development of the institution of enclosed or semi-enclosed seas in the modern Law of the Sea, I would gladly share those with you."

**Editor's Note:** We warmly encourage the LSI membership to send us a veritable salvo of similarly provocative ideas on LOS issues. As Mr. Wyle points out, contributors' memberships and subscriptions to LOS LIEDER are extended by six months free of charge.

Further to a request from William T. Burke, Professor of Law, University of Washington School of Law, Seattle, WA 98105, we are including the full addresses of contributors to LOS LIEDER so that readers can contact each other directly. He comments most gratifyingly that "LOS LIEDER serves an increasingly useful purpose. You are hearing from some people we don't usually see or hear from and communicating about some useful ideas and information."

We do remind the LSI membership that LOS LIEDER, because it is a professional correspondence series and NOT a newsletter, sinks or swims entirely on the basis of your letters to us. So please copy us with your communications to each other on topics you read about here - and reap the benefit of extended LSI membership and the immediate, effortless dissemination of your views to readers in over 40 countries (more than have ratified UNCLOS!!) that currently receive LOS LIEDER.

#### Moscow Workshop

The proceedings of the Moscow Workshop which took place from November 28-December 2, 1988 are being transcribed from tapes and should be published in the summer of 1989. Meanwhile, where letters to LOS LIEDER address topics also commented upon by Moscow Workshop participants, we will briefly excerpt some of the ideas for further discussion in the LOS LIEDER forum. In this way we hope to keep the exchange of ideas alive and developing between meetings, involve those who cannot be physically present, and avoid duplication with the proceedings.

Remember that the LSI and LOS LIEDER do not take or advocate any position on the matters discussed at the workshop.

#### Customary International Law, UNCLOS and Non-parties

In discussing the extent to which the Convention should be regarded as declaratory of customary international law at present, the comments at the workshop

the doughnut from inshore regions, "as is generally suggested," then the catch may constitute individuals already accounted for in natural mortality estimates projected in current recruitment models. If the stock is common to both the eastern and western Bering Sea, then fishing in all regions must be related to the aggregate stock size, exploitation rates, recruitment patterns, etc. All this is unlikely to be sorted out before the economic consequences of these fisheries have impact on U.S. processors.

Evidence collected by the U.S. industry and government demonstrates that illegal fishing has and continues to be a problem in the northeast Pacific region, particularly in the Bering Sea and Aleutian regions. It has been proposed that the doughnut region constitutes an uncontrolled fishery from which illegal fishing operations have and can be laundered. There can be little doubt that this has occurred and quantities of illegal fish have shown up in the Japanese marketplace. Segments of the industry have proposed that resolution of the illegal fishing problem and Japanese access to pollock in the doughnut area could be resolved by joint U.S./Soviet unilateral extension of jurisdiction over the doughnut region and U.S./Soviet discussions regarding the doughnut have already occurred. However, the likelihood that the U.S. and Soviets would undertake unilateral extension of their jurisdiction over the Bering Sea seems remote, and action of the Department of State in this regard appears more cosmetic than substantive. NRC does not expect this problem to be resolved through unilateral or bilateral extension of jurisdictions.

Resolution of problems facing the U.S. as the result of the developments within the doughnut region are intimately linked with a broader set of issues confronting the U.S. and Japan. These include the recent court decision which forced Japanese salmon fishing outside of the U.S. 200 mile zone, certification of Japan because of their whaling activities, and passage by Congress of the Drift Net Impact Monitoring, Assessment and Control Act of 1987 (HR 3584).

**CHINA NATIONAL FISHERIES, U.S. FISHERY  
REPRESENTATIVE OFFICE**

**2542 ELEUSIS CIRCLE, ANCHORAGE AK 99502  
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**APRIL 1, 1989.**

**Mr. CLARENCE G. PAUTZKE, Ph.D.  
EXECUTIVE DIRECTOR  
NORTH PACIFIC FISHERY MANAGE-  
MENT COUNCIL  
650 4TH AVENUE  
ANCHORAGE, AK 99501**

**DEAR Mr. CLARENCE G. PAUTZKE, Ph.D.**

**ENCLOSED PLEASE FIND A COPY OF THE 1988-1989 PRC  
POLLOCK FISHING STATISTICS IN INTERNATIONAL WATER OF  
BERING SEA, WHICH SEND TO YOU FOR REFERENCE ONLY.**

**THE DATA ON THIS STATISTICS MIGHT NOT BE ACCURATE  
DUE TO WE DID NOT FIND ENOUGH TIME TO DOUBLE CHECK IT.  
IF YOU HAVE ANY QUESTIONS, PLEASE DON'T HESITATE TO  
ASK ME.**

**SINCERELY**

*Li Shanxun*

**LI SHANXUN  
CHIEF REPRESENTATIVE  
CNFC U.S. REP. OFFICE**



**CHINA NATIONAL FISHERIES CORP.**

**U.S. FISHERY REPRESENTATIVE OFFICE  
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**1988-1989 PRC POLLOCK FISHING STATISTICS IN INTERNATIONAL WATER OF BERING SEA**

<b>DATE (88-89)</b>	<b>CENTRAL POSITION</b>	<b>AMOUNT (MT)</b>	<b>TOWS</b>	<b>HOURS TOWED</b>	<b>PSE BYCATCH (DISCARDED)</b>
<b>F/V KAI CHUANG (10-8-1988 THROUGH 02-11-1989):</b>					<b>SALMON</b>
10/8-15	56-05'N-- 56-40'N, 177-50'E-- 179-38E	97.2	9	95	0
10/16-22	56-02'N-- 56-48'N, 174-15'E-- 176-58'E	390.1	15	98	6
10/23-29	56-00'N-- 56-55'N, 175-09'E-- 178-41'E	363.5	11	110	1
10/30-- 11/5	56-39'N-- 57-00'N, 176-06'E-- 179-24'E	197.8	9	59	0
11/6-12	55-58'N-- 56-56'N, 176-57'E-- 178-14'E	198	6	60	0
11/13-19	57-07'N-- 57-42'N, 175-37'E-- 176-26'E	550.9	10	65	4
11/20-26	56-15'N-- 57-25'N, 175-17'E-- 176-44'E	549.1	17	109	2

(CONTINUED FROM PAGE 1.)

11/27-- 12/3	55-58'N-- 57-07'N, 176-19'E-- 178-04'E	277.8	13	80	0
12/4-10	55-44'N-- 57-31'N, 176-19'E-- 178-12'E	330.8	13	85	4
12/11-17	56-32'N-- 57-31'N', 176-18'E-- 177-20'E	251.2	13	86	6
12/18-24	55-25'N-- 57-30'N, 176-35'E-- 179-22'E	137.9	10	78	8
12/25-31	55-27'N-- 56-07'N, 177-29'E-- 179-50'E	303.2	10	78	8
01-01/89	56-00'N-- 56-31'N, 175-36'E-- 179-59'E	147.3	11	88	10
01/8-14	55-35'N-- 56-51'N, 176-31'E-- 179-07'E	263.4	13	89	4
01/15-21	55-32'N-- 58-32'N, 179-48'E-- 177-49W	76.1	11	84	0
01/22-28	55-56'N-- 56-10'N, 177-25'W-- 179-17'W	35.8	9	60	0
01/29-- 02/4	55-57'N-- 56-14'N, 176-51'W-- 177-40'W	18.9	4	30	0

(CONTINUED FROM PAGE 2)

02/5-11	55-51'N-- 56-13'N, 176--09'W 176-47'W	55.7	16	95	0
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SUBTOTALS:		4,244.7	200	1,449	53
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F/V GENG HAI (09-25-1988 THROUGH 01-07-1989):

09/25-30 (1988)	56-42'N, 176-32'E	180	12	72	0
10/1-7	56-36'N, 177-09'E	326	13	104	0
10/8-15	56-42'N, 179-36'E	324	13	120	0
10/16-21	56-29'N, 179-01'E	370	14	122	0
10/22-28	56-18'N, 178-09'E	570	17	109	0
10/29-- 11/4	56-36'N, 178-44'E	379	10	80	0
11/5-18	57-30'N, 175-40'E	720	17	102	0
11/19-25	57-29'N, 175-50'E	580	16	108	0
11/28-- 12/2	57-20'N, 177-30'E	420	12	84	0
12/3-9	57-05'N, 177-09'E	360	12	84	0
12/10-16	57-26'N, 176-55'E	350	10	68	0
12/17-23	56-00'N, 177-10'E	190	10	60	0
12/24-30	56-19'N, 178-30'E	350	11	86	0

(CONTINUED FROM PAGE 3)

01/1-7	56-10'N, 179-30'E	110	10	68	0
SUBTOTALS:		5,229	177	1,287	0

F/V YUN HAI ( 10-02-1988 THROUGH 01-20-1989 ):

10/2-8 (1988)	56-41'N, 175-30'E	224	12	104	0
10/9-15	56-13'N, 179-13'E	106	9	60	0
10/16-21	56-36'N, 175-15'E	523	14	94	0
10/22-28	57-00'N, 179-10'E	575	17	101	0
10/29-- 11/5	56-59'N, 177-59'E	322	11	85	0
11/6-19	56-35'N, 176-40'E	595	16	82	0
11/20-25	56-40'N, 176-30'E	485	13	82	0
11/26-- 12/3	56-30'N, 177-50'E	385	13	108	0
12/3-9	57-02'N, 176-50'E	288	8	86	0
12/10-15	57-30'N, 176-40'E	477	8	84	0
12/17-23	56-00'N, 177-20'E	273	10	100	0
12/24-31	56-00'N, 179-30'E	415	10	96	0
01/1-7 ( 1989 )	56-10'N, 179-30'E	181	9	101	0
01/18-20	56-04'N,	75	3	50	0
SUBTOTALS:		4,924	153	1,247	0

(CONTINUED FROM PAGE 4)

F/V YAN YUAN NO.1 ( 09-25-1988 THROUGH 01-07-1989 ):

9/25-- 10/1 (1988)	56-24'N, 175-52'E	190	20	145	0
10/2-8	56-12'N, 178-15'E	160	14	118	0
10/9-15	56-12'N, 178-15'E	80	10	85	0
10/17-23	56-18'N-- 56-44'N, 174-25'E-- 175-23'E	480	17	102	0
10/24-30	56-11'N-- 56-30'N, 176-20'E-- 178-52'E	280	19	52	0
10/31-- 11/6	57-00'N, 178-00'E	320	12	100	0
11/7-11	56-06'N, 177-11'E	260	9	94	0
11/13-19	57-26'N, 175-15'E	180	6	34	0
11/21-27	56-45'N, 175-41'E	310	15	112	0
11/28-- 12/3	55-57'N, 178-06'E	264	14	122	0
12/4-11	57-14'N, 176-35'E	308	10	79	0
12/11-17	57-28'N, 177-12'E	370	10	104	0
12/18-24	55-58'N, 178-08'E	260	9	88	0
12/25-31	55-57'N, 179-25'E	270	8	90	0
01/1-7 (1989)	56-20'N, 176-30'E	110	7	65	0

(CONTINUED FROM PAGE 5)

SUBTOTALS:	3,842	180	1,390	0
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F/V YAN YUAN NO.2 (12-18-1988 THROUGH 01-07-1989)

12/18-24 (1988)	56-05'N, 178-10'E	160	10	74	0
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12/25-31	56-08'N, 178-34'E	235	9	87	0
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01/1-7 (1989)	56-20'N, 179-30'E	65	8	66	0
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SUBTOTALS:	460	27	227	0
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GRAND TOTALS:	18,699.7	737	5,600	53
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NOTE: WE DID NOT FIND ENOUGH TIME TO DOUBLE CHECK ALL THE INFORMATION PROVIDED BY OUR FISHING VESSELS AND THE DATA ON THIS REPORT MIGHT NOT BE ACCURATE.

NORTH PACIFIC FISHERIES  
INTERNATIONAL ACTIVITIES: 1988-89

For 1989

April 3: Japan-Canada-US discussions in Washington, DC.

February 27-March 1: Japan-Canada-US trilateral in Sidney, B.C. Japan requested these further talks on their proposals to amend the INPFC treaty annex to restore fishing in US EEZ and switch to landbased fishery. If Japan cannot fish in EEZ, they want fishery outside the EEZ under pre-1986 agreement, contending that since Japan agreed to amend the treaty in exchange for access to the US EEZ, the denial of such access should also result in cancelling other aspects of the agreement. Japan threatens unilateral action to fish in pre-1986 areas if new proposals are not approved. US contends that conversion to a landbased fishery would be acceptable only if Japan agrees to implement an adequate monitoring and enforcement program for the converted salmon and squid fisheries. The Japanese are considering adoption of a squid driftnet monitoring and enforcement provision and agree to trilateral meeting in Tokyo in March.

February 6-10: US-USSR Intergovernmental Consultative Committee on Fisheries holds first meeting. US-Soviet Advisory Body also meets. US and USSR delegates sign agreement on February 9 that: (1) recognizes that salmon fishing outside EEZs is wasteful and irrational; (2) there should be no salmon harvest outside EEZ unless under international agreement; (3) both countries will work toward multilateral agreements to conserve and manage salmon outside EEZs and exchange information on harvests, sale, purchase, or transport of illegal salmon, and conduct cooperative enforcement; (4) they will form a working group of experts to enhance conservation and management measures including cooperative enforcement. On Donut they agree that harvest of pollock is detrimental to EEZ stocks and specific measures would be considered to control the harvest. They review progress on commercial ventures and agree to facilitate the establishment of contacts, to exchange data on salmonids, groundfish and crab, to exchange scientists to conduct research on stocks of mutual interest, and to hold the next meeting in the near future in the USSR. They also agree to hold a symposium on Pacific Salmon Biology in the near future in the Soviet Union.

February 1-3: US-Taiwan driftnet discussions in Washington, D.C. No tangible progress. Taiwan refuses to take observers on commercial vessels or allow at sea boardings by US enforcement personnel because of sovereignty issues. Taiwan indicates they are working at closing markets for illegal salmon and that at-sea enforcement is not needed. US side warns that unless an agreement is reached by June 29, 1989, the Secretary of Commerce would have to certify that Taiwan had failed to meet the requirements of the Pelly Amendment which could lead to restrictions on fish imports from Taiwan (valued at \$400 million in 1988).

January 27-28: Council Chairmen's meeting. Chairmen adopt proposed Magnuson Act amendment on salmon interceptions.

January 16: North Pacific and Bering Sea Fisheries Advisory Body meets for first time.

January 16-19: Council meets. Status reports on international fisheries. Council recommends amending Magnuson Act by adding new purpose to eliminate interception of US anadromous salmon and steelhead beyond the EEZ.

For 1988

December 12-14: US-Canada-Japan trilateral on salmon. Japan restates position that its willingness to take observers on its squid vessels depends on Japan regaining access to USS EEZ for salmon fishery. They emphasize that the mothership conversion issue should be addressed independently. The US side maintains that both issues needed to be dealt with simultaneously.

December 5-9: Council meeting - status reports but no action taken.

December 5: NOAA Administrator responds to Council letter of October 26 to Secretary of Commerce. Exploring the use of such measures as check in/out, stowage of gear on foreign vessels, and transponders. NMFS Special Agent had completed four-week patrol aboard a Japanese enforcement vessel, logging over 6,500 miles in the northern area of the driftnet fisheries and in the Donut hole but not finding any violations by Japanese vessels. Notes that NMFS Northwest and Alaska enforcement offices are developing a comprehensive enforcement plan that will focus on the problems of high seas salmon interception and Bering Sea violations by foreign fishing vessels. He was certain the plan would identify the need to work closely with the Council, concerned industry representatives and appropriate Federal agencies, including the Department of Defense.

November 28: US-Korea driftnet talks in Washington DC. ROK reiterates position from July that they would be willing to take voluntary measures to address US concerns for enforcement and observers but would not consider actions that would adversely affect their fishing fleet or high seas rights. They would not accept expanded observer coverage, area restrictions for the squid fishery, or cooperative enforcement of the driftnet fleet. They would rather address these issues through a multilateral mechanism. Their industry strenuously objected to taking the one scientific observer in 1988. They did commit to take one more in 1989. ROK's basic position is to use Korean observers. They did accommodate two US scientists on their research vessel PUSAN 851 in 1988 and would again in 1989. ROK admitted having discussions with Japan and Taiwan.

November 14-15: PICES meets in Sidney, BC. Drafts convention to establish a Science Organization for the North Pacific Ocean and Bering Sea. US, USSR, Japan, Canada, and China attend. Comments on the convention were due back to Canada by April 1, 1989. An expert group is to meet in July to polish convention text. A plenary session may be held before year's end to sign the convention.

November 10-11: Scientific bilaterals in South Korea.

November 5-7: Scientific bilaterals in Taiwan.

October 31- November 4: INPFC meets in Tokyo. Japan stresses that the INPFC treaty needs to be amended to provide new high seas fishing grounds for the Japanese salmon fleet and to allow the mothership salmon fishery to convert to a landbased operation. US responds that they could not agree to new areas but would consider a mothership conversion to landbased if there was sufficient progress in enhancing the monitoring and enforcement of the salmon and squid driftnet fisheries.

October 28: US-USSR Governing International Fishery Agreement approved. Enabling legislation provides for requiring gear stowage by foreign fishing vessels transiting the EEZ and transponders or other position-fixing equipment on foreign fishing vessels in the EEZ, and



establishes the North Pacific and Bering Sea Fisheries Advisory Body with the fisheries directors of Alaska and Washington and five additional members from each of the two states. They are to advise the US representative to the US-USSR Intergovernmental Consultative Committee created by Article XIV of the GIFA.

October 26: Council letter to Secretary of Commerce calling for immediate cessation of all fishing in the Donut Hole. Also expresses concerns over illegal foreign fishing and suggests actions to address the problem based on AFTA suggestions at September Council meeting.

October 19-21: US-Japan driftnet discussions in Tokyo. Japan links cooperative observer program with gaining access to salmon fishing in EEZ. Japan rejects enforcement measures such as enhanced position-fixing equipment and record keeping and cooperative exchanges of enforcement personnel for aerial surveillance, at-sea boardings, and port inspections.

October 19-20: Policy discussions in Moscow. US-USSR agree that unregulated fisheries in the Donut are clearly detrimental to pollock resources in the adjacent EEZs. Both sides agree that no such unregulated fishing should occur and that immediate measures are necessary to conserve pollock resources throughout the Bering Sea. US proposes temporary cessation on Donut fishing until a multilateral conservation regime can be established to protect the resource. USSR proposes that the US and USSR take the lead in establishing a management regime for pollock stocks in BS and urge all third countries to adhere to this management program. Soviets make clear that any management regime would have to be implemented on a voluntary, cooperative basis as they believe there is presently no clear international legal right to unilaterally impose this regime on third countries. US and USSR also agree to increase their cooperation in enforcement and exchanging data on illegal salmon fishing, and to expand their scientific cooperation in the near future. They agree to further discuss central Bering Sea fisheries and salmon conservation at a meeting at the earliest possible date.

October 10-14: Scientific bilaterals in Leningrad. Scientists from both countries agree that unregulated fishing in the Donut is clearly detrimental to the pollock resources of the adjacent EEZs.

October 14: Illegal Salmon Laundering Scheme. Industry sources report that large quantities of North Pacific Salmon are being taken illegally on the high seas and exported to markets around the world. Reports of Taiwan-caught salmon being transhipped through Hong Kong, Thailand, and Singapore to European markets.

October 11: Council letter to Ed Wolfe calling for an immediate cessation of all fishing in the Donut Hole to be implemented as expeditiously as possible by bilateral or unilateral action as necessary. This cessation needs to be followed by effective management and enforcement. Requests that Wolfe take the position forward to Moscow. Burden of proof should be on foreign countries to show that stock removals from the Donut Hole do not impact the resource. Also asks the State Department to investigate ways to enhance enforcement and to respond to Senate Resolution 396 direction to State to report to the Senate Commerce Committee on actions of the Interagency Task Force on enforcement options for the Bering Sea.

September 28 - October 1: Council meets and endorses letters to Ed Wolfe and Secretary of Commerce calling for immediate cessation of Donut fisheries. Follows through on suggestions of industry group from Seattle.

August 30: Taiwan responds to US inquiry about squid vessel NO. 1 SAN TAI that was located

- by CG plane on June 28, 1988 fishing in salmon areas outside authorized area for June. They maintain that vessel was south of salmon area.
- July 25-26: First US-Korea driftnet discussions. US requests that 5 Korean and 5 US observers be deployed on squid boats. ROK had already accepted a U.S. scientist aboard a Korean commercial boat. (Council later received a report entitled "Observations on Board the Korean Squid Driftnet Vessel, Oyang 53, June 9-August 8, 1988" dated February 1989. No salmon were caught.)
- July 19-21: International Scientific Symposium on Bering Sea Fisheries in Sitka. Attended by USSR, US, PRC, Poland, Japan, Korea, and Canada.
- May 31: US-USSR Comprehensive Fisheries Agreement signed by Secretary Shultz and Soviet Fisheries Minister Kotlyar in Moscow. Officially entered into force on October 28, 1988. Art. VII recognizes that fishing for salmon should not occur outside EEZ and that the countries should exchange data and cooperate as appropriate to address the harvest of anadromous species outside the EEZs. Art. X allows for joint ventures in each other's EEZ. Art. XI calls for cooperation on fisheries beyond the EEZs and consultations on the effects of unregulated fishing outside the EEZs. Art. XIV establishes the Intergovernmental Consultative Committee.
- May 13: US Senate votes unanimously to accept Murkowski amendment to Defense Authorization Bill directing DOD to investigate and report back to Congress within 90 days on how it can help prevent the illegal harvest of fish within the EEZ.
- April 18-22: US-USSR discussions in Washington, D.C. Delegations agree that most of the commercially fished species of the Bering Sea are common to the EEZs of the US and USSR while pollock stocks range both within and beyond the EEZs of the two states. Both sides express strong concerns over the adverse impact of unregulated, large scale fisheries beyond the EEZs on pollock stocks which are part of the ecological complex of the Bering Sea. They agree to cooperate in exercising rights and duties under international law to coordinate conservation and management of living marine resources of the Bering Sea. They agree to hold a scientific symposium in the US.
- April 11: US-Japan exchange of letters regarding a pilot program to deploy 10 Japanese and 4 U.S. observers to collect squid gillnet fishery data. Japan later makes implementation of this program contingent on operation of Japanese salmon fishery within US EEZ.
- March 16: John Peterson testifies before Senate Committee on Commerce, Science and Transportation, urging them to act promptly to declare a moratorium on all fishing in the Donut area and to unilaterally extend U.S. fishery jurisdiction to those waters.
- February 21: US-USSR Interim Fisheries Agreement signed by Secretary Shultz and Minister of Foreign Affairs Shvardnadze regarding US access to the USSR EEZ.
- January 26-28: US-USSR discussions in Moscow. Delegations agree to conclude arrangements for access by US fishing vessels to Soviet zone and to form a bilateral US-USSR working group on fisheries of the Bering Sea.
- January 25: Council writes to Secretary of State urging him to immediately determine the feasibility of extending U.S. fisheries jurisdiction in the Bering Sea westward to the 1867 Convention Line, and have Ed Wolfe, when he goes to Moscow, seek an agreement that would provide common control of the fishing activities in the international waters.

January 20-22: Council meets and hears report on overflight that video records Japanese trawlers fishing illegally in US EEZ. Sends letters calling for action to Secretaries of State, Commerce and Transportation.