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Impact of the USSR's 200 Mile Fishery Zone on the Japanese-Soviet Fishery Negotiations

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IMPACT OF THE USSR'S 200 MILE FISHERY ZONE ON THE JAPANESE-SOVIET FISHERY NEGOTATIONS

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ABSTRACT

For 1976, Japan harvested more fish than any other nation, but was closely seconded by the Soviet Union. Both countries needed ocean regimes that would secure wide exclusive fishery zones off their coasts and guarantee their traditional fishery rights within the same zones off the coasts of other countries. The current negotiations between Japan and the Soviet Union on the amount of catch by Japanese within the Soviet Union's 200-mile zone and by the Soviet Union within the Japanese 200-mile zone are very complex. They involve territorial questions over four islands (Etorofu, Kunashiri, Shikotan, and the Habomai group) northeast of Hokkaido, Japan, which have been occupied by the Soviet Union since the end of World War II. When the Soviets declared their 200-mile zone, Japan did not agree to Soviet fishing jurisdiction over the 200-mile zone surrounding these islands. In order to secure its traditional interests in fishing within the extensive 200-mile lines, including the disputed islands, Japan had to agree to the Soviet lines with a proviso that territorial questions would be separated from fishing rights. This thesis examines the recent history of the Japanese-Soviet fishery negotiations, with particular reference to territorial disputes as well as the influence of foreign policy issues and future problems are discussed.

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I. INTRODUCTION

In the 1970s, the nations participating in the Third Law of the Sea Conference started to claim 200-mile exclusive economic zones, which became a main subject of the debate in international ocean law. Meanwhile in 1976, the United States unilaterally proclaimed a 200-mile fishery zone (effective as of March 1, 1977) to regulate and control the traditional fishing grounds off the coasts of the United States. Then, the European Economic Community (E.E.C.) declared the establishment of their 200-mile exclusive economic zone, following the example of the U.S. 200-mile fishery zone. The Soviet Union harvested about 4.6 million metric tons of fish in the North Atlantic Ocean in 1975. Exclusion of the Soviet fishing fleets from the E.E.C. and the U.S. zones was a major blow to Soviet fishing efforts. Thus the Soviet Union found it necessary to offset its decrease in fish catch from western European and the United States coastal waters by increasing its efforts in the northwestern Pacific Ocean. Under these circumstances, the Soviet Union established a 200-mile fishery zone in December 1976. The Japanese fishery harvested 1.39 million metric tons in the area of the Soviet 200-mile zone in 1975, and thus was badly hurt by unforeseen implications of the Soviet

200-mile zone. The Japanese tried and failed to guarantee fishing rights within the Soviet 200-mile zone traditionally fished by Japan. Because of these different ocean policies evolving in the Soviet Union and Japan, a need for fisheries negotiations between two countries developed. However, these were complicated by the unsettled problems of the Soviets occupied islands to the north of Japan which are claimed by both countries. The territorial issues and fishing negotiations have tended to become inextricably mixed and have greatly politicized Japan's limited fishing activities in the Soviet Union's 200-mile zone.

II. THE HISTORICAL BACKGROUND OF THE NORTHERN FISHERY

The MacArthur Line

At the beginning of World War II, the Japanese distant-water fishery, which already extended to the Sea of Okhotsk and Bering Sea for salmon and crab fishing, to the South China Sea and South Pacific Ocean for tuna and skipjack fishing, and to the Antarctic Ocean for whale fishing, was the largest harvester of fishes in the world. The Japanese distant-water fishery rapidly grew with the strengthening of armaments in Japan, and was conceived as military threat by many countries, since warships often accompanied the fishing fleets as protection from local fishermen of other countries. During World War II its fishery suffered a deadly blow, and collapsed on September 27, 1945 with the establishment of the so-called "MacArthur Line"[1] by the General Headquarters of the Allied Powers occupying Japan, in which all fishing activities were limited by reference to fishing season, fishing gear type, species, and area which was not to extend beyond 12 miles from Japan's coast. As a result, the Northern Pacific fishery which had been built up by the Japanese fishermen for 70 years (since 1875)[2] in the North Kuril Island areas and for 40 years (since 1905)[3] in the Kamchatka areas was put to an end (see Fig.1).

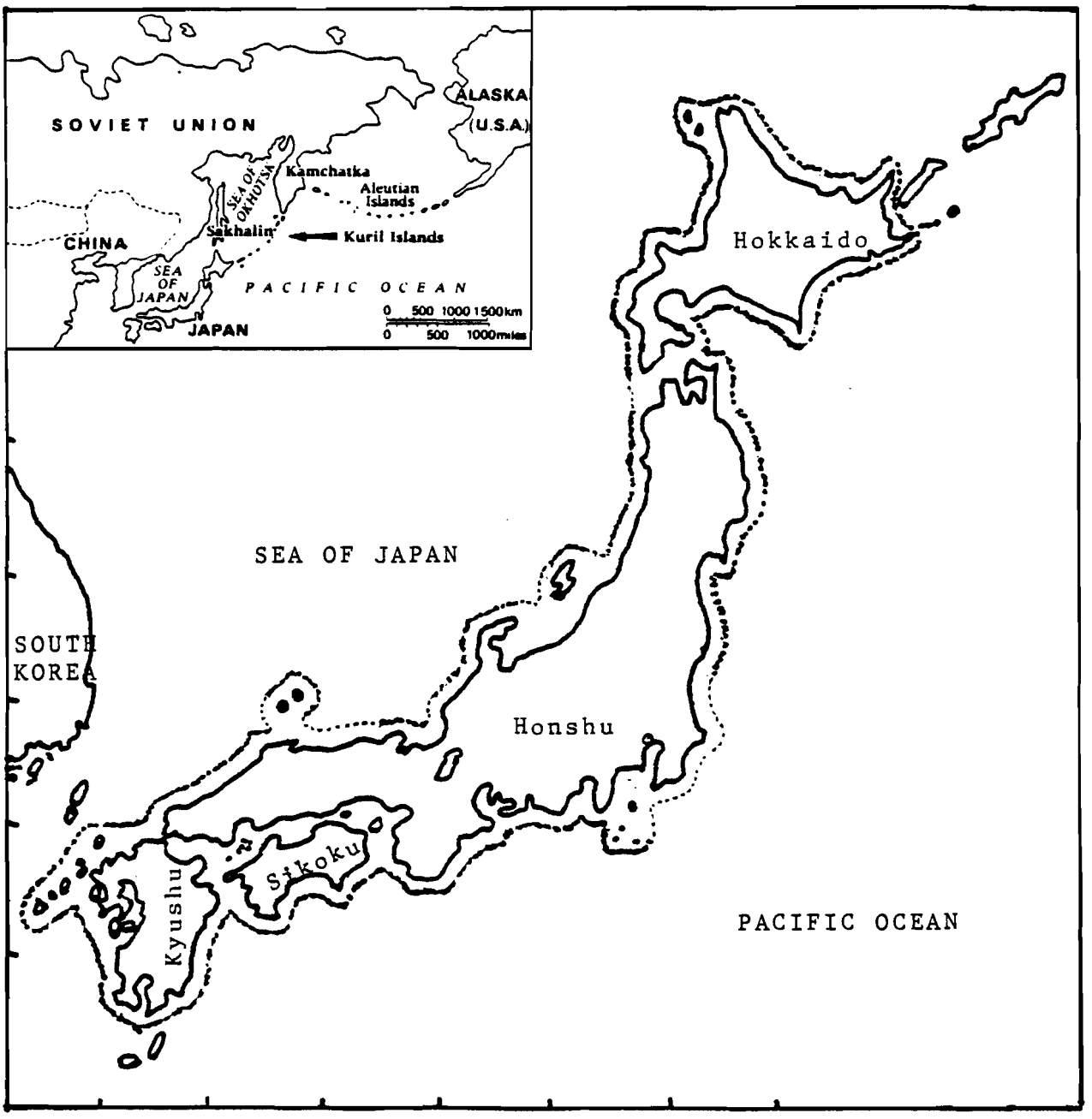


Figure 1. The MacArhur Line in 1945.

The MacArthur Line was established by Allied Powers occupation force as one anti-militarism policy of Japan because the large fishing vessels had the possibility of being easily transformed to military use. Additionally, it was intended to reduce the menace of the Japanese distant water fishery which had already been perceived as a threat to the coastal fisheries of other nations.[4] The General Headquarters of the Allied Powers did recognize that in Japan's present situation, it was necessary for the Japanese to increase their food supply from the oceans because of a food crisis developing in Japan after World War II. Therefore, the Japanese distant-water fishery was soon allowed to operate under a new policy. The General Headquarters of the Allied Powers extended "The MacArthur Line" by several successive steps, such as in November 1945 allowing whale fishing near Ogasawara Islands and later (1948) in the Antarctic Ocean.[5] At this point, only the Northern Pacific fishery was placed under restrictions, which remained in effect until the restoration of its sovereignty on April 28, 1952, when the San Francisco Peace Treaty came into force. At this time "The MacArthur Line" was abolished, and the Japanese Northern pacific fishery once again started its operation on the high seas in the North Pacific Ocean. However, the United States and Canada were afraid of the Japanese Fishery's potential for growth and competition in the Northeastern Pacific Ocean, hence they restrained it under claims of coastal states preference and ocean resources protection.

The United States and Canada agreed to negotiate the Peace Treaty with Japan only under the condition that the Japanese fishery growth be controlled by the North Pacific Fishery Convention.[6] Article 9 of the Peace Treaty placed Japan under the obligation to negotiate with the Allied Powers, so Japan was pressured, and had no other choice but to conclude bilateral and multilateral agreements for the regulation or limitation of fishing, and the conservation and development of fisheries on the high seas. In November 1951, the North Pacific Fishery Convention was held in Tokyo, and Japan agreed to negotiate with the United States and Canada, which resulted in its reluctant acceptance of the so-called principle of abstention (no Japanese Salmon and Herring fishery east of Longitude 175°W) (see Fig. 2).

The Resumption of Japanese Northern Pacific Fishery

Under these circumstances, the Japanese Northern Pacific Fishery resumed operation, but the Japanese government was afraid to let them operate in the western side of the Pacific high seas beyond Longitude 170°E (near Kamchatka) without a treaty with the Soviet Union (see Fig. 3). Even though this area was well beyond the Soviet territorial limits, Japan felt there was great potential for conflict and used considerable restraint in their fishing activities, especially since the Soviet Union refused to sign the San Francisco Peace Treaty. As a consequence, the Japanese government decided that the Japanese fishery could operate on the high seas near the Aleutian Islands area far from Kamchatka.

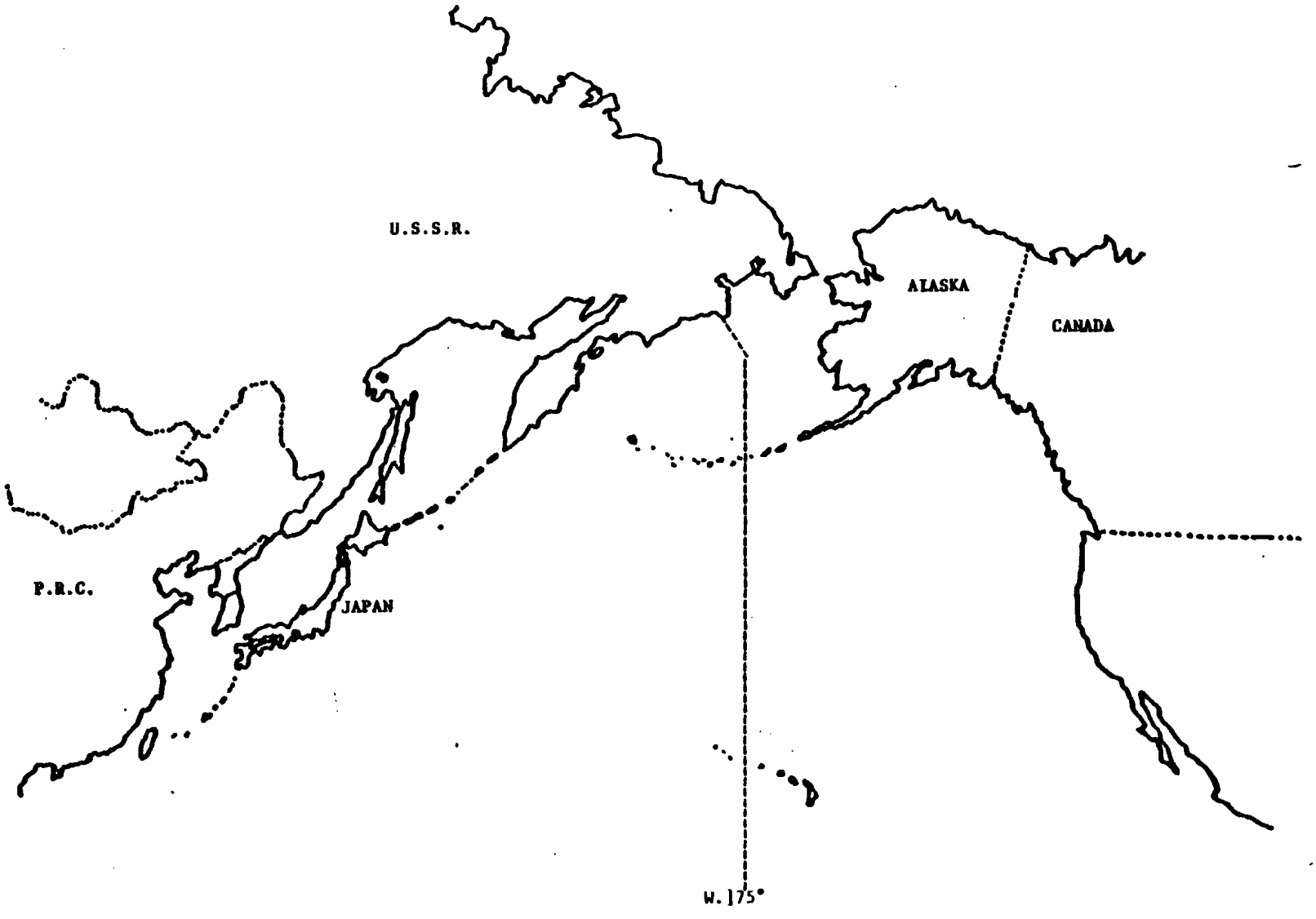


Figure 2. Boundary line from the North Pacific Fishery Convention.

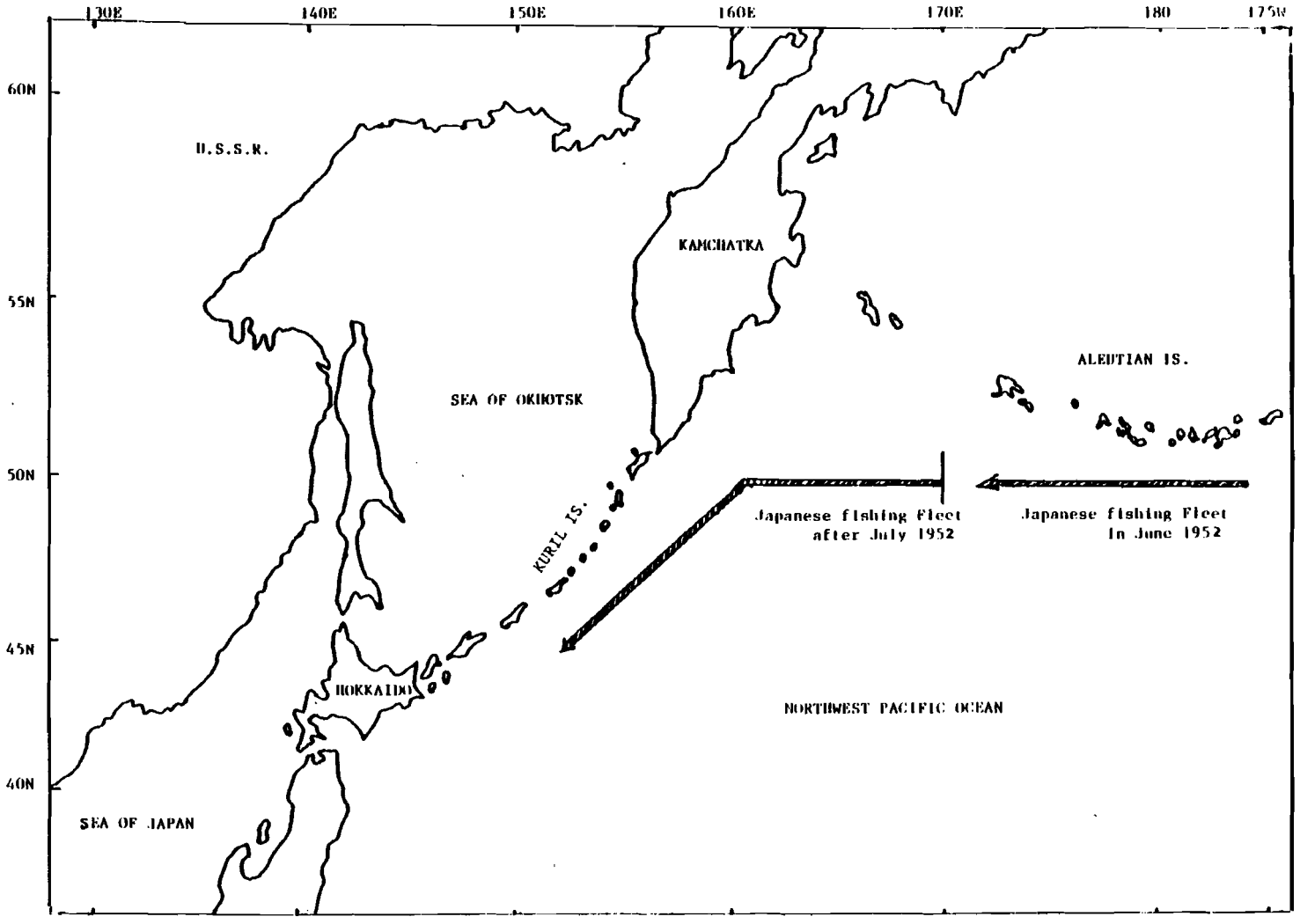


Figure 3. Western extent of Japanese fishing in 1952.

Still, the Japanese fishery did not have the necessary high seas experience for effective operation, and therefore the industry suffered.

However, three fleets made up of 50 fishing boats had a good catch in that new area in May 1952, and moved to the west on Latitude 50°N. It should be noted that Japanese fishery policy is governed primarily through a licensing system of not only the coastal fishery but also large-scale fishery operations in the high seas. Therefore, essentially all fishing activities have been regulated directly by the Japanese government. As the fishing fleets began operating near Longitude 170°E at the end of June 1952, the fisheries industry demanded that the Japanese government extend the fishing zone further West. On July 4, 1952, the Japanese government limited its advance to 70-100 miles offshore from the Kuril Islands and Kamchatka because of its concern over possible conflict with the Soviets. Consequently, the harvest of fishes was rapidly increased, and total harvest of salmon was 3851 metric tons in 1952.[7]

Before World War II, the Japanese salmon mother fishery operated in the Soviet coastal water not more than 5 miles from both sides of Kamchatka coasts. However, Japan's major fishing areas after World War II were the high seas centering around the Aleutian Islands.

The following year, in 1953, the fishing industry demanded 8 fleets for the Northern Pacific salmon fishery, but

the Japanese government already made a decision for 3 fleets of 85 fishing vessels and 15 research ships. But, the gross tonnage of the 3 fleets was increased three times more than the last year, because the new mother ships were constructed for each fleet. Also, their advance was permitted up to 40 miles from Kamchatka. As a consequence, total harvest increased from 3851 metric tons (the previous year's harvest) to 14,681 metric tons. Additionally in this year, 191 licensed drift gillnet fishing boats (more than 30 gross tons) were authorized for minor (small scale) salmon fishing in offshore areas near Northern Hokkaido.

In 1954, minor salmon fishing dramatically increased to 1897 boats due to high profits.[8] Thus the salmon drift gillnet fishery association petitioned for the extension of permissible fishing areas beyond Latitude 47°N to the North. Though the Japanese government rejected the proposal because this was the authorized zone for the mother ship type (large scale) fishery, it became somewhat of a political embarrassment that the government protected the large scale fishery enterprises at the expense of the minor fishermen. As a result, the Japanese government authorized the operation of the minor salmon fishing to southern areas at Latitude 48°N and restricted the mother ship type fishing to northern areas at Latitude 48°30'N from 1955.

The North Pacific salmon mother ship type of fishery[9] was successful with two test salmon fishing operations, so that by the third year of operation, the procedure became

standardized, utilizing 7 fleets of 160 fishing vessels in 1954. The fishery industry requested the Japanese government for 21 fleets of 606 fishing vessels and 117 research ships for the fourth fishing operation in 1955. The Japanese government announced that only 12 mother ships and 280 fishing vessels would be allowed for the regular operation in Aleutian waters and 2 mother ships and 50 fishing vessels for test operation in the Sea of Okhotsk.[10] Consequently, some trouble began when one fishery industry, which was not authorized for the North Pacific salmon fishery, tried to operate under a flag convenience as a British fishing vessel. However, the Japanese government prohibited it.[11] The Japanese Fishery Agency encouraged that the coastal water fishery in Japan be transposed to salmon fishing (of the mother type of fishery) in the North Pacific Ocean and the Sea of Okhotsk. During the operation of "the MacArthur Line," the Japanese coastal zone was teeming with large scale enterprises and minor fisheries, which caused many conflicts in all areas of the Japanese ocean. And it became a major object of public concern in Japan. Therefore, the Fishery Policy of the Japanese government diverted much of the fishing boats and surplus fishermen to offshore fishing or distant water fishing. The Japanese government aimed for a stable Japanese fishery management system. From 1954 to 1956, 318 vessels were converted to the North Pacific salmon mother ship type fishery.

The Bulganin Line

After the appointment of Ichiro Kono as Minister of Agriculture and Forestry in 1955 a policy was hammered out, which obtained an increase in the number of fleets allowed to operate in the northern waters for 1956. The permit would have been given to 19 fleets of 557 fishing vessels, including new 2 additional fleets to Cape Olyutorskty area for 1956. News of this Japanese fishery policy stimulated the Soviet Union, which had been silent for a long time. In a Soviet radio broadcast on March 21, 1956, they announced that the Soviet government had established a regulation area for the stock of salmon species. They limited Japanese salmon fishing beyond what became commonly known as "the Bulganin Line."[12] The fish conservation zone encompassed the entire Sea of Okhotsk, the western part of the Bering Sea, and the Pacific Ocean adjacent to the territorial waters of the Soviet Union, to west and northwest of a conventional line running from Cape Olyutorskty, Bering Sea,south along the meridian to point Latitude 48°N, Longitude 170°25'E, and then southwest until it reached the limits of the territorial waters of the Soviet Union (see Fig. 4).

Just then, the Soviets broke off the Japanese-Soviet Peace Treaty negotiations on March 20, 1956, and established the conservation zone the next day. If the Soviets had enforced the policy, the Japanese salmon fishery would have been unavoidably annihilated in the northern waters. Thus it was a big shock for the Japanese government and fishery

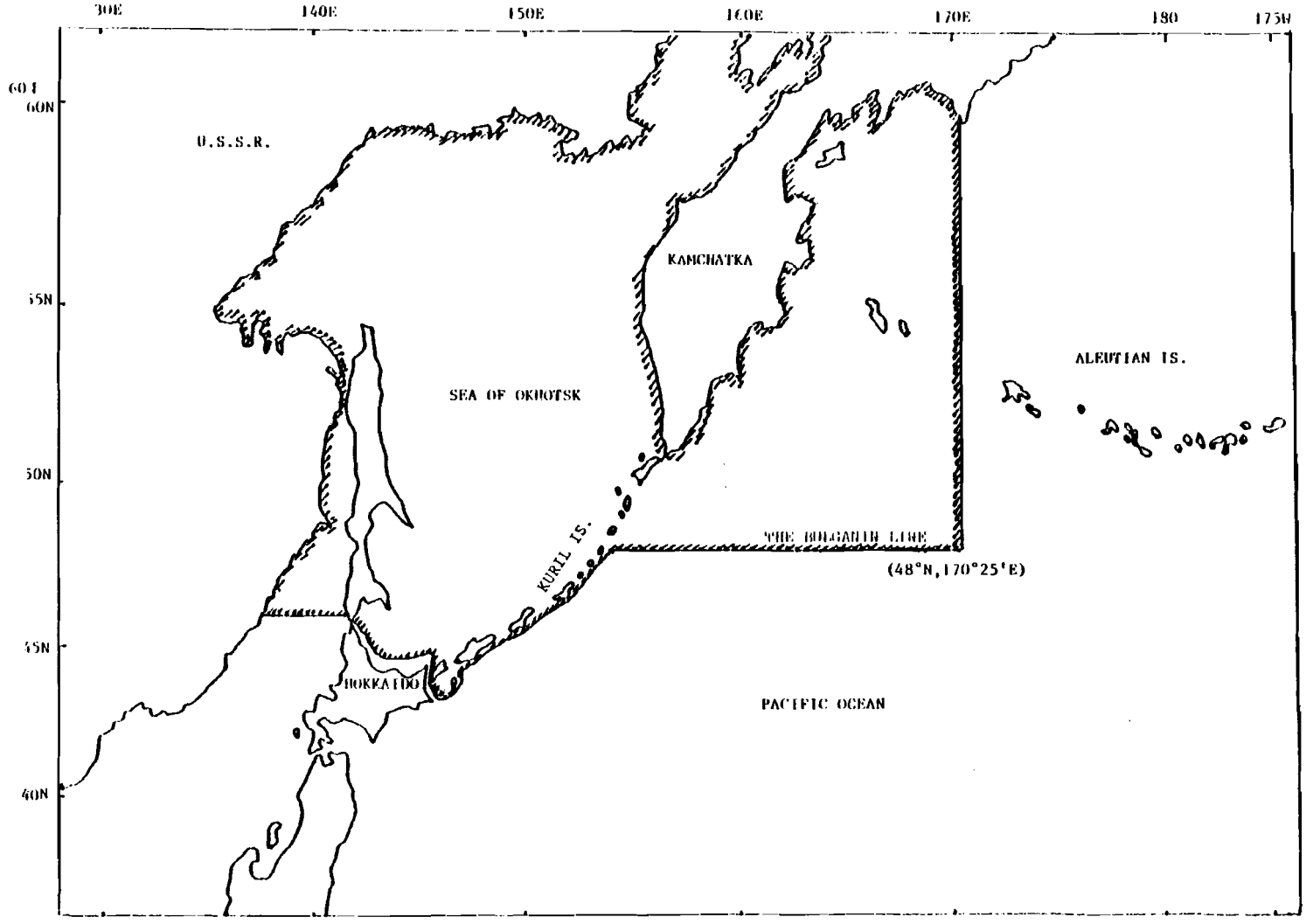
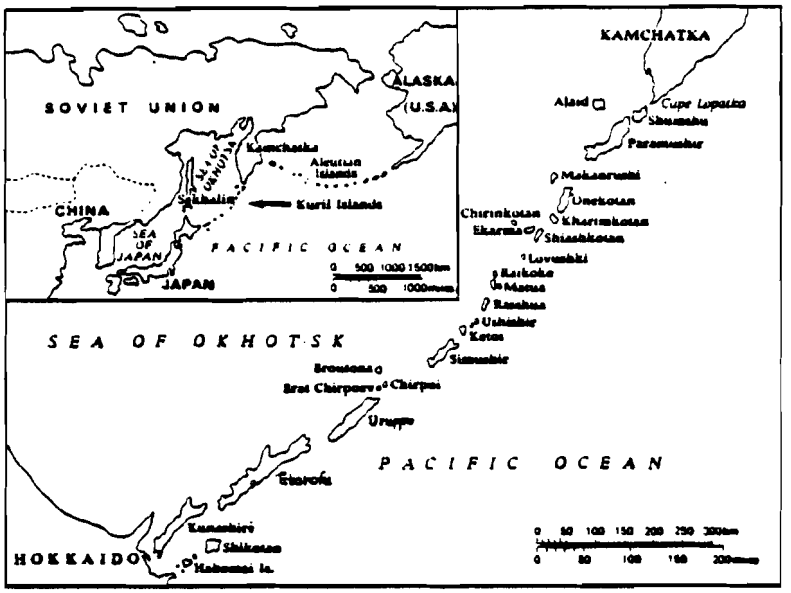


Figure 4. The Bulganin Line in 1956.

industry. The reason for the claim by the Soviets was for the protection of salmon stocks from Japanese fishing in Kamchaka, Sakhalin, and Sea of Okhotsk waters. However, according to the analysis of Japanese Ministry of Foreign Affairs, the Soviets also wished to blame the failure of their east coast fishery to reach their five-year plan fish harvesting goals on overfishing by the Japanese.[13] The Japanese government quickly established Japanese fishing in the waters east of Longitude 170°25'E until the settlement of the problem.[14] The Soviets initiated the northery fishery talks on the Bulganin Line, and the Japanese-Soviet Tentative Fishery Treaty was settled on May 14, 1956, five months before the Japanese-Soviet Joint Declaration was announced. By the tentative fishery treaty, Japan (for 1956) was allowed to harvest 65,000 metric tons[15] within the Bulganin Line. Consequently, 14 Japanese fishery fleets in Aleutian waters and 2 fishery fleets (decreasing from 5 fishing fleets)[16] in the Sea of Okhotsk were allowed to operate, and the fishing operation in 1956 was less successful than expected, because of delays in the receipt of the necessary permit. The fishery treaty was a draft convention concerning high seas fishery in the entire Sea of Japan, the Sea of Okhotsk, and Bering Sea, and included a draft agreement for cooperation in the rescue of persons in distress at sea. The effective term of the treaty was 10 years. Since this time, the Japanese mothership type salmon fishery has been decreased by the Japanese-Soviet Fishery negotiations even though the Bulganin Line was extinguished.

Japanese-Soviet Joint Declaration

The Soviet Union, which had not signed the San Francisco Peace Treaty in 1951 (between Allied Powers and Japan) to Japan, was very concerned for strategic and security reasons about the improving relationships between Japan and the United States through the Japan-U.S. Security Pact. Therefore, the USSR appealed to Japan concerning the establishment of diplomatic relations. However, Japanese Prime Minister Yoshida, who was completely pro-American, did not accept any proposals from the Soviet Union. But the Japanese public opinion gradually changed showing a desire to normalize Japan-Soviet diplomatic relations. This normalization was encouraged by the repatriation problem of 575,000 Japanese prisoners of war, the problem of joining United Nations, and the seizure of Japanese fishing boats in the northern waters.[17] The Hatoyama cabinet, which took office in December 1954, was favorably inclined toward normalization of relations with the Soviet Union, and the first Japanese-Soviet negotiation began in London in June 1955.[18] But both parties were confronted with the concept of the disputed northern territories (see Fig. 5) The Japanese government asserted the historical ownership of the northern four islands (Habamai group, Shikotan, Kunashiri, and Etorofu), and suggested an international conference concerning the reversion to Japanese control of the northern Kuril Islands and southern Sakhalin. Against Japan's claim, the Soviets agreed to return only Habomai and Shikotan, and they broke off the talks on



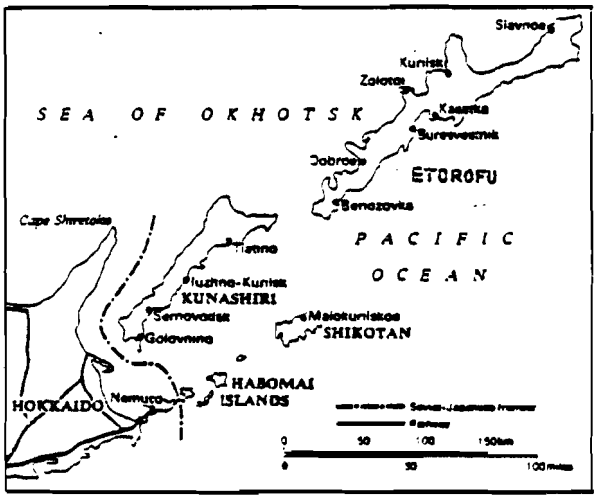


Figure 5. Top: Northern Japan, Northern Territories, and Kuril Islands. Bottom: Northern Territories (right of dotted line).

March 20, 1956. On March 21, 1956, the Soviet government suddenly announced the so-called "Bulganin Line," which was a conservation zone for salmon species in the northern waters. The Japanese government was upset by this apparent political strategy and as a result, the Japanese delegation (Kono Mission) went to Moscow for the northern fishery talks which inevitably involved the normalization of Japanese-Soviet relations directly.

The northern fishery talks were started in Moscow on April 29, 1956, with the understanding that negotiations for the normalization of relations should resume not later than July 31, 1956.[19] In the northern fishery talks, Japan claimed the right to harvest 80,000 metric tons/year as opposed to the Soviet's desire to limit Japan's catch to 50,000 metric tons/year. Finally, the agreement allowed a Japanese catch of 65,000 metric tons within the Bulganin Line for 1956.[20]

Though these northern fishery talks paved the way for the normalization of Japanese-Soviet relations, the Soviet Union held a strict attitude in regard to the fishery regulation, and used it as leverage in the normalization negotiations. On the other hand in Japan, there was still considerable controversy over the benefits of normal relations with the Soviets, and involved complicated political circumstances with different factions in the Liberal Democratic Party (Governmental Party). But there was a strong desire to settle the northern fishery talks (regardless of the cost) since the fishing season was coming soon. After

all, it was considered that the northern fishery talks had been held due to the Soviet's initiative. The second peace treaty negotiations resumed at the end of July 1956 in Moscow but again floundered on the same impasse of the northern territories and were discontinued on August 13, 1956. During the second negotiations, the Japanese government instituted its new policy in which it put an end to the immediate belligerency by shelving the territorial issue, and emphasis was therefore changed from actual peace treaty negotiations to the normalization of relations.[21] Though the many ministerialists (Congressmen of the Governmental Party) and Opposition parties pressured the Hatoyama Cabinet not to normalize with the Soviets without settlement of the territorial issue, Prime Minister Hatoyama, considering the problem of 575,000 Japanese prisoners of war in Siberia, attended the third negotiations in Moscow from October 13, 1956.[22] The Joint Declaration, which included an agreement to allow Japan to join the United Nations and the return of Japanese prisoners of war, was finally signed on October 19, 1956 (11 years after the end of World War II). It deferred consideration of the territorial issue to further negotiations for a fully-fledged peace treaty. The Soviet Union did concede to return Shikotan and the Habomai group on the conclusion of such a treaty. However, the peace treaty has not been settled yet, and the territorial issue remains unsolved to the present.

Japanese-Soviet Fishery Negotiations

The High Seas Fisheries Convention was ratified on December 1956. Consequently, the Northern Pacific Fisheries Commission was established, which initiated annual meetings held alternately in Tokyo and Moscow to determine the yearly harvest of salmon, herring and crabs, and to make recommendations regarding conservation in the Sea of Okhotsk and the northwest Pacific Ocean.

In the first annual Japanese-Soviet fishery negotiations, held in Tokyo from February 1957, Japan wanted a 165,000 metric ton limit for salmon harvest, but the Soviets said this should only be 80,000 metric tons. The Soviet's claim was that Japanese mother ship type fishery overharvested small salmon and salmon trout, and therefore few salmon returned to spawn in Kamchatka in 1955. The Japanese government changed its position to not less than 145,000 metric tons and presented the new proposal that Japanese catch limits would be determined by Japanese-Soviet joint scientific surveys for the next year. But the Soviets rejected Japan's proposal. Therefore, the Japanese government reduced their request to 120,000 metric tons. The Soviets accepted Japan's final proposal with two conditions attached. One was that the 120,000 metric ton catch of salmon species for Japanese fishermen would be only for 1957 as an exceptional measure. Another was that only two mother ship type salmon fishery fleets would be allowed in the Sea of Okhotsk instead of three fleets.[23] These regulations applied

only to the Japanese fishermen because the fishing on the high seas of the convention area was done exclusively by Japanese vessels. Soviet conservation claims were fortunately brought to a halt, realizing that further disputation would fatally delay the departure of the Japanese fishing fleets. Because of their unusual length, the Japanese-Soviet fishery negotiations became known as the "100-day meetings."[24]

In the second annual Japanese-Soviet fishery negotiations in 1958, the Soviets claimed the total prohibition of salmon fishing in the Sea of Okhotsk and drove Japan into a corner. Japanese protest was to no avail, even though Agriculture and Forestry Minister Akagi intervened. The Japanese government had to accept agreement closing the Sea of Okhotsk to salmon fishery starting January 1, 1959, in exchange for increasing Japan's catch from 80,000 metric tons (Soviet proposal) to 110,000 metric tons for 1958. In the meeting, though, Ambassador Akagi (Japanese Agriculture and Forestry Minister) in Moscow obtained a guarantee to allow the operation of Japan's salmon fishery during the next year. However, the limit for 1958 was reduced to 100,000 metric tons. Japanese Prime Minister Shinsuke Kishi, who had only considered the immediate economic value of the extra 10,000 metric tons of salmon, accepted the Soviet proposal concerning the closing of the Sea of Okhotsk to salmon fishing. The fishing negotiations with the Soviet Union became the target of adverse criticism by the public opinion in Japan, and

with good cause, since the initial Japanese agreement to end fishing in the Sea of Okhotsk apparently led to the expansion of areas closed to fishing by the Soviet Union, and the eventual collapse of the Japanese northern Pacific fishery.[25]

In the third annual Japanese-Soviet Fishery negotiations in 1959, the Soviets desired to limit Japan's catch to 50,000 metric tons against 165,000 metric tons proposed by the Japanese, and the Soviets had maintained their proposal limiting Japan's catch to 50,000 metric tons until the sixth annual Japanese-Soviet fishery negotiations in 1962.[26] In 1959, Japan met the Soviet's strong proposal for more closing areas and reducing the fishing season. Consequently, Japan accepted its catch limits at only 85,000 metric tons in compensation for the withdrawal of the Soviet proposal. This tradeoff between the potential closing of fishing areas and catch limitations became increasingly frequent in further negotiations. In the fourth annual Japanese-Soviet fishery negotiations in 1960, Japan suffered from Soviet political criticism of its fishing practices and had to reduce its catch by 17,500 metric tons (to 67,500 metric tons catch). The extension of the Japan-U.S. Security Pact in 1960 resulted in further negative action by the Soviet Union.[27] Japan, which did not have a good record for diplomacy, was brought to a disadvantage in the subsequent Japanese-Soviet fishery negotiations, and in the meeting in 1961, Japan again decreased its catch to 60,000 metric tons.[28]

The sixth annual Japanese-Soviety fishery negotiations in 1962 marked the development of a new phase. In September 1961, when the Soviet Vice Prime Minister Mikoyan visited Japan in connection with the industrial fair, he had a preliminary meeting with the Japanese government. The Soviet Union demanded the application of the regulations of the northern convention to salmon fishing throughout the Pacific, because, the Soviets argued, Japan had overharvested salmon in the areas south of Latitude 45°N. since its catch in the northern region had been limited by the Japanese-Soviet Fishery negotiations since 1957.[30]

Japan finally consented in 1962 and accepted that the regulation would extend to the south. Consequently, the meeting made two regulation zones: A zone, in the north region of Latitude 45°N, and B zone, in the south area of Latitude 45°N. Japan's catch was limited to 55,000 metric tons in A zone and to 60,000 metric tons in B zone. Also, Japan was reduced to one mother ship type salmon fishery fleet in A zone and to 20% of total small scale salmon fishing vessels which had previously operated in the south area in Latitude 45°N (see Fig. 6). Despite these severe measures, the large scale fishery by big enterprises (A zone) did not suffer a deathblow because of their diversification in other industries which buffered the economic impact. However, there was great confusion in the small scale fishery by individuals (B zone) with the curtailment of 81 fishing vessels. The

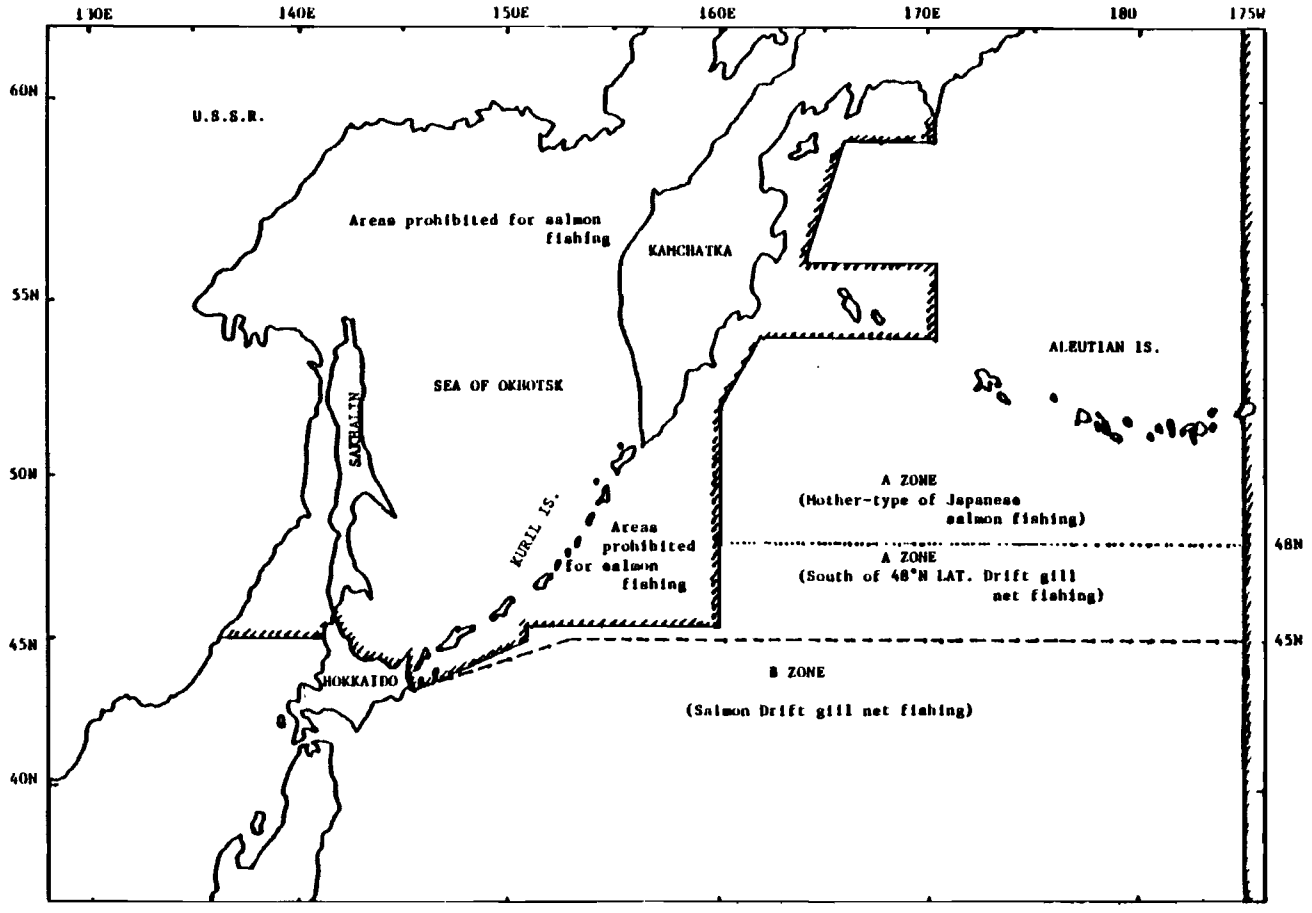


Figure 6. A and B Zones from the Northwest Pacific Fisheries Convention, 1962.

small scale fishermen union complained to the Japanese government that the cause of the Soviet's severe demands was a product of an administrative mistake by the Japanese government, which allowed the increase of the mother ship type of fishing fleet from 3 fleets in 1952 to 16 fleets in 1956, resulting in overfishing. But the small scale fishery in 1954 operated 1897 vessels which were decreased to 414 vessels in 1962. Therefore, it was argued that the mother ship type salmon fishery should be abolished. Since some local governments involved with this affair supported their claims, it became a big object of public concern.[31] The Japanese government paid compensation to small scale fishermen for abolished vessels and tried to transfer these vessels to the tuna fishery in the south.

Although the salmon fishing regulations became increasingly severe year after year, the maximum annual Japan's catch of salmon was stable between 110,000 to 120,000 metric tons in both zones together between 1962 and 1966. The tenth annual Japanese-Soviet fishery negotiations (1966), which was the final year of High Seas Fisheries Convention, was watched with keen interest, since it would determine the future of Japanese northern Pacific fishery. The Japanese were once again shaken with Soviet's plan for decreasing Japanese salmon fishing vessels by 90%, and by compromise Japan found it had to accept less than 100,000 metric tons of its catch in both zones A and B.

In June 1966, Soviet Fisheries Minister Ishkov visited Japan and agreed to extend the High Seas Fisheries Convention every year. When Japan proposed the safety operation plan near the northern territories, Ishkov presented a plan for a Soviet fishing operation near Japan's coast.[33] Since Japan rejected the Soviet proposal the safety operation plan near the northern territories is not still actualized. But the fishery negotiations from the eleventh annual session in 1967 to the fourteenth annual session in 1970 went smoothly, allowing catch limitations from 108,000 metric tons during rich haul years to 90,000 metric tons during lean haul years, though slightly decreasing Japan's catch every year.

Japanese-Soviet Fishery Negotiations in the 1970s

After the fifteenth annual session in 1971, the situation had taken on a new phase. The Soviets added three main claims which were: 1) the principle of roughly equal allocations (Japanese high seas salmon fisheries and Soviet coastal salmon fishers); 2) the enforcement by Soviet patrol boats in the B zone to ensure conservation measures by the Japanese in salmon harvesting (Soviet patrol boats have enforced in the A zone since 1962)[34] and 3) the restriction on herring fishing and the exclusion of crab fishing.

Beginning in 1967, with the regulation of bottom fishing, the Soviets began to add restriction on fishing to other fish categories. The catching of roe-bearing herring was banned completely in the Sea of Okhotsk after 1971.[35] Snail fishing was excluded since they represented a creature of

the shelf, since 1973. In addition, the crab fishing became a source of dispute in 1964, when the international convention on the Continental Shelf became operative with the ratification by 22 nations. When the convention recognized that coastal states would have sovereign rights over the natural resources of the continental shelf, the Soviet Union, which ratified the convention, declared that crabs were a natural resource of the continental shelf. Japan, which did not ratify the convention, disputed that crabs were a creature of the continental shelf. In fact, when the Soviet Union signed an agreement in 1965 with the United States to limit Soviet crab fishing in American waters, the Soviets felt more than justified in increasing their catch in their own shelf region.[36] The crab negotiations were separated from the main negotiations and were held every March in Moscow after 1969 and in which Japan's quota was decreased year after year. In 1975, Japan finally accepted that all areas west of Kamchtka, which were the main grounds of Japanese crab fishing, were closed to crab fishing.[37] Therefore, the Japanese mother ship type of crab fishery was totally destroyed.

With regard to salmon and the salmon-trout negotiations which were held separately, Japan also fell in its permissible catch to a level of 80,000 metric tons in 1976. In comparison the actual number of tons of salmon caught by the Soviet amounted to 93,200 metric tons in 1965, and 102,900 metric tons in 1975.[38] And it is clear that despite the supposed Soviet

policy of equal allocation of Japanese-Soviet salmon harvest, that Japan's harvest of salmon is steadily decreasing compared to the Soviet harvest. Thus under these circumstances, the Japanese salmon fisheries were continually cut down.

Japan in 1963 maintained 11 mother ships with 369 fishing vessels in the mother ship type of fishery north of Latitude 45°N, middle-size drift gillnet fishing vessels south of Latitude 45°N, 1282 vessels in the small-size drift gillnet fishery in the Pacific, 369 vessels in the longline fishery in the Pacific, and 296 fishing vessels in the Sea of Japan. In comparison, as a result of Soviet pressure, Japan in 1975 had a total of 10 mother ships with 333 fishing vessels, 287 middle-size drift gillnet fishing vessels south of Latitude 45°N, 1120 vessels in small-size drift gillnet fishery in the Pacific, none in the longline fishery, and 170 fishing vessels in the Sea of Japan.

In 1976, the Soviet Union finally demanded the banning of herring harvest in the Sea of Okhotsk, and the cutback to 50% of Japan's actual catch in 1975 (54,000 metric tons).[39] The Japanese herring fishery, which was entirely managed by small-scale fishermen, operated 251 fishing vessels in the Sea of Okhotsk. As a result, it presented a difficult problem in that the Japanese government might secure continued salmon harvest by the sacrifice of a 50% reduction in herring harvest during 1976. But even these problems were minor compared to the eventual declaration of the 200-mile exclusive fishing zone by the Soviet Union in December of 1976 following the similar U.S. 200-mile limit declaration.

III. THE NORTHERN TERRITORIES

The Political Ploy

The establishment of Soviet 200-mile limit in 1977 once again brought up the northern territorial issue between Japan and the Soviet Union. The "northern territories," which are comprised of the islands of Etorofu, Shikotan, Kunashiri, and Habomai group northeast of Hokkaido, Japan, have been occupied by the Soviets since World War II, though Japan has claimed its historical right to these four islands. In December 1976, the Soviet Union declared its own 200-mile zone which encompassed the northern territores (see Fig. 7). The Japanese government immediately protested against this action and reported its call for the return of the northern territories. Also the Japanese press campaigned vigorously against the Soviet Union's action simultaneously throughout the country. The northern territorial issue, which involves the safety fishing operation, is probably the most complex political problem existing between Japan and the Soviet Union, and remains unresolved.

In September 1976, Foreign Minister Miyazawa took a three day trip as the first Japanese foreign minister to Hokkaido to inspect the disputed islands.[40] During the two days following the Miyazawa inspection, four Japanese fishing vessels were seized off the northern territory. Also at this time when the MIG-25 interceptor (a Soviet pilot flew it

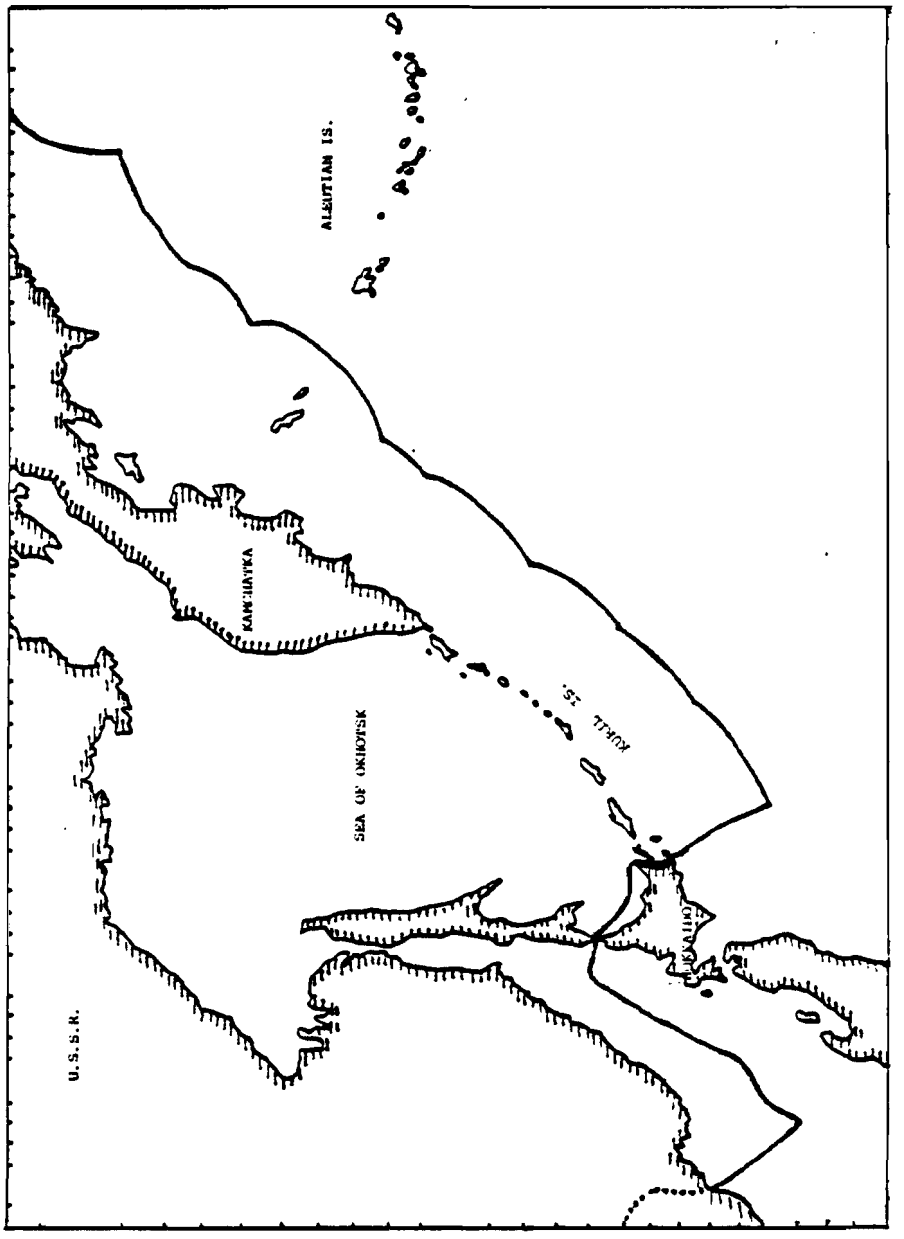


Figure 7. The Soviet 200 mile zone.

into Hakodate, Japan) was being examined on September 25, 1976 by the U.S., a Japanese squid fishing boat was seized on the high seas. So it appears that this seizure was an apparent retaliation against Miyaqawa's inspection and the MIG-25 in Japan, serving the interests of a third party, the U.S. It is clear that these captures contributed to the delicate Japanese-Soviet political relationships.[41]

After World War II, 1554 fishing vessels had been seized by the Soviets. As of March 12, 1979, 575 ships had not been returned, and 25 ships were sunk in which 37 fishermen died.[42] The Soviets said that the sinkings occurred when the Soviet Coast Guard vessel took a fishing boat in tow or when a fishing boat tried to escape from the Soviet Coast Guard vessel, and "it was swallowed up by the waves." The northern seas are dangerous to men who earn a living from them because of the rough heavy seas. The four islands, Etorofu, Kunashiri, Shikotan, and the Habomai group, which are one of the best fishing grounds in the world, are claimed as Japanese historical territory by the Japanese government. These fishing grounds had supported people who lived on the four islands until just after the end of World War II when the Soviet Union took occupation. After the 1956 Japan-Soviet Joint Declaration, the Soviet Union still occupied and still asserted a 12 mile territorial zone around the four islands. The number of seizures have not decreased at all, and many tragic events have occurred. For example, the

fishermen have gone fishing on stormy days to take advantage of the fact that the Soviet Coast Guard did not patrol on such days. However, they could harvest ten times more fish in the Soviet territorial zone (around the four islands) than outside the zone, and they believed they had a right to be there since the Japanese fishermen feel that the four islands are their territory. From Miyazawa's inspection, it was reported that the Japanese fishermen had little reluctance to go within 12 miles of the islands, while the Japanese Maritime Safety Agency vessel kept well outside the Soviet territorial zone.[43] The Japanese government proposed the "safe operation plan" (around the four islands) to the Soviet Union several times, that safe fishing and northern territories issue be separated and that safe fishing be guaranteed, but they took no notice of these proposals (1965-Akagi Plan; 1969-Aichi Plan; 1972-Safe Operation Plan; and 1977-Suzuki Proposal).[44] Most of the captured fishing boats were 20 to 30 ton vessels and the arrested people were small-scale fishermen from the port of Nemuro or the port of Hanazaki in Nemuro in Hokkaido. The population of this city is 46,000, 36,000 of whom make a living by small-scale fishing. Other captured fishing boats (from Nagasaki and Tottori) were catching squid.

Historical Background

During World War II, the Kuril Islands had a very important significance to Japan's defense; because the Kuril

Islands are the nearest land mass to the Kamchatka, Aleutian Islands, and Alaskan area. But the Japanese Military Force was decreased to 23,000 in the Northern Kuril Islands at the end of the war (1945) compared to 43,000 in the year before, because of transfers to the South Pacific and Okinawa's defense.[45]

On August 9, 1945, the Soviet military force suddenly attacked Manshū areas (Northern China), Korea, and South Karafuto, disregarding the Russo-Japan Neutrality Pact (1941-1946). Also, they attacked the Kuril Islands from Kamchatka on the day after Japan accepted the Potsdam Declaration (the Allied Powers surrender ultimatum to Japan) on August 15, 1945. Then, the Soviet military force effected occupation of Sakhalin, the Kuril Islands, Shikotan Island, and the Habomai Island group the day before the Japanese signature of surrender on September 2, 1945.[46] Finally, the Soviet Union incorporated this occupied area as territory of the Soviet Union in February 1946 without any treaty with Japan.[47] When Japan signed the Peace Treaty with the Allied Powers in San Francisco in 1951, the Soviet Union did not become one of the members of the Allied Powers. The state of war between Japan and the Soviet Union was ended in 1956 by the Japanese-Soviet Joint Declaration, and the problem of the northern territories and the peace treaty were shelved.

Consciousness of a territorial grievance against the Soviet Union dawned on the Japanese only gradually after the war. At first, Japan was too numbed by the shock of

defeat and too preoccupied with finding food and shelter to care. The Kuril Islands residents themselves thought of little but how to survive. Repatriation filled the minds of those caught unawares. Many Japanese believed the occupation to be temporary. However, the Soviet Union incorporated this occupied area as territory of the Soviet Union. On December 22, 1949, the Japanese government read its first position paper on the northern territories in the Foreign Affairs Committee of the Diet's House of Representatives.[48] The statement denied the Yalta Agreement's legality[49] and asserted Japan's claim to the southern Kuril Islands (Kunashiri and Etorofu) and southern Sakhalin. Japan renounced all right to the Kuril Islands in the San Francisco Peace Treaty. However, the wording was "the Kuril Islands" without further definition. Prime Minister Shigeru Yoshida denied at the San Francisco Peace Conference that Japan had taken the Kuril Islands and southern Sakhalin by aggression and insisted that Russia in the past had never disputed Japanese ownership of the southern Kurils, and he also charged that the Soviets were occupying, without authority, islands which were part of Hokkaido (Shikotan, and the Habomai group). U.S. Ambassador Dulles told the conference that the United States believed the Habomai group and Shikotan not to be a part of the Kurils, but he omitted mention of Kunashiri and Etorofu.[50]

The Soviet Union refused to sign the Japanese Peace Treaty and for five years kept Japan out of the United Nations

by its veto power. Finally, in 1955, Japanese and Soviet diplomats met in London to begin negotiations which resulted in the resumption of diplomatic relations but with no agreement on territories, and consequently no treaty of peace. During the meeting in August 1955, the Soviet side unexpectedly modified its intractable position and consented to hand back Shikotan and the Habomai group; an agreement seemed imminent.[51] But instead of accepting the Soviet concession, the Japanese side raised new demands on August 30, 1955, which shifted the retrocession of not only Shikotan and the Habomai group but also Kunashiri and Etorofu and in addition asked that the question of northern Kuril sovereignty be referred to an international conference.[52] So, the Soviet Union broke off the negotiations. The Soviet Union did not resume them until the following year, but again they floundered on the same impasse. The Joint Declaration, signed on October 19, 1956, provided that the Soviets would return the Habomai Islands group and Shikotan Island to Japan only after a peace treaty had been concluded. Japan pressed unremittingly for the southern Kurils. But for the record, the southern Kurils were claimed as historically Japanese, but their reversion was not deemed essential to a peace treaty. Similarly, the northern Kurils and southern Sakhalin had been used as bargaining counters in the San Francisco Conference.[53] The U.S. State Department tried to bolster Japan's position in an aide-memoire to Tokyo on September 7, 1956, discounting the Yalta Agreement and supporting Japanese rights to

Kunashiri and Etorofu (the southern Kurils), but the United States gesture reinforced rather than softened Soviet intransigence.[54]

Since 1960, shifts have slightly altered Soviet position concerning the territorial issue. On January 27, 1960, shortly after the revision of the Japan-U.S. Security Pact, Soviet Foreign Minister Gromyko announced that the islands would be held until American forces had completely withdrawn from Japan.[55] The Soviet Union insisted that the territorial issue had been settled by the time Japan's Foreign Minister visited Moscow in 1966 and 1967 to talk on the territorial issue to improve relations. In December 1969, Prime Minister Eisaku Satō urged adopting the "Okinawa formula" which would secure Soviet recognition of Japan's residual sovereignty in the southern Kurils as the first step towards retrocession. At least twice the United Nations General Assembly has been used as a forum for Japan's grievances.[56] Foreign Minister Andrei Gromyko complained in 1972 that the northern territories were giving him a headache.[57]

In January 1972, Soviet Foreign Minister Gromyko visited Japan for talks with Japanese leaders. The Joint Communique issued after the talks said that the two governments reached agreement to talk again towards a peace treaty. Part of the reason for Gromyko's visit to Japan was that the Soviet Union was concerned over the restoration of diplomatic relations between Japan and the People's Republic of China.[58] The

Japanese-Soviet Peace Treaty negotiations reopened in December 1972. In October, 1973, Japanese Prime Minister Kakuei Tanaka in Moscow repeated Japan's position that the return of the northern territories was an absolute precondition for the conclusion of a peace treaty.[59] The Joint Communique at the end of the talks noted only that the two governments recognized that the settlement of "yet unresolved problem remaining since World War II could contribute to the establishment of good neighborly relations between the two countries."[60] The Japanese government believed that the northern territorial issue was an "unresolved problem." But in February 1976, Soviet Secretary-General Brezhnev at the Twenty-fifth Party Congress, denounced Japan's northern territory claims as "unwarranted and illegitimate" and warned Japan not to yield to temptation and call for support from Red China.[61]

When the Japanese restated their claims to the northern territories, the Soviets once again held their position that the matter was already settled. Then the Soviet government declared the establishment of a 200-mile fishery zone in December 1976, following the example of the U.S. 200-mile fishery zone, and drew the Soviet border line within the northern territories. In late February 1977, Japanese Agriculture and Forestry Minister Suzuki and Soviet Fisheries Minister Ishkov met in Moscow, where the Soviets sought Japanese recognition of the Soviet zone, including the northern territories, and Japan refused. The two sides only agreed to

reopen negotiations in Moscow from March 15. Following the Suzuki-Ishkov talks, Japan stated to declare its own 200-mile fishery zone within the northern territories (see Fig. 8). In April 1977, Japanese Chief Cabinet, Sunao Sonoda, in Moscow tried to make a political settlement at a second round of negotiations; however, the talks were broken off. Finally, Japan and the Soviet Union signed their fishery negotations in May 1977 (accepting the Soviet 200-mile zone) with agreement which was interpreted by Japan that the northern territories issue continued as a problem in mutual relations. Thus the Soviet's 200-mile zone served to at least reopen negotiations concerning the northern territories.[62]

Japanese Foreign Minister Sonoda visited Moscow in January 1978, and continued the northern territories issue and the peace treaty talks. But Sonoda found that the talks again floundered on the same impasse. These maneuvers have not brought the northern territories problem closer to a solution since the Japanese government formally claimed the northern territories in 1949.[63]

The Japanese View of the Northern Territories Issue

The position of Japan is that Japan has a historical right to the northern territories, which was previously occupied only by Japanese and had never passed into foreign hands. The Matsumae feudal clan under Tokugawa Shogun took a field survey of eastern Hokkaido and southern Sakhalin in 1635. Meanwhile, Russia occupied the Kamchatka Peninsula by the

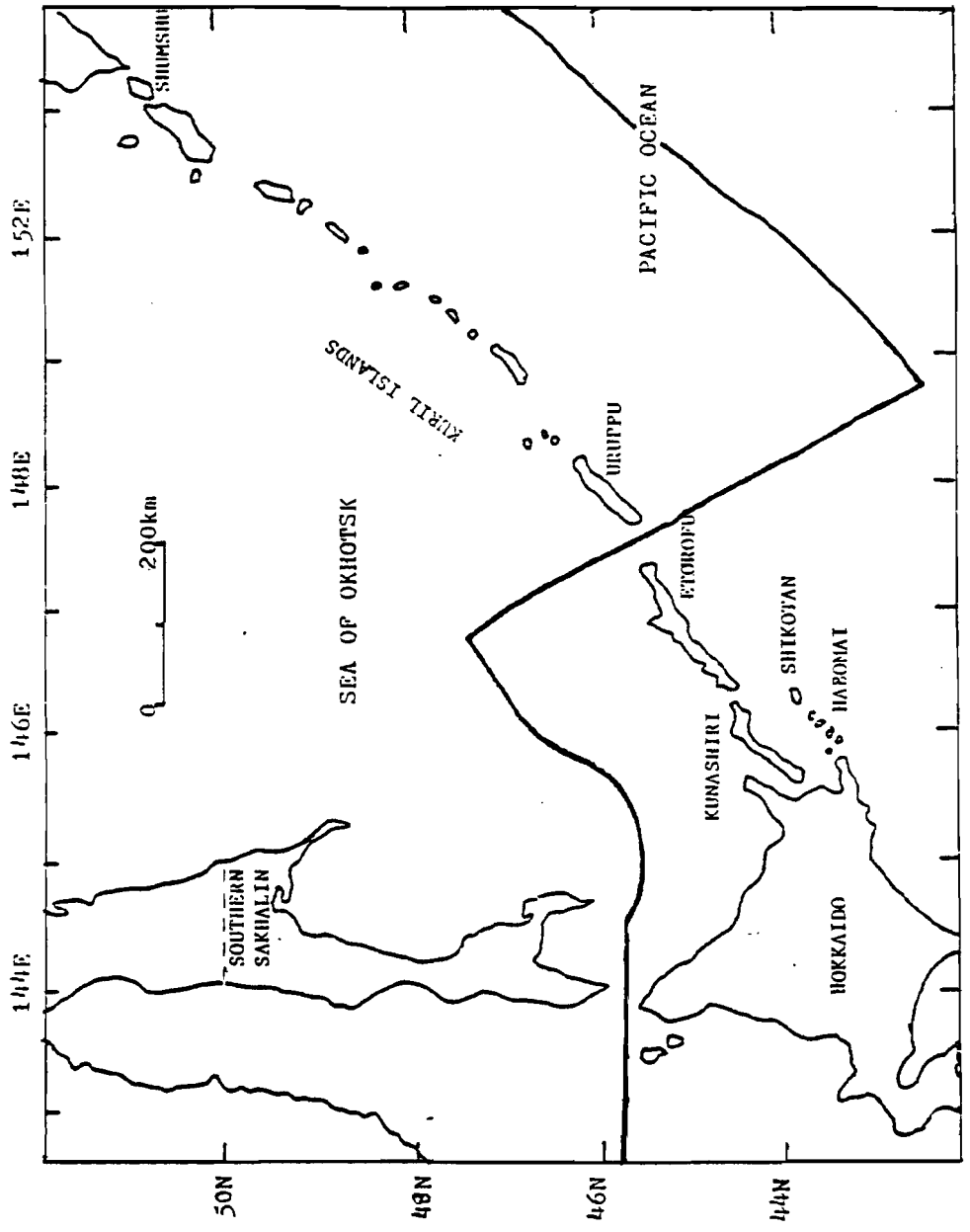


Figure 8. The Japanese 200 mile zone.

end of the 17th century, and soon started to extend its power to the Kuril Islands. The fact became the basis for Soviet's recent claim to not only the northern Kuril Islands, but also Etorofu, and Kunashiri (the soutern Kurils) which belonged to their territory earlier than to Japan. In the middle of the 18th century, when the Russians came to the southern Kuril Islands, the Matsumae feudal clan had only extended its influence to Kunashiri Island. It seems that the Russians went to Etorofu Island first, but did not manage the island to any significant degree. Russia established a colonial settlement on Uruppu Island, but they abandoned it and left Uruppu Island in 1805. Under those circumstances, it is hard to judge that these islands, south of Etorofu Island, became Russian territory even for a short time.[64] On the other hand, the Tokugawa Shogunate had taken a field sruvey of the Kuril Islands in 1785. And in 1799, the Tokugawa Shogunate had fortified eastern Ezo under the direct control of the shogunate, as well as established a community in Etorofu Island in 1800. This direct action by the Tokugawa shogunate was taken to guard against Russian influence in the area since the Matsumae clan was not strong enough to do this.

Japan thus established its jurisdiction to the southern Kuril Islands in the early 19th century. On the Russian side, Captain Gorovnin and other crews were caught by the Japanese for investigating and attacking a Japanese settlement in 1811. After they were released in 1813, Russia stopped their activity in the southern Kuril Islands

temporarily because they moved their focus of attention from the southern Kuril Island to Sakhalin. In 1821, the Tokugawa released the southern Kuril Island from direct control of the shoguate and gave jurisdiction back to the Matsumae feudal clan. Russian influence in the area was apparently waning.

In 1853, the Russian ambassador extraordinaire and plenipotentiary Fuphinimi Vasilivich Putiatin visited Japan for the negotation of the settlement of boundaries and opening of trade with Japan. Previously, the Tokugawa Shogunate of Japan in 1639 had adopted a closed-door policy, whereby travel to any foreign country for any purpose was strictly limited. It was not until 1853, when American Commodore Perry's "Black Ship" made its awe-inspiring appearance at Uraga, Japan, that its door was reluctantly opened.[65]

As a result of negotiations between Japan and Russia, the Japanese-Russian Commercial Treaty (Shimoda Treaty) was signed and sealed. Article 2 placed jurisdiction of Etorofu Island under Japan and jurisdiction to control the north islands from Uruppu Island to Shumshu Island (see Fig. 9) under Russian control, and it was agreed to jointly manage Sakhalin.[66] After the treaty, the problem of boundaries between Japan and Russia lasted until 1875 when Sakhalin became the joint property under both countries. The development of Sakhalin was started at an early time by Japah, but Russia also extended its power there by sending its exiles to settle in northern Sakhalin, taking advantage of the changeover of

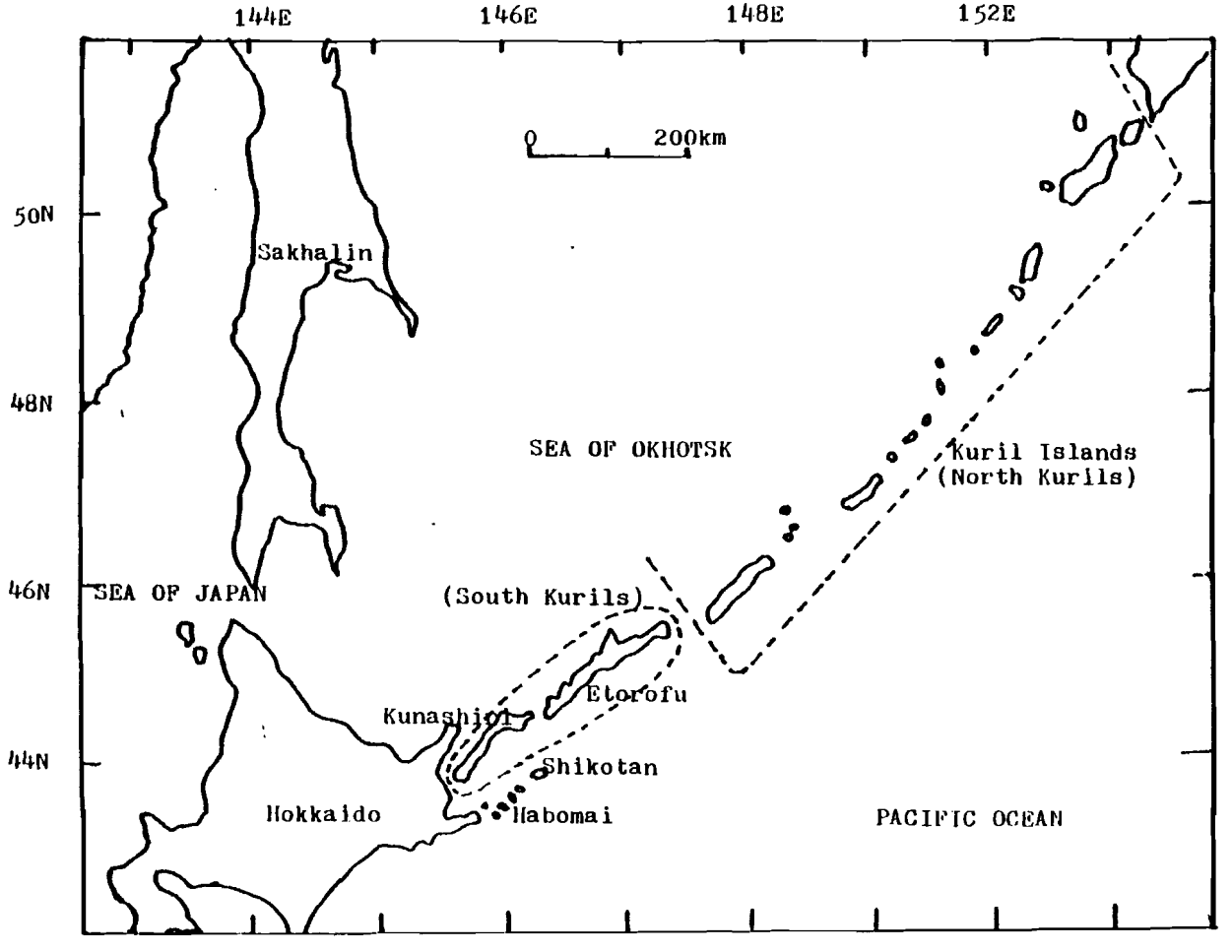


Figure 9. Northern and Southern Kuril Islands.

the Tokugawa Shogunate to the Meiji government (1868-1913). Japan's interest was only in the summer season fishery around the coasts of Sakhalin and few people settled there after the end of Tokugawa Shogunate. After the Meiji restoration, the new government increased its recognition of the Sakhalin problem which was a menace to the public tranquility of Hokkaido, since the joint management of Sakhalin was an unstable situation. The Japanese government decided the territorial problem of Sakhalin and reached a peaceful settlement by concluding the Sakhalin-Kuril Islands Exchange Treaty with the Russians in 1875, but did so under political disadvantage in the negotiations.[67]

Japan accepted that Sakhalin become Russian territory and Russia accepted that the Kuril Islands (18 islands from Uruppu Island to Shumshu Island) become Japanese territory. Thus all Kuril Island became Japanese territory, while Sakhalin was accepted as Russian territory.

After the end of the Russo-Japanese War in 1905, Japan occupied southern Sakhalin as Japan's territory, and both Japan and Russia settled its borderline at Latitude 50^{O}N in the Portsmouth Peace Conference under the mediation of President Theodore Roosevelt.[68]

After World War II, Japan renounced its jurisdiction and claim to the Kuril Islands and southern Sakhalin in Article 2-C of the peace treaty in the San Francisco Peace Conference.[69] The Soviet Union, which occupied these areas,

voiced its discontent that there was no mention that the Kurils and southern Sakhalin belonged to the Soviet Union, and they therefore refused to sign its peace treaty. Japan claimed that the northern territories were not included in the area renounced as were the Kuril Islands, but asserted historical rights and pointed to history between Japan and Russia. However, the Soviet Union at the Japanese-Soviet peace negotiations in London claimed that the four islands (Etorofu, Kunashiri, Shikotan, and the Habomi group), were part of the Kurils. America's position in May 1947, was publicly stated in support of Japanese claim to the four islands.[70] Also, according to Article 25, it specified that only the Allied Powers who had ratified the San Francisco Peace Treaty should derive rights and benefits from it. Therefore, it is clear that the Soviet Union does not have any right to its claim to the Kurils including the northern territories, on grounds of the San Francisco Peace Treaty (see Fig. 10).

The Soviet View of the Northern Territories Issue

The present position of the Soviet Union is that there is no territorial issue with Japan due to several international agreements formed at the end of World War II: The Cairo Declaration, the Yalta Agreement, the Potsdam Proclamation, and the San Francisco Peace Treaty. The Cairo Declaration of November 1943, in which the United States, Britain, and China in the Allied Powers proposed that Japan should be stripped of all islands in the Pacific which she had seized

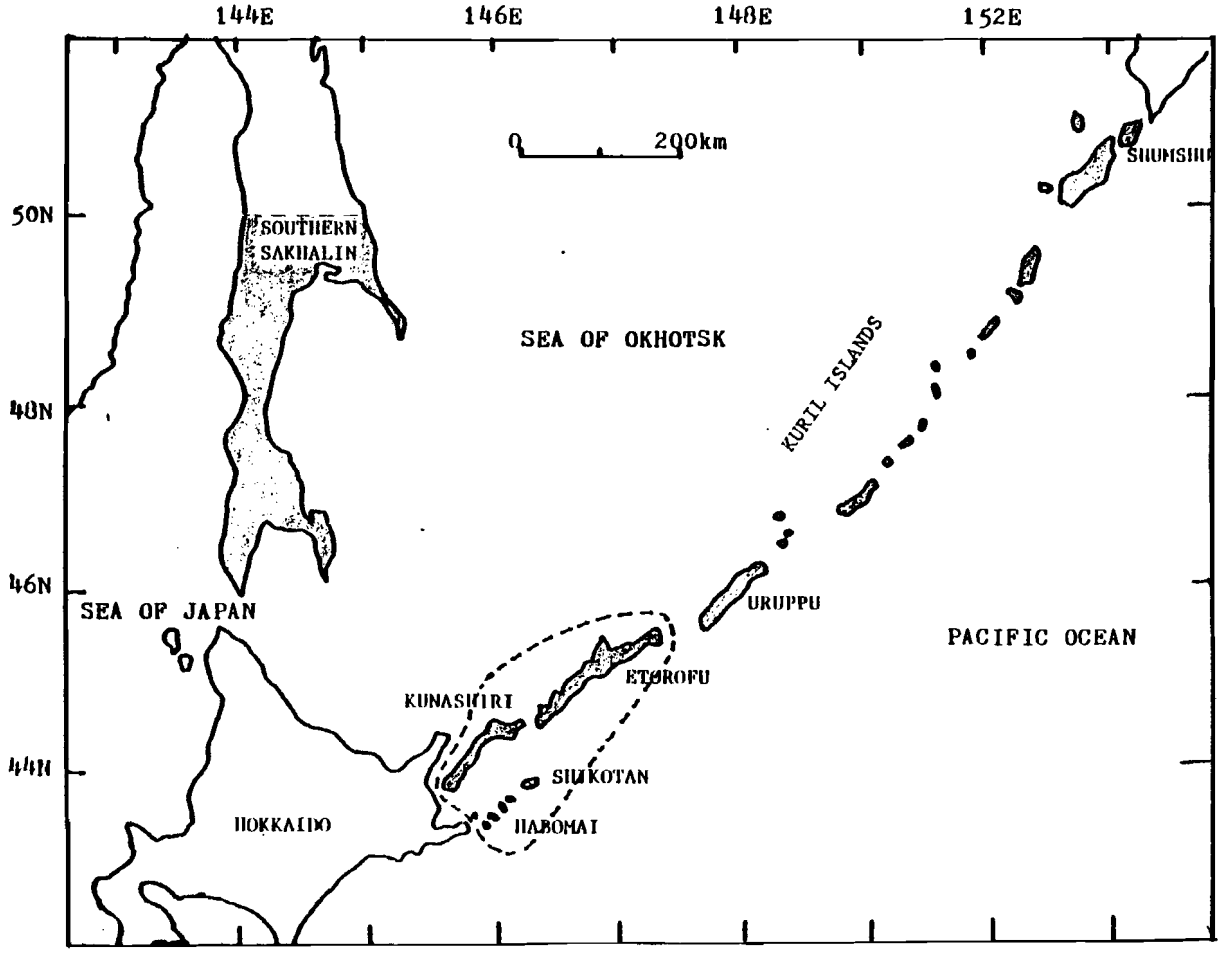


Figure 10. The Japanese renounced areas in the San Francisco Peace Treaty, 1951, as claimed by the Soviet Union (shaded areas). Japanese interpretation excludes the islands bounded by the dotted line.

and occupied since the beginning of the first World War in 1914, and that all the territories Japan had stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, would be restored to the Republic of China. Further, Japan would also be expelled from all other territories which she had taken by violence and greed.

The leaders of three great powers, the Soviet Union, United States, and Great Britain, agreed in February 1945 that in two or three months after Germany had surrendered and the war in Europe had terminated, that the Soviet Union would enter into the war against Japan on the side of the Allied Powers. The Yalta Agreement stated that the former rights of Russia violated by the treacherous attack of Japan in 1904 would be restored, and that the southern part of Sakhalin as well as all islands adjacent to it would be returned to the Soviet Union (Article 2-a), and further that the Kuril Islands would be handed over to the Soviet Union (Article 3). The Potsdam Declaration stated that the terms of the Cairo Declaration would be carried out and that Japanese sovereignty would be limited to the islands of Honshū, Hokkaido, Kyushū, Shikoku and such minor islands as were determined (Article 8). The San Francisco Peace Treaty stated that Japan renounce all right, title and claim to the Kuril Islands, and that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905 (Article 2-C). The Russians

cited all of these agreements to prove that the Kuril Islands were ceded to them. In fact, the Soviets incorporated this occupied area as territory of the Soviet Union in 1946.

Japan disputes the Soviet's claim on several points. Firstly, it is argued that the Cairo Declaration did not specifically point out the Kuril Islands. Originally, the Kuril Islands were transferred to Japan peacefully by concluding the Sakhalin-Kuril Island Exchange Treaty in 1875, thus were not areas which Japan had taken by violence and greed. Also, the Cairo Declaration made assurances that the Allied Powers coveted no gain for themselves and had no thought of territorial expansion. The Soviets themselves violated the Cairo Declaration by illegal occupation of Japanese territories.

With the Yalta Agreement, the Japanese position is that it is not binding on Japan because the agreement was concluded without Japan's participation or knowledge. In attacking and annexing the Kuril Islands, the Soviet Union violated the 1941 Neutrality Pact (1941-1946)[71] and betrayed the principle of non-aggression contained in the Atlantic Charter to which Moscow had subscribed. In September 1956, the United States announced that the Yalta Agreement did not affect any legal position concerning the territorial problems.

Another point is that the Potsdam Declaration limited Japan to the four main islands, but it added a reference to "such minor islands as we determine" which could well include the Kuril Islands. Also, though Japan renounced all rights

to the Kuril Islands in the San Francisco Peace Treaty, Japan did not really compromise its claim to Kunashiri and Etorofu, for the latter two are legally not part of the Kuril Islands as defined in the treaties of 1855 and 1875.

The Soviet's Intention

There exists at least three main reasons why the Soviets insisted that there were no territorial problems. First, the Soviet Union doubted that Japan would be satisfied with only the return of the northern territories, since it seemed obvious that Japan would claim the return of the Kuril Islands and southern Sakhalin. Because of the position of the Japanese government maintaining its historical right to the northern territories, Japan proposed that the jurisdictional question of the Kuril Islands and southern Sakhalin be brought into International Conference by the Allied Powers under the conditions ratified in the San Francisco Peace Conference.

Secondly, thus it is not surprising that the Russians have clung so tenaciously to their position. After World War II, the area which was occupied by the Soviet Union is nearly 760,000 square kilometers (5,000 square kilometers from the northern territories). The Soviet Union is reluctant to return territory to Japan in the face of the principles incorporated in the treaty with West Germany, Finland, and Poland, and the troublesome border problems with especially Communist China. The Kremlin wanted to hold up this treaty as a precedent for freezing boundaries with Japan.[72]

Third, the Soviets have regarded the northern territories as of some importance to their security. The Soviet naval strength in the Pacific area is practically guaranteed by the occupation of the northern territories. At the end of World War II, the Kremlin attempted to divide Hokkaido for occupation by the Soviet Union and the United States, in much the same manner as East and West Germany are occupied by separate factions. However, the U.S. occupied all of Japan except the northern territories and refused the Soviet plan. The primary aim of the Soviets was to have complete control over internal waters in the Sea of Okhotsk. Etorofu and Kunashiri in the northern territories are important locations for the military. Tancup Bay in Etorofu Island provides exceptionally good conditions for the naval base where the Japanese Combined Fleet historically concentrated for attacking Pearl Harbor in Hawaii. The Japanese Defense Agency confirmed in June 1978 that Soviet task forces had moved into the Etorofu area. Before World War II, the Soviet movement to the Pacific Ocean was blocked by the Japanese territory. But the situation has taken a new turn since the Soviets occupied the northern territories. Securing the Soviet sea frontiers to Kamchatka and maintaining free navigation routes to the Pacific Ocean resulted in protection of the coastal military facilities in the mainland of Soviet Union and has allowed for additional military pressure against the People's Republic of China, Japan, and the United States.

Possible Solutions

From Nossapu Point at the end of Nemuro Peninsula, the Japanese can watch Russian soldiers on patrol on an island[73] less than three miles away. The local inhabitants of Nemuro are fishermen and collectors of tangle. The tangle, a special kind of seaweed, is found in these waters and is highly prized by the Japanese. At one point, the Soviet prohibited tangle-collecting in the vicinity of their islands and were constantly seizing Nemuro fishermen. The situation has changed. In 1963, the private level tangle agreement was signed in Moscow providing that specified numbers of Japanese small boats would be permitted to operate in the waters near Kaigara Island and Suishō Island in the Habomai group. However, Nemuro's citizens have not been relieved of all harassment from the Russians. Seizures of boats and men have become less frequent but have not ceased. Also the Soviets have done bombing practice in their fishing grounds. Such acts causing such great distress to Japanese fishermen are difficult to handle. The Soviet Union's only obligation is to notify ships and aircraft to keep out of the bomb practice zones. Therefore, Japanese fishermen are still detained in the Soviet Union. Under these circumstances, Nemuros' fishermen became more interested in the safety of their men and their boats than in agitating for reversion. But the Soviet Union once again prohibited the collection of tangle around these islands in the Habomai group, this time by the establishment of Soviet 200-mile zone, and there is little

likelihood that Japanese small boats will be permitted to operate in the waters of the Habomai group.

According to the Soviet presses in recent years, the fishery industries in Kunashiri maintained large mackerel pike fishing fleets and its processors in Etorofu which produced 300 million fish cans in 1971. Other industries on Etorofu harvested 3 million fishes including salmon, salmon-trout, and Alaska pollock.[94] More recently the Soviet National Park project on both islands is being planned as a resort zone for Russians from the mainland. However, it is also evident that the Soviet Union has steadily strengthened its military power into the northern territories. On February 5, 1979, aerial photographs published in Japanese newspapers showed that the Soviet Union has constructed a large military air base on Kunashiri.[75] These photographs appeared after an unexpected statement by the Japanese Defense Agency last month that the Soviet Union had constructed permanent military bases on Kunashiri and Etorofu. The newspapers reported that the aerial photographs of Kunashiri were taken February 2, 1979, from its own plane in Japanese air space, but the flight prompted at least two Soviet air defense aircrafts to scramble. The Japanese Defense Agency officials said the Soviet Union has developed about 5,000 to 6,000 ground troops on the islands of Kunashiri and Etorofu. The Japanese Foreign Minister Sonoda lodged a protest on February 5, 1979 with the Soviet Embassy in Tokyo against the military build-up on the northern territories.[76]

However, the Soviet Ambassador Bozuchsky claimed the same day that the northern territorial issue has been settled, therefore the Japanese were attempting to interfere with the internal affairs of the Soviet Union.[77] Additionally, a Moscow broadcast announced that the cause of building the military base in the Islands of Kunoshiri and Etorofu was due to Japan's international affairs. The added security of the Kurils was needed due to Japan's relationship between and with Communist China, especially since Japan already had supposedly sufficient defense with the U.S.-Japan Security Pact.[78] The establishment of the Soviet Union's military bases in the northern territories was rapidly developed, and seems to be to some extent a retaliatory measure to the Japan-People's Republic of China peace treaty. The fear of both territorial and strategic considerations probably dictated Soviet retention of the northern territories.

If Japan would happen to withdraw from the Japanese-U.S. security relationship or if some other circumstance occurred offering a patent advantage to the Soviet Union, the Soviets might find it expedient to sign a peace treaty with Japan and, in accordance with the 1956 declaration, agree to give back Shikotan and the Habomai group. There is little likelihood that the southern Kuriles, Kunashiri and Etorofu, would be returned. However, the Japanese government has not changed its position of the Soviet Union being Japan's most feared enemy. The Soviet Union's policy was to consider the northern territorial issue settled when Japan accepted Soviet's 200-mile fishery zone which included the northern territories.

IV. THE JAPANESE-SOVIET FISHERY NEGOTIATIONS AND THE SOVIET 200 MILE LIMIT

The Soviet Fishery Policy

In recent years the Soviet Fishery has made remarkable progress. The Soviet's catch, which in 1960 was only 3.5 million metric tons, increased to 7 million metric tons in 1970, and reached over 10 million metric tons in 1976. The Soviet government has recently placed emphasis on exploiting the world's oceans to meet the protein needs of the Soviet nation. Thus the Soviets worked to increase fish harvest from distant water operations. Over 90% of the Soviet total harvest of fishes were caught from distant waters in 1975. In 1975, a bad crop year caused a shortage of cereal feeds for livestock supplies. Consequently, it became a policy to insure protein supplies from the sea and the Soviets announced a new five-year project to increase their total catch of fishes another 32 percent by 1980.[79] During this progress, the Soviet Pacific Fishery has always held a leading position in the Soviet Fishery. Therefore, the Soviet Union has aimed to suppress the Japanese fishery near their coasts. The Soviets claimed that crabs were a creature of the continental shelf, and shut out Japanese crab fishing in most of Soviet's continental shelf. The Soviet position with Japan on Salmon and salmon trout had used the principle of equal allocation.

However, the Soviet salmon fishery had operated only in its coastal waters, thus the Soviet's salmon catch had always been less than Japan's since they operated on the high seas. But as previously discussed, the allowable Japanese salmon harvests were decreased in the annual negotiations with the Soviet Union from year to year. The Soviet's desire was to regulate Japanese salmon fishery on the international waters and thereby increase their salmon harvest in the coastal waters.

However, the Soviet interests in the ocean is not only fishery, but also in a merchant fleet and in naval power. Also Soviet fishing vessels often operate as intelligence ships. Therefore, the advance of Soviet fishing fleet to the distant waters is a result of both economic and political desires, forming the so-called "the Red Ocean Strategy."[80]

The Soviet 200-mile Fishery Zone

The participating nations in the Third Law of the Sea Conference sought to make new ocean policies and to reach agreements on various aspects of the sea. In 1976, the United States announced the establishment of their 200-mile exclusive fishery zone requiring foreign countries to negotiate for permission to fish in their waters. The Soviet Union in November 1976, recognizing the new U.S. 200-mile fishery zone, signed a U.S.-Soviet agreement, and subsequently declared their own 200-mile fishery zone on December 10, 1976.[81] And the Soviets announced on February 24, 1977 that they would implement regulations starting March 1, 1977. As

stated in the announcement, the waters around the northern territories, which are disputed for ownership by Japan, were declared under Soviet jurisdiction. The Japanese government immediately lodged a protest against the Soviet measure on February 25 to the effect that Japan could not recognize such a unilateral action on the part of the Soviet Union.[82] Under such severe disagreement, the Japanese-Soviet Fishery Interim Agreement negotiations were held in February, 1977. It was realized that it would be difficult to reach agreement. But before the negotiations, Japan had to accept the Soviet fishery jurisdiction claim in order not to compromise Japan's claim to the northern territories and its insistence on safe fishing for Japanese vessels in the coastal waters of those territories (which still does not exist). The Soviet Union intended to settle the northern territories issue in upcoming fishery negotiations.[81] Thus they designed a short final meeting in Tokyo from March 15 to March 31, 1977. The annual Japanese-Soviet Fishery negotiations, were generally known as the "100 day meetings." The meeting in 1977 included more complex problems. It is clear that the Soviet's aim was the acceptance of its judrisdictional claim to the northern territories without giving the Japanese government time to protest since it was eager to prevent delay in the departure of the Japanese Northern Pacific fishery vessels. The negotiations became deadlocked however, and the Soviet mission left Japan on March 31, 1977.[83] The public

in Japan strongly supported its claim for reversion of the northern territories on this occasion and protested against the Soviet Union's measure.

During the talks in March 1977, Japan stated to declare its own 200-mile fishery zone within the northern territories. On April 5, 1977, the Japanese Chief of Cabinet, Sunao Sonoda, tried in Moscow to make a political settlement at a second round of negotiations; however, the talks broke off on April 8, 1977.[84] Then the Soviet Union announced on April 29, 1977 the denouncing of the Japanese-Soviet Fishery Treaty (the High Seas Fishery Convention). Although there was the increasing possibility that there would be no Japanese catch quota for 1977 in the Soviet 200-mile fishery zone, the Japanese government kept its strong position on the northern territories with popular support from the nation as a whole and the entire Diet membership.[85] They desired to conclude these negotiations in such a form as did not in any way prejudice its position on this territorial issue. On May 2, 1977, the Japan's Diet approved a law extending Japan's territorial sea to twelve miles and its fishery jurisdiction to 200 miles, and on May 3, 1977, Japanese Agriculture and Forestry Minister Suzuki visited Moscow for the third round of fishery negotiations.[86] Finally, Japan and the Soviet Union signed their fishery negotiations on May 27, 1977, with an agreement which could be interpreted to allow Japan to continue to insist that the northern territories issue continue to be a

a problem in mutual relations. Thus the Soviet 200-mile zone served to at least reopen talks concerning the northern territories.[87] Subsequently, interim negotiations, which provide for the terms and conditions of Soviet fishing operations in Japanese 200-mile fishery zone,were held from June 30, 1977 and concluded on August 4, 1977.[88]

Under the Japanese-Soviet Fishery Interim Agreement in 1977, Japan's total 1977 allocation in the Soviet 200-mile zone was set at 455,000 metric tons from June to December, which was a 40 percent decrease in the annual harvest of 1976 (1,538,000 metric tons). As a result, 7,400 fishing vessels in 1976 were decreased to 6,335 fishing vessels. In addition, Japan's fishing areas were limited to only seven fishing areas in 1977 in the Soviet 200 mile zone (see Figure 11). Thus Japanese fishermen suffered a drastic reduction in harvest due to the new Soviet regulation in which the allowable catch of Alaska pollock was cut back from 1,073,000 metric tons to 100,000 metric tons, including the prohibition of Japan's main fishing in the western Kamchatka area. Only 22 Alaska pollock fishing vessels survived out of 154 fishing vessels used during 1976.[89] The Alaska pollock price was low so fishermen had to harvest more to break even. The main base port for the northern fisheries is in the city of Kushiro whose fishermen have been the largest harvesters of fish from 1964 to 1976. In 1976, Japan's total harvest was 1,073,000 metric tons with Alaska pollock representing 100,000

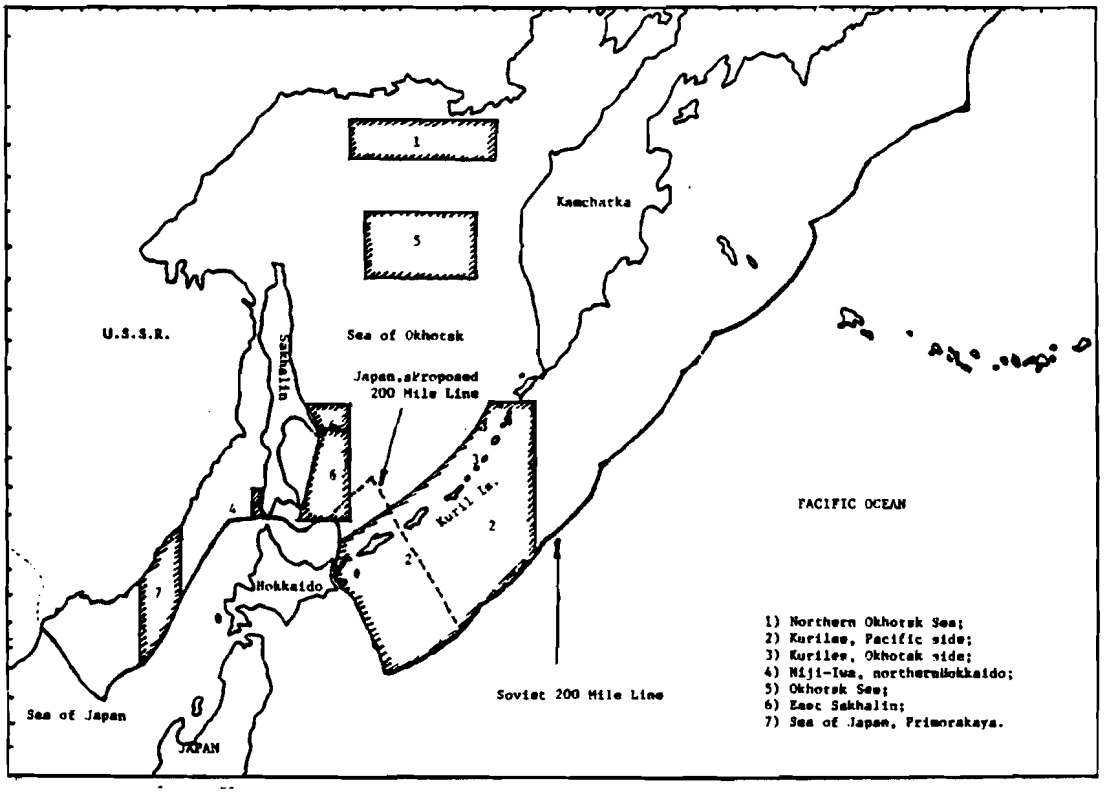


Figure 11. Japanese fishing areas in the Soviet 200 mile zone after 1977.

metric tons.[90] Also the cheap price of fish aided the development of the marine manufacturing processing industry. Most port towns in Hokkaido and Tōhoku area sustain very small manufacturing/processing industries and their economy status is based on fish. Under this situation, more than 10,000 people lost their jobs in the city of Kushiro (population 200,000).[91]

In 1977, the Japanese small scale crab and shrimp fisheries in the Soviet zone had their allocations reduced by 50 percent of the 1976 limit. Also the flounder trawl fishery in the southern Kamchatka (164 fishing vessels), the herring fishery, and tangle collecting around the Habomai Island group in the Soviet zone were totally destroyed.[92] Approximately 42,000 metric tons of herring were caught in 1976, but the Soviet Union prohibited the harvesting of herring in their 200-mile zone in 1977. So the City of Wakkanai (population 55,000), which is the main base port of the herring fishery, suffered an 80 percent financial loss.[93] It is difficult to change from a herring fishery to any other type of fishery, therefore it presented a complex situation to the fishery business world. The prohibition of tangle collecting around Habomai Island group was a Soviet reprisal measure reacting to the Japanese government's rejection of their proposal of fishing operations within Japan's territorial waters.[94] The total Soviet allocation in the Japanese 200-mile zone in 1977 was set at 335,000 metric tons

from July to December, which was 31 percent below the annual catch in 1976. However, their most desirable catch, including sardines and mackerel, was reduced only 10 percent.[95] Finally, Japan's salmon allocation, which was discussed separately from the main negotiations, was set at 62,000 metric tons in 1977, and lost 18,000 metric tons from banning of salmon catch within the Soviet 200-mile zone.[96]

The substantial destruction of the Japanese northern fisheries not only broke down the base of the Japanese distant water fisheries but also deprived fishermen of a living and hurt the marine processing and related industries. Thus, a critical situation exists for all citizens of ports in the Hokkaido and Tohoku areas.

The Fishery Negotiations of 1978

In September, 1977, Japan and the Soviet Union reached agreement to extend the two fishery interim agreements for one year beyond their original dates of expiration (the end of 1977), and resumed their talks for their 1978 allocations on November 22, 1977. Before these negotiations began, the Soviet Ministry of Fisheries announced that it would be willing to approve as much as 840,000 metric tons for Japanese fishermen in the Soviet zone. The Soviets also proposed 670,000 metric tons for Soviet fishermen in the Japanese zone. These annual figures were arrived at by simple extrapolation of the 1977 quotas, which were 700,000 metric tons for Japan during March-December and 335,000 metric tons for the Soviet Union during July-December.[97]

The Soviet Union modified its position during the first week of negotiations, and demanded that Japan increase the 1978 quotas for the Soviets to enable them to catch as much as the Japanese in the Soviet zone. On November 28, 1977, the Soviets proposed that Japan would be allowed to catch only 700,000 metric tons (the same as the March-December 1977 allocation) and threatened to reduce Japanese quotas even further if their demand was not met. This tough Soviet demand came in response to the Japanese proposal of a 378,000 metric tons allocation for the Soviets, only 43,000 metric tons more than their quota for the last six months of 1977.[98]

The failure to agree on a quota formula continued throughout the negotiations. On December 13, 1977, the Soviet Fisheries Minister Ishkov presented to Japan the final Soviet quota proposal, 850,000 metric tons for Japan and 650,000 metric tons for the Soviets, which Japan ultimately accepted.[99] But initially Japan rejected it because the 850,000 metric tons allocation represented only about half of the previous maximum catch by Japan in Soviet zone, while the 650,000 metric tons allocation was roughly equal to the past maximum Soviet catch off Japan. Japan also expressed opposition to extrapolating its 700,000 metric tons March-December quota for 1977 into an annual quota for 1978 by adding amounts for January and February only. Because Japanese fishing vessels were not allowed to fish in the Soviet 200-mile zone during April and May while negotiations on an interim agreement were in progress, Japan felt that the 700,000 metric tons allocation

should also be adjusted to reflect the lack of fishing during these two months. When it became evident, however, that the Soviet Union would never agree to Japan's proposal for a 378,000 metric tons Soviet allocation in the Japanese zone and would not consider a revision of its own allocation proposal based on the "equivalent principle," Japan informed the Soviet Union on December 15, 1977 that it would accept the Soviet proposal. The decision was also influenced by the fact that Japan would not be able to begin operations in the Soviet 200-mile zone in early 1978, if the Soviet proposal were rejected.[100]

Japanese Agriculture and Forestry Ministry officials stated on December 15, 1977 that it was inevitable for Japan to agree to the Soviet proposal, although they were disappointed with the results. Japan's 850,000 metric tons allocation represented a 45 percent decrease from its 1976 catch of 1,538,000 metric tons while the Soviet allocation of 650,000 metric tons was only about 2 percent less than their 1977 catch which was the Soviet historical catch level in the Japanese 200-mile zone.[101] Part of the reason for the strong negotiation effort was that the Soviet Union did not conclude its fisheries negotiation with European Economic Community Countries for 1977, and lost about 600,000 metric tons of its 1976 catch. Under these conditions, the Soviet Fisheries Delegation in Tokyo had felt under serious pressure to find a way to succeed in their five year

plan (1976-1980). This severe position of the Soviet Union also had an effect on the five-year Japanese-Soviet Bilateral Fishery Cooperation Agreement pertaining to the high seas salmon fishery convention in the international waters of the northwest Pacific.

The Five-Year Japanese-Soviet Bilateral Fishery Cooperation Agreement

When there was a worldwide acceptance for the banning of salmon fishing in international waters due to parent-stream jurisdictional control claims, Japan, which asserted the right of salmon fishing in international waters, was in a hard position.[102] Under these international circumstances, in February 1978, the North Pacific Fishery Conference was held in Vancouver by Japan, Canada, and the United States. The North Pacific Fishery Convention had acted in the northeast Pacific Ocean since 1953, however, the United States denounced its treaty under the establishment of U.S. 200-mile fishery zone. This meeting considered salmon catch regulations in the northeast Pacific. Finally Japan agreed to the U.S. claim, which resulted in its reluctant acceptance of the principle of abstention from salmon fishing from Longitude 175°W to Longitude 175°E.[103] Certainly this result had a strong influence on the upcoming Japanese-Soviet salmon fishery negotiations, which were held in Moscow on February 15, 1978.

The Soviet Union first proposed a total ban on salmon fishing in the international waters on the grounds of preserving riverborn salmon resources and included Japanese 200-mile

zone. If Japan accepted the Soviet's proposal, 50 percent of total 1977 Japan salmon catch would be cut back, with mother ship type of salmon fishery (6 mother ships and 245 fishing vessels), middle-sized drift gillnet fishery (298 fishing vessels) being totally destroyed, and nearly 100,000 people (25,000 fishermen) losing their jobs.[104] Therefore, the Japanese proposed the 1978 quota of 62,000 metric tons as the same as the 1977 quota. The Soviet Union's 1978 negotations were strongly influenced by Japan's developing relationship with Communist China.[105] In the 1977 fishery negotiations, the Soviets essentially gave Japan a choice of fish or the northern territories, and in the 1978 the choice was fish or Communist China.

Just before the talks broke off, the Soviet Union on March 24, retracted its stand proposing that regulations governing salmon fishing be renegotiated in 1978 towards annual bilateral consultations. One of the reasons the Soviets changed their position in the meeting was that Japanese government finally decided to form their relationship with Communist China, and Japanese Foreign Affairs Minister Sonoda went to the People's Republic of China for making the final agreement.[106] Therefore, the Soviet Union moved its fishery negotiations strictly to the topic of fish. When the meeting resumed on April 5, the Soviet Union presented a new proposal: Japn's 1978 quota would be 35,500 metric tons (57.5% of the 1977 quota) an area north of Latitude 44°N (A zone; a traditional fishing ground for mother ship type of fishery) would be closed for salmon fishing, and

the fishing season for 1978 would be set for a three-month period from May 1 through July 1, as compared to from April 30 through August 10 in the last year.[107] It is clear that the Soviet's policy was attempting to exclude the Japanese salmon fishing in international waters by decreasing Japan's quota year after year. The Japanese government also presented a new proposal in which Japan would give "fishing cooperation" to the Soviet Union under the condition that Japan's 1978 quota remain the same as the 1977 quota. The "fishery cooperation project" was that the Japanese government would establish 12 salmon culture fisheries institutions on the Soviet Coast in 5 years, and there would be 50 million dollars total payment by the Japanese government. However, the Soviet Union rejected it.[108]

While the talks were having trouble with quota, the North Pacific Fishery Conference in Washington, D.C. was concluded April 16, which resulted in Japan's reluctant acceptance of total abstention (no Japanese salmon fishing beyond Longitude 175°E) (see Fig. 12). Japan's acceptance made difficult its own claim against the Soviet Union, which proposed the total ban of salmon fishing in international waters. According to the Japanese Fisheries Agency report in the case of acceptance of Soviet's proposal, Japan would lose 42,000 metric tons of its allocation of 62,000 metric tons in 1977, in addition to the limitation of 14,000 metric tons by the North Pacific Fishery Conference. It was

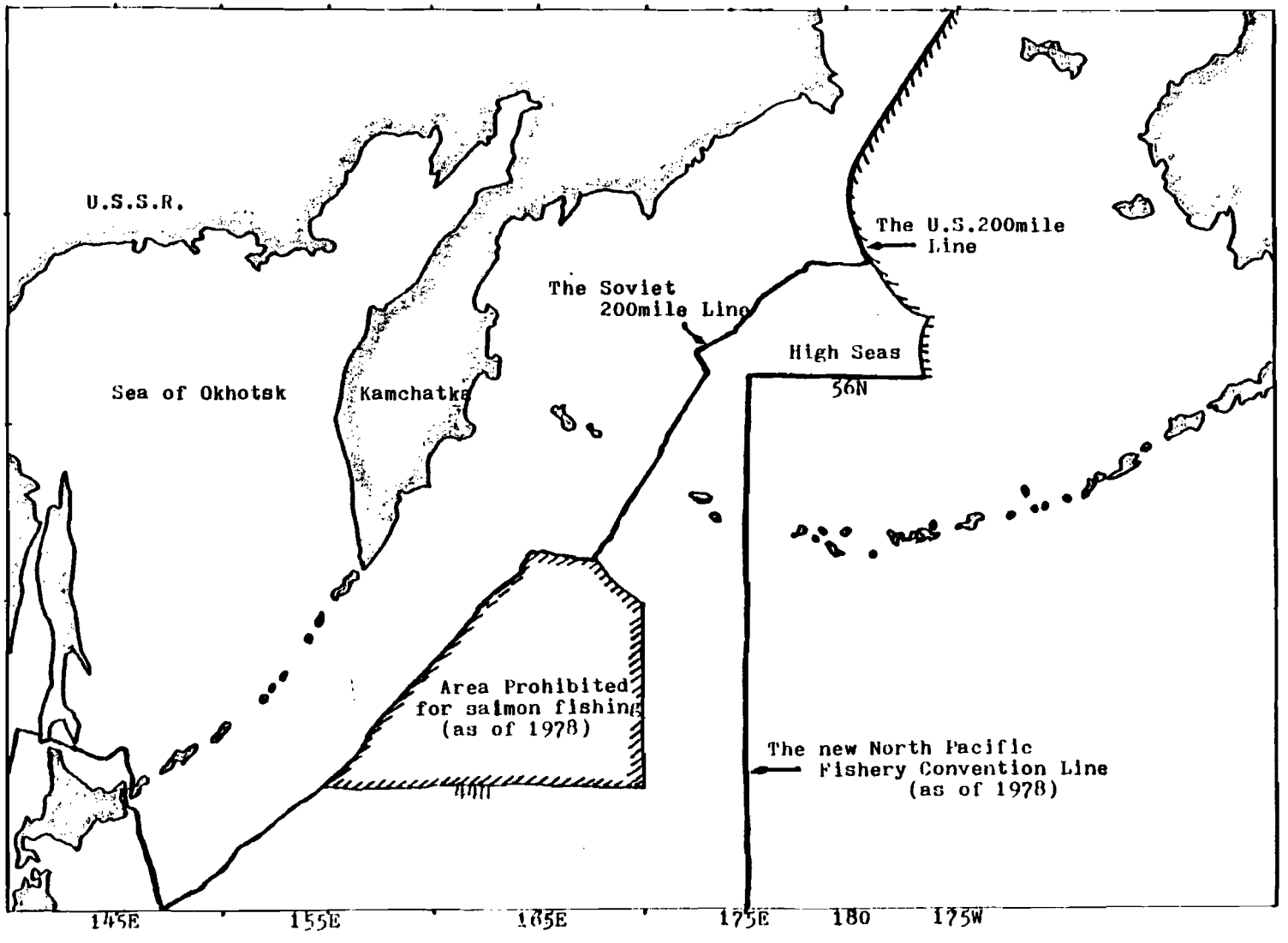


Figure 12. Prohibited areas for Japanese salmon fishing, 1978.

predicted that eventually Japan would harvest only 6,000 metric tons (10 percent of the 1977 harvest).[109] Under this severe situation, Japan proposed a new plan in which the Japanese northern fisheries industries would make a payment in goods into a "fishery cooperation fund" which in 1978 would total about 8.6 million dollars. The Soviet government had interest in this plan, and proposed that they be allowed to catch a total of 42,500 metric tons, adjacent to the restricted area west of Longitude 175°E to Longitude 170°E, and extended the season from July 1 to July 31.[110]

Finally the five-year Japanese-Soviet Bilateral Fishery Cooperation Agreement was signed in Moscow on April 21, 1978. In the agreement on the Japanese catching of salmon in the northwest Pacific outside of the Soviet 200 mile zone and new prohibition zone, Japan was allowed to catch a total of 42,500 metric tons or 32.8 million salmon in 1978, whichever came first. The new salmon quota represented a drastic 31.5 percent cut from 1977 quota of 62,000 metric tons. Of the total quota for 1978 catch 28,000 metric tons was allowed in the international waters, outside the Japanese and U. S. 200-mile zone adjacent to the Soviet 200-mile zone. The closed area for salmon fishing was bounded by Latitude 44°N, Longitude 170°E, and the Soviet and U.S. 200-mile zone boundaries (see Fig. 12). The fishing season for 1978 was set for a 4 month period from May 1 through August 1. This agreement on salmon fishing expired on December 31, 1978.

Additionally, the Japanese government made a payment in goods into a "fishery cooperation fund" which in 1978 totaled near 8.2 million dollars, which was 4.5 percent of the total catch price. Consequently, Japanese salmon fishing vessels were scrapped by about 30 percent (162 vessels).[111]

The reason that the Soviets accepted a total catch fee instead of the projects of "Fishery Cooperation" was because the Soviet Union must essentially guarantee a salmon quota to Japan if it desired Japanese projects. However, there is no such Soviet obligation by receiving a total catch fee and it is still easy to decrease the catch quota bit by bit. The Soviet Union plans to collect a 25 percent total catch fee by the Japanese fishing vessels in its own 200-mile zone, and therefore the total catch fee is likely to play a large role in the Soviet's new fundamental fishery policy.

The fishery negotiations of 1979

In November, 1978, the Japanese-Soviet fishery negotiations for the 1979 quotas for each other, were held in Tokyo. And Japan proposed on November 24 that the Soviets be allowed to catch 650,000 metric tons of fish the same as the 1978 quota if they accepted Japan's demand of 900,000 metric tons of fish for the 1979 quota. But the Soviets proposed that the Japanese be allowed to catch 650,000 metric tons of fish (a 25 percent decrease from its 1978 quota) in the Soviet zone under the condition of 650,000 metric tons for the Soviet 1979 quota in the Japanese zone.[112]

The Soviet Union again used its position of the "equivalent principle" (the principle of equal allocation) throughout the meeting, and also demanded the ban of the Japanese trawling in the Soviet zone (a 70 percent curtailment of Japanese total trawl fishing vessels). Japan rejected it and suggested the total ban of the Soviet trawl fishing in the Japanese zone.[113] Consequently, the Soviet Union finally withdrew its claim for the ban of the Japanese trawl fishing, and also accepted to 750,000 metric tons of Japan's 1979 quota. Therefore, Japan permitted only the Soviet sardine and mackerel trawl fishing in the Japanese zone. On December 14, 1978, Japan and the Soviet Union signed in Tokyo the Japanese-Soviet Fishery Interim Agreement, and established 1979 catch allocations for each other. The agreement allowed Japan to catch 750,000 metric tons of fish in the Soviet zone, and the Soviets to catch 650,000 metric tons of fish in the Japanese zone.

Japanese officials reports emphasize that the significance of 100,000 metric tons difference between the two allocations. However, Japan has allowed the Soviets to maintain their historic catch level in the Japanese catch, but received in return only approximately 50 percent of its own historic catch in the Soviet zone.[114] Finally, it is being realized that the Soviet Union has steadily practiced its policy of "equivalent principle."[115]

V. JAPAN'S NORTHERN FISHERY AND ITS FUTURE

Joint Venture

After the Soviet Union had maintained its position of banning Japan's fishing in most areas in its 200-mile zone, the Japanese fishing industry attempted to establish joint ventures with the Soviet Union in these areas. The joint ventures with the Soviet Union enable the Japanese fishermen to obtain access to their own historic fishing areas claimed by the Soviet Union, and thereby continue their traditional fisheries, although at the additional cost of fishing fees. The Soviet Union expected these proposals from the Japanese side.

On April 26, 1978, the Soviet Ministry of Fisheries and Japanese fishing companies reached an informal agreement on five joint ventures: to catch tanner crab, hair crab, brown King crab, and pink shrimp. The agreement specified that 25 percent of Japan's catch would be given to the Soviet Union as a fishing fee, and that Japan would buy back this 25 percent, and in addition, purchase the Soviet's catch. Also, Japan would transfer their fisheries technologies to the Soviet Union.[116] The Japan side expected this joint operation to begin in June 1978, however, no final agreement has been signed. The reason the Kremlin did not approve the primary agreement concerning the joint ventures, is probably related

to the normalization of Japan-Communist China relations. And on September 5, 1978, the Soviet Fisheries Minister Ishkov, told a visiting Japanese Diet group that the five joint ventures should be abandoned for this year because the 1978 fishing season was nearly over.[117]

Certainly, the joint venture is one of the major solutions to Japanese northern fishery restrictions in the Soviet 200-mile zone. However, there are some basic problems related to these joint ventures. The Soviet Union's concern regarding the joint venture is mostly to master the Japanese fishing operation technology rather than to make foreign currency. There is no guarantee, therefore, that the joint venture will secure Japan's fishing in the Soviet zone after they have learned Japanese fishing operation technology. Also, the Soviets proposed another joint venture of Alaska pollock; however, the Japanese government did not approve it.[118] The major species in Japan's allocation is Alaska pollock. It realized that the increased harvest from a joint venture for Alaska pollock would decrease Japan's Alaska pollock allowable catch. Therefore, various intentions of both sides are involved in the Japanese-Soviet joint venture. The problem of the Japanese-Soviet joint venture has just started, and its future is not easy.

Future of Japanese-Soviet fishery negotiations

Tass Press reported on February 6, 1979, that Soviet Fisheries Minister Alekandr Ishkov, who served in his post for 30 years, was dismissed from the post by reason of advanced age.[119] The dismissal of Ishkov will have an important

effect on the prospective Japanese-Soviet fishery negotiations with many difficult problems. The next day, Japanese Ministry of Agriculture and Forestry officials noted that upcoming salmon fishery negotiations' outlook was not promising at all because of the dismissal of Ishkov, who understood Japan's position well.

Soviet new fisheries Minister Kmenshev in succession to Ishkov stated on February 17, 1979 that the Soviet Union was preparing to hold the Japanese-Soviet salmon fishery negotiations in Moscow in March, and would propose the total ban of salmon fishing in the northwest Pacific Ocean including the Japanese 200-mile zone.

The All-Japan Seaman's Union reported that 14,000 fishermen and related workers lost their jobs in 1977. Of this total 4,000 were linked directly to the reduced Pacific salmon quota resulting from the fishing agreement with the Soviet Union.[120] The Japanese government took the emergency loans and compensation payments to aid unemployed fishermen for two years after their standard 8 month unemployment insurance ran out in August 1977. The Japanese government must reconsider fundamentally not only the problem of unemployed fishermen but also the Japanese fishery policy which relies on the historical rights. The Soviet Union will attempt to impose more restrictions on Japan's salmon fishing on the international waters as a means of conservation. Unfortunately, the Japanese Government has little political leverage to use

in the fishery negotiations and the prospect for Japanese-Soviet fishery negotiations in the 1980s will likely involve more political issues between Japan and the Soviet Union.

VI. CONCLUSIONS

After the establishment of the Soviet 200-mile fishery zone, Japan made the Soviet Union recognize, through the fishery negotiations in 1977, that territorial questions would be separated from fishing rights questions. However, at present, the position of the Soviet Union is even more strongly held that there is no territorial problem with Japan, and therefore they will consider no further negotiations. The Soviet interests in the islands has traditionally been tied to military access to the Pacific Ocean. But recently, their development of and reliance on fishing and the general world-wide acceptance of the 200-mile economic zone, has increased their desire for this area. But Japan is also in need of fishing resources, and the continuing emotional feeling that the Soviets are illegally occupying the northern territories keeps the issue alive in Japan. Japan will undoubtedly maintain its continuous record of protest against Soviet retention of the northern territories. It remains likely that Japan will be allowed some degree of fishing operation in Soviet controlled waters since the Soviet Union still needs some concessions from Japan including fishing rights in Japan's waters. Also, the Soviet Union is expecting joint fishing ventures with Japan in the Soviet 200-mile zone. However, the joint fishing venture can only be

supplementary to Japanese fisheries, at best, and Japan questions what will be the Soviet Union's policy after it has mastered Japan's fishing technology. In future Japanese-Soviet fishery negotiations, the Soviet Union will probably use political maneuvers and attempt to force Japan to choose between continued fish allocations and the northern territories. But at this time there appears little doubt that Japan will continue to claim its right in the northern territories even if there is no fishing quota allowed in the Soviet 200-mile zone. Thus, the potential for Japan to gain control of the northern territories remains doubtful, but the future Japanese-Soviet fishery negotiations will inevitably involve the complicated problems of the northern territories and joint venture problems.

TABLE 1. Japan's 1978 quotas in seven fishing areas within the Soviet 200-mile zone (in metric tons)

Species	AREAS[1]							Total quota 1978[5]	Actual catch 1976	1978 quota as % of 1976 catch
	1	2	3	4	5	6	7			
Pollock	-	199,900	2,700	-	-	65,500	76,900	345,000	1,073,000	32
Squid	-	38,200	2,000	-	-	2,000	104,200	146,400	111,000	132
Sand lance	-	-	-	63,500	-	-	1,700	65,200	42,000	154
Flounders	-	21,9000	1,900	-	-	1,000	5,500	30,300	68,000	45
Ocean perch	-	21,800	200	-	-	-	-	22,000	4,000	550
Cod	-	31,000	4,900	-	-	100	8,700	44,700	38,000	118
Wachna cod	-	13,900	-	-	-	1,500	100	15,500	13,000	119
Atka mackerel	-	2,400	500	1,000	-	300	6,800	11,000	43,000	26
Shrimp	-	-	-	-	-	-	500	500	7,000	7
Saury	-	66,600	1,000	-	-	1,000	-	68,600	39,000	176
Octopus	-	1,600	800	200	-	-	900	3,500	n.a.	-
Other fish	-	67,700	1,500	2,400	-	1,500	7,700	80,800	69,000	117
Red tanner crab	-	-	-			-	2,300	2,300	5,000	46
Crabs	-	-	-	800	800	2,500	-	4,100	16,000	26
Snail	[2]1,800	-	-	-	-	700[3]	-	2,500	4,000	62
Tuna and skipjack	-	6,400	-	-	-	-	-	6,400	6,000	107
Sharks[4]	-	1,200	-	-	-	-	-	1,200	n.a.	-
	1,800	472,600	15,500	67,900	800	76,100	215,300	850,000	1,538,000	55

[1]See Table 2 and Figure 1; [2]Shucked; [3]With shell; [4]Excluding dogfish shark; [5]Salmon and herring catches prohibited after 1977.

Source: Japanese Fisheries Agency, Tokyo.

Table 2. Species allocated to Japanese fishermen in seven fishing areas within the Soviet 200-mile zone, 1978.

Fishing Area	Species
1. Northern Okhotsk Sea 57°30'N and 146°10'E-154°O'E	snail
2. Kurils, Pacific side West of 155°N including the four disputed islands	Flounder, ocean perch, Wachna cod, cod, saury, octapus, squid, pollock, etc.
3. Kuriles, Okhatsk side South of 50°N including the off the coasts	Cod, pollock, flounders, squid, saury, and octopus
4. Nijo-Iwa, northern Hokkaido	Sand lance and hair crab
5. Okhotsk Sea 54°-56°N and 147°E-153°E	Brown king crab
6. East Sakhalin 45°40'-50°N and a line connecting 146°N, Cape Aniwa and Cape Kita Shiretoko. 45°40'N-49°O'N and a line connecting 146°10'N-Cape Aniwa and Cape Kita Shiretoko	Tanner crab and snail Other fish, pollock, etc.
7. Japan Sea, Primorskaya South of a line connecting Cape Berkina and a point 12 miles south of Cape Notoro on West Sakhalin, and East of 135°E, West of 135°E	Other fish, pollock, squid, flounders, cod, atka mackerel Red tanner crab and squid

Source: Japanese Fisheries AGency, Tokyo.

TABLE 3. Soviet's 1978 quotas within the Japanese 200-mile Zone (in metric tons)

Species	Okhotsk Sea	Pacific Ocean	Total Quota 1978	Quota Jul. Dec. 1977	Actual Catch 1976	1978 Quota as % of 1976 Catch
Sardine and mackerel	-	318,000	318,000	200,000	287,000	111
Pollock	-	80,000	80,000	30,000	174,000	46
Itohikidara (Remonema)	-	138,000	138,000	58,000	138,000	100
Saury	-	20,000	20,000	10,000	n.a.	-
Sand Lance	30,000	-	30,000	4,500	30,000	100
Other	3,000	61,000	64,000	32,500	36,000	178
Total	33,000	617,000	650,000	335,000	665,000	98

Source: Japanese Fisheries Agency, Tokyo.

TABLE 4. U.S.S.R. Catch of Salmon (metric tons)

Year	Harvest	Year	Harvest	Year	Harvest
1952	116,300	1961	82,600	1971	84,800
1953	188,700	1962	64,200	1972	35,100
1954	110,900	1963	84,100	1973	76,700
1955	164,600	1964	49,700	1974	48,000
		1965	93,200	1975	102,900
1956	166,600	1966	62,000	1976	70,200
1957	150,800	1967	86,000	1977	139,300
1958	76,000	1968	41,200		
1959	94,000	1969	80,600		
1960	73,800	1970	44,200		

Source: The U.S.S.R. Research Institute of Marine Fisheries and Oceanography

TABLE 5. Japanese catch of salmon in the high seas

		A ZONE	
YEAR	TOTAL HARVEST	HARVEST	ALLOCATION
1952	3,800	-	-
1953	28,300	-	-
1954	76,300	-	-
1955	175,500	-	-
1956	151,300	-	65,000[1]
1957*	181,500	121,000	120,000
1958	196,600	110,100	110,000
1959	179,200	85,000	85,000[2]
1960	146,800	66,600	67,500
1961	156,400	65,000	65,000

YEAR	TOTAL HARVEST (A & B Zones)	ALLOCATION (A & B Zones)
1962	95,600	115,000
1963	120,300	120,000
1964	100,400	110,000
1965	115,000	115,000
1966	96,000	96,000
1967	100,200	108,000
1968	88,800	93,000
1969	95,200	105,000
1970	82,000	90,000
1971	84,200	95,000
1972	89,800	87,000
1973	93,200	91,000
1974	85,300	83,000
1975	87,600	87,000
1976	82,800	80,000
1977**	62,600	62,000[3]
1978	no data	45,500

* Japanese-Soviet Fishery negotiations begun and held annually from 1957 to 1976.
**Five Year Japanese-Soviet Bilateral Fishery Cooperation Agreement.
1. Within Bulganin Line; 2. The ban of salmon catching within the Sea of Okhotsk; 3. The ban of salmon catching within the Soviet's 200 mile zone.

Source: Japanese Fishery Agency.

FOOTNOTES

1. For a detail on MacArthur Line, see The Japan Year Book 1949-1952, Tokyo, 1952, pp 435-448.

2. After the settlement of the Sakhalin-Kuril Islands Exchange Treaty (August 22, 1875).

3. After the settlement of the Portsmouth Conference (August, 1905).

4. These nations are The Soviet Union, South Korea, Communist China, Canada, The United States, and so on.

5. Op. Cit. The Japan Year Book 1949-1952, pp. 482-498.

6. For a detail, see Herrington, W.C. Problems Affecting North Pacific Fisheries. 26 U.S. Department of State Bulletin 1952, pp 340-342. On the other hand, on January 18, 1952, three months before Japanese sovereignty was restored by the San Francisco Peace Treaty, South Korean President Syngman Rhee issued a Proclamation of Sovereignty over the Sea of Japan and the Yellow Sea. He delineated his country's claim by the so-called "Rhee Line" which encompassed an area ranging from 20 to 200 miles offshore, where the Japanese fisheries were not allowed to operate. By the end of 1964 (the year preceding the settlement of the dispute with South Korea), 3,929 Japanese fishermen and 327 fishing vessels were seized by South Korea and they returned only 141 fishing vessels.

7. Aoki, Hiroshi. Kikinitatsu Hokuyo Gyogyo (Tokyo, 1977), p. 114. Japanese Cabinet Research Office, Nisso Kosho to Suisankai no Ugoki. Chosa geppo, June 1957, p. 34. This may be compared with the Japanese salmon catch of 243,400 metric tons for 1938 and 301,200 metric tons for 1939.

8. Miyajima, Hishiro. 200 Kairi to Enyougyogyo, Tohokukeizai Review, No. 63, August 1977, p. 84.

9. The mother ship type of fishery is that one of typical methods of fisheries which consists of one or two huge mother ships accompanied by about 50 small catcher boats. The fish caught by those small catcher boats are brought to the mother ships where they are processed to final commercial products.

10. Op. Cit. Nisso kosho to Suisankai no Ugoki.

11. For details, see Hokuyo (The North Sea) Hokkaido Shinbunsha Sapporo, 1973. Also, see Sake Masu Nagashiami Gyogyo Shi All Japan Salmon Fisherman Association, Tokyo, 1966.

12. Pravda, March 21, 1956, p. 30.

13. Op. Cit. Kiki nitatsu Hakuyo Gyogyo, p. 122.

14. Asahi Evening News, April 9, 1956. Op. Cit. Nisso Kosho to Suisankai no Ugoki, p. 42, pp. 47-49.

15. There is no information of Japan's salmon harvest in 1955 as same area as area within the Bulganin Line in 1956.

16. They were transferred to the South Pacific Ocean for tuna fishery and to the Antarctic Ocean for whale fishery.

17. By the end of 1954, 303 Japanese fishing vessels were seized by the Soviets. Although some of the vessels and crew had been returned to Japan, forty-six crew members remained captive in the Soviet Union and the whereabouts of 232 of the vessels were unknown.

18. The Asahi, June 1, 1955. Yomiuri, June 1, 1955. For a detailed review of the 1955-1956 peace treaty negotiations, see Hellman, Donald C., Japanese Foreign Policy and Domestic Politics (Barkeley, 1969). Also, see Matsumoto Shunichi Moscow ni Kakeru Niji (Tokyo, 1966).

19. Ibid. Moscow in Kakeru Niji, pp. 99-101.

20. Sankei Shinbun, May 10, 1956. The Asahi, May 14-15, 1956.

21. The Asahi, January 26, 1956; August 28, 1956.

22. The Asahi, September 7, 1956. Mainichi Daily News, September 8, 1956; September 20, 1956.

23. The Asahi News, April 6, 1957. Soviet Nenpo (Tokyo 1958), pp. 375-376.

24. The meetings actually lasted anywhere from 28 days in 1969 to 122 days in 1959. See Chosa geppo, June 1966, p. 37. Also, see Soren Kanren Juyo jiko nenshi (Tokyo) 1967-1977.

25. Yomiuri, April 21-22, 1958. Mainichi Daily News, April 21, 1958. Op. Cit. Kikinitatsu Hokuyo Gyogyo, pp. 137-138.

26. Op. Cit. Soviet Nenppo (Tokyo) 1959, p. 367. Nihon Soren Koryu Nenshi (Tokyo) 1960, pp. 229-232; 1961, pp. 261-264; 1962, pp 253-257; 1963, pp 289-294.

27. Izvestia, October 19, 1960; Pravda, January 1960, and June 17, 1960. The Asahi, January 27, 1960; February 2, 1960; April 6, 1960; May 19, 1960.

28. It must be remembered that Japanese closed-door policy (1588-1868) did not have many experiences to negotiate with other nations.

29. The Asahi, May 22, 1961.

30. Izvestia, December 1960, pp 22-23; Pravda, March 18, 1959, p. 24.

31. Oriental Economist, May 1962, p. 259; June 1962, p. 339; The Asahi, May 13, 1962; June 1, 1962.

32. The safe fishing and the northern territories issues be separated and that safe fishing be guaranteed (no seizure) around the northern territories.

33. Tokyo Shinbun, June 30, 1966.

34. The Asahi, April 21, 1969.

35. Japan Times, May 1, 1971; The Asahi, May 2, 1971.

36. American Journal of International Law, Vol 52, 1958, pp 858-862; The Asahi, April 27, 1968.

37. Suisan Keizai Shinbun, April 5, 1969; April 8, 1969; April 16, 1975. For details, see Japan Fishery Agency, Nisso Kani Kyotei Kaitei Kosho, Tokyo, 1970.

38. For details, see Japan Fishery Agency, The White Paper, Tokyo, 1976; The Asahi, April 18, 1975.

39. For details, see Mainichi Daily News Press, The Fish War, Tokyo, 1976.

40. The Asahi, September 11-12, 1976; Japan Times, September 17, 1976.

41. Washington Post, September 10, 1976; September 15, 1976; September 16, 1976; The Asahi, September 8, 10, 23, 1976; Mainichi Daily News, September 14, 1976; Japan Times, September 15, 1976; Tass, September 14, 1976.

42. Source: Japanese Maritime Safety Agency (March 15, 1978).

43. Yomiuri, September 13, 1976.

44. Tokyo Shinbun, June 30, 1966; Japan Times, July 23, 1967; July 16, 1970; Asahi Evening News, May 17, 1976.

45. Shien Yoshida, Hoppo Ryodo (The Northern Territories), (Tokyo, 1978), pp 67-68.

46. John J. Stephan, The Kuril Islands (Oxford, 1974), pp 165-166.

47. The Kurils' absorption into the U.S.S.R. took place in several stages. On September 20, 1945, the arc was declared to be Soviet territory. On February 2, 1946, it was designated a part of the Khabarovsk region. On January 2, 1977, Moscow created a new administrative entry independent of Khabarovsk called Sakhalinskaia oblast (Shakhalin district) which consisted of northern Shakhalin, southern Sakhalin (which belonged to Japan between 1905-1945), and the Kuril Islands (including the northern territories). The final step came on February 25, 1947, when the Soviet Constitution was amended to include the arc as an integral component of the Russian Soviet Federated Socialist Republic

48. New York Times, January 24, 1947, December 23, 1949.

49. During the Yalta meeting, U.S. President Roosevelt replied that he foresaw no difficulty in the transfer to Russia of the Kuril Islands and half of Sakhalin but President Roosevelt operated on the mistaken assumption that the Kurils as a whole had been taken from Russia in the Russo-Japan War of 1904. For details, see U. S. Department of State, Foreign Relations of the United States, The Conferences at Malta and Yalta 1945, Washington, D.C. Department of State Publication 6199, p. 768.

50. Op. Cit. The Kuril Islands, pp 199-200.

51. Donald C. Hallmann, Japanese Domestic Politics and Foreign Policy; The Peace Agreement with the Soviet Union, Barkeley, 1969, p 161.

52. Japan renounced all rights to the arc in Article 2-C of the peace treaty, but the Soviet Union was not named beneficiary to these rights. Indeed, Soviets did not sign the treaty, although it has since maintained that it finalized Russia's title to the islands. The Asahi, August 30-31, 1955; New York Times, August 31, 1955.

53. Japan's position at the San Francisco Peace Conference did not have any rights to claim their territories, and Japan needed to settle the peace treaty with the Allied Powers as soon as possible.

54. The Asahi, September 13,1956. Bernard C. Cohen, The Political Process and Foreign Policy; the Making of the Japanese Peace Settlement (Princeton, 1957), pp 23, 158, 167.

55. Pravda, January 10, 1960; January 29, 1960; The Asahi, January 27, 1960.

56. New York Times, October 22, 1970.

57. The Asahi, January 28, 1972.

58. Mainichi Daily News, January 25, 1972; January 30, 1972; Yamiuri, January 31, 1972.

59. The Asahi, October 8-14, 1973. Japan Times Weekly, October 20, 1973, October 27, 1973.

60. Mainichi Daily News, January 9, 1976.

61. The Asahi, February 24, 1976; March 1, 1976.

62. During Japanese Prime Minister Tanaka in Moscow in 1973, the joint communique noted that two governments recognized that the settlement of "yet unresolved problems remaining since World War II could contribute to the establishment of good neighborly relations between the two countries. Mainichi Daily News, January 9, 1976.

63. Op. Cit. New York Times, December 23, 1949.

64. Ministry of Foreign Affairs, The Northern Territories, Tokyo, 1970.

65. Yuichi Takano, The Territorial Problem, Jurist (monthly), No. 647. Sepgember 1977, pp 53-54.

66. Ministry of Foreign Affairs, Japanese Foreign Policy Document, Tokyo, 1940, viii, pp 216-226.

67. Ibid., pp 259-262.

68. Michael Blaker, Japanese International Negotiating Style New York, 1977, pp 106, 121, 148, 160, 204, 221.

69. See Appendix A for the full text.

70. U.S. Department of State, Foreign Relations of the United States; the Far East, vi, 1947. Washington 1972, pp 537-538.

71. See Appendix A for the full text.

72. On August 12, 1970, the Soviet Union and the Federal Republic of Germany signed the treaty, which pledged the two parties to "respect without restriction the territorial integrity of all states in Europe within their present frontiers."

73. See Figure 5.

74. The Asahi, March 7-13, 1971; Pravda, September 24, 1971. P.A. Rakov, Soren Kyokuto no Shinju (The Pearl of Soviet Far East), Sekaishuho, March 14, 1978, pp 16-27; March 21, 1978, pp 68-73.

75. Sankei, February 5, 1979.

76. Ibid.

77. Mainichi Evening News, February 5, 1979; New York Times, February 5, 1979; Mainichi Daily News, February 6, 1979.

78. Izvestia, February 8, 1979.

79. Sekai Shuho. April 1977, pp 121-126.

80. One of the most dramatic aspects of the past decade in international relations has been Soviet naval and maritime activities which are merchant marine, fishing industry, research activities, and shipbuilding.

81. The Asahi, December 11, 1976; Izvestia, December 11, 1976.

82. The Asahi, February 25-27, 1977.

83. The Asahi, April 1, 1977.

84. The Asahi, April 9, 1977; Washington Post, April 16, 1977.

85. Mainichi Daily News, April 28, 1977. See The Asahi, May 28, 1977. The Miyamoto's speech in Kyoto on May 27, 1977. Also see Akahata, July 6, 1977.

86. The Asahi, May 3-4, 1977; May 8, 1977; May 11, 1977. Yomiuri, May 17-20, 1977.

87. The Asahi, May 25, 1977; May 28, 1977.

88. The Asahi, August 5, 1977.

89. Japanese Fisheries Agency. The Fishery White Paper, Tokyo, May 1978.

90. Japanese Fisheries Agency. The Japanese-Soviet Fisheries Related Materials in 1978. Tokyo, October 1978, pp 8-15.

91. Sekai Shuho, April 1977, pp 50-56. Op. Cit. The Fisheries White Paper.

92. The Asahi, May 25-30, 1977. Op. Cit. Shien Yoshida, Hoppo Ryodo (The Northern Territories), p. 189.

93. Op. Cit., The Fisheries White Paper.

94. The Asahi, May 27-28, 1977; Op. Cit. Shien Yoshida, Hoppo Ryodo, p. 190.

95. Op. Cit. The Fisheries White Paper.

96. Ibid. Mainichi Daily News, May 25, 1977.

97. The Asahi, August 5, 1977; Op. Cit. The Japanese-Soviet Fisheries Related Materials in 1978, pp 19-21.

98. Mainichi Daily News, December 17, 1977.

99. Ibid.

100. Mainichi Daily News, December 17-19, 1977.

101. Ibid.

102. The United States, Canada, and the Soviet Union have the same claim. The Soviet Union strongly proposed parent-stream jurisdictional control claims in the Third Law of the Sea Conference in May 1978. See Mainichi Evening News, May 8, 1978.

103. Mainichi Daily News, January 15, 1978; February 10, 1978.

104. Mainichi Daily News, April 6-8, 1978.

105. Mainichi Daily News, February 17, 1978.

106. Yomiuri, March 26, 1978.

107. Yomiuri, April 6, 1978; Mainichi Daily News, April 6, 1978.

108. Yomiuri, April 7, 1978; New York Times, April 7, 1978.

109. Mainichi Daily News, April 7-8, 1978.

110. Yomiuri, April 9, 1978; April 18, 1978.

111. Yomiuri, April 19-22, 1978.

112. Mainichi Daily News, November 25, 1978.

113. Mainichi Daily News, December 1-6, 1978.

114. Mainichi Daily News, December 13-15, 1978.

115. The Soviet Union maintained their position of the principle of equal allocation between Japan's harvest in Soviet zone and Soviet's harvest in Japanese zone. However, they changed their position in salmon case in recent years, and proposed parent-stream jurisdictional control claims, and therefore they claim the prohibition of salmon fishing in the international waters.

116. Yomiuri, April 27, 1978; Japan Times, April 27, 1978.

117. Mainichi Daily News, August 5, 1978; Sepgember 6, 1978.

118. Yomiuri, July 23, 1978.

119. New York Times, February 7, 1978; Mainichi Daily News, February 7, 1978; Tass, February 6, 1978.

120. Mainichi Daily News, February 22, 1978.

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APPENDIX A

TREATIES AND AGREEMENTS

This Appendix contains extracts of treaties and agreements that concern the Kuril Islands. For complete texts, consult the sources cited below each extract.

I. Treaty of Shimoda (7 February 1855)

ARTICLE II

Henceforth the boundaries between Russia and Japan will pass between the islands Etorofu and Uruppu. The whole island of Etorofu belongs to Japan and the whole island of Uruppu and the other Kuril Islands to the north constitute possessions of Russia. As regards the island Karafuto (Sakhalin), it remains unpartitioned between Russia and Japan, as has been the case up to this time.

Japan, Foreign Office. Treaties and Conventions between the Empire of Japan and other Powers together with Universal Conventions, Regulations and Communications since March 1854 (rev. ed. Tokyo, 1884), p. 585.

2. Treaty of St. Petersburg (7 May 1875)

ARTICLE II

In exchange for the cession to Russia of the rights on the island of Sakhalin, stipulated in the first article, His Majesty the Emperor of all the Russias, for Himself and His Descendants, cedes to His Majesty the Emperor of Japan the group of the Kuril islands which he possesses at present,

together with all the rights of sovereignty appertaining to this possession, so that henceforth the said group of Kuril islands shall belong to the Empire of Japan. This group comprises the following eighteen islands: (1) Shimushu, (2) Araido, (3) Paramushiru, (4) Makanrushi, (5) Onekotan, (6) Harumukotan, (7) Ekaruma, (8) Shasukotan, (9) Mushiru, (10) Raikoke, (11) Matsuwa, (12) Rashuwa, (13) Suride and Ushishiru, (14) Ketoi, (15) Shimushiru, (16) Buroton, (17) Cherupoi and Buratto Cherupoefu [Chirihoi or Chiornye Bratia], (18) Uruppu, so that the boundary between the Empires of Russia and Japan in these areas shall pass through the Strait between Cape Lopatka of the Peninsula of Kamchatka and the island of Shimushu.

ARTICLE V

The residents of the territories ceded from one and the other, the Russian and Japanese subjects, may retain their nationality and return to their respective countries; but if they prefer to remain in the ceded territories, they shall be allowed to stay and shall receive protection in the full exercise of their industry, their right of property and religion, on the same footing as the nationals, provided that they submit to the laws and jurisdiction of the country to which the possession of the respective territories passes.

Japan, Foreign Office. Dai Nihon gaiko bunsho, VIII (Tokyo, 1940), 216-26. George A. Lensen, The Russian Push Toward Japan (Princeton, 1959), pp. 501-4.

III. Supplementary Article to the Sakhalin-Kuril Islands Exchange: the Treaty of Tokyo (22 Aug. 1875)

a. The inhabitants of the territories ceded from one and the other, the Russian and Japanese subjects, who desire to remain domiciled in the localities which they occupy at present, shall be maintained in the full exercise of their industries. They shall retain the right of fishery and hunting within the limits belonging to them and shall be exempted from any tax on their respective industries for the rest of their life.

b. The Japanese subjects who will remain on the island of Sakhalin and the Russian subjects who will remain on the Kuril Islands shall be maintained and protected in the full exercise of their present right of property. Certificates shall be given to them, confirming their right of usufruct and ownership of the immovable properties in their possession.

c. A full and perfect freedom of religion is accorded to the Japanese subjects residing on the island of Sakhalin, as well as to the Russian subjects residing on the Kuril Islands. The Churches, temples and cemeteries shall be respected.

d. The aborigines of Sakhalin as well as of the Kurils shall not enjoy the right to remain domiciled in the localities which they now occupy and at the same time to keep their present subjection. If they desire to remain subject to their present Government, they must leave their domicile and go to the territory belonging to their Sovereign; if they wish to remain domiciled in the localities which they occupy at present, they must change their subjection. They shall be given,

however, a period of three years from the date of their notification of this supplementary treaty for making a decision on thismatter. During these three years, they shall maintain the right of fishery, hunting and any other industry which they have been engaged in until this day, on the same conditions as regards privileges and obligations which have existed for them until now on the island of Sakhalin and on the Kuril islands, but during all this time they shall be subject to local laws and regulations. At the expiration of this term, the aborigines who are domiciled in the territories reciprocally ceded, shall become the subjects of the Government, to which the ownership of the territory will pass.

e. A full and perfect freedom of religion is accorded to all the aborigines of the island of Sakhalin and of the Kuril Islands. The temples and the cemeteries shall be respected.

Japan, Foreign Office. Dai Nihon gaiko bunsho, VIII (Tokyo, 1940), 259-62. Lensen, The Russian Push toward Japan, pp. 505-6.

IV. Soviet-Japanese Neutrality Pact (13 Apr. 1941)

ARTICLE I

Both contracting parties undertake to maintain peaceful and friendly relations between themselves and mutually to respect the territorial integrity and inviolability of the other contracting party.

ARTICLE II

Should one of the contracting parties become the object of hostilities on the part of one or several third Powers, the other contracting party will observe neutrality throughout the entire duration of the conflict.

ARTICLE III

The present pact comes into force from the day of its ratification by both contracting parties and shall remain valid for five years. Should neither of the contracting parties denounce the pact one year before expiration of the term, it will be considered automatically prolonged for the following five years.

Japan, Foreign Office. Nihon gaiko nenpyo narabi shuyo bunsho, II (Tokyo, 1965), 491-2. Jane Degras, ed., Soviet Documents on Foreign Policy, III (London, 1953), 486-7. George A. Lensen, The Strange Neutrality (Tallahassee, 1972), pp. 277-8.

V. The Cairo Declaration (27 Nov. 1943)

The three great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all islands in the Pacific which she has seized and occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic

of China. Japan will also be expelled from all other territories which she has taken by violence and greed.

United States, Department of State. Foreign Relations of the United States, 1943, the Conferences of Cairo and Teheran (Washington, 1961), pp. 448-9.

VI. Agreement Regarding Entry of the Soviet Union into the War Against Japan: Yalta Agreement (11 Feb.1945).

The leaders of three Great Powers--The Soviet Union, United States of America and Great Britain--have agreed that in two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

a. The southern part of Sakhalin as well as all islands adjacent to it shall be returned to the Soviet Union.

3. The Kurile Islands shall be handed over to the Soviet Union.

The Heads of the three Great Powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

United States, Department of State. Foreign Relations of the United States, theConferences at Malta and Yalta, 1945 (Washington, 1955), p. 984.

VII. The Potsdam Declarations: Signed by China, Great Britain the United States (26 July 1945), and by the Soviet Union (9 Aug. 1945);

8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

United States, Department of State. Foreign Relations of the United States, Conference of Berlin (Potsdam), 1945, II (Washington, 1960), 1281.

VIII. Treaty of Peace with Japan: the San Francisco Treaty (8 Sept. 1951).

ARTICLE II

c. Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of 5 Sept. 1905.

United States, Department of State, United States Treaties and Other International Agreements, 1952, III, Part 3 (Washington, 1952), 3172.

IX. United States Department of State Aide-Memoire on Yalta Kurils (7 Sept. 1956).

Pursuant to the request made by the Japanese Foreign Minister, Mr. Shigemitsu, in the course of recent conversations in London with theSecretary of State, Mr. Dulles, the Department of State has reviewed the problems presented in the course of the current negotiations for a Treaty of Peace between the Union of Soviet Socialist Republics and Japan, with particular

reference to the interest of the United States as a signatory of the San Francisco Peace Treaty, and on the basis of such review makes the following observations:

. . . . . .

With respect to the territorial question, as the Japanese Government has been previously informed, the United States regards the so-called Yalta Agreement as simply a statement of common purposes by the then heads of the participating powers, and not as a final determination by those powers or of any legal effect in transferring territories. The San Francisco Peace Treaty (which conferred no rights upon the Soviet Union because it refused to sign) did not determine the sovereignty of the territories renounced by Japan, leaving the question, as was stated by the Delegate of the United States at San Francisco, to "international solvents other than this Treaty."

It is the considered opinion of the United States that by virtue of the San Francisco Peace Treaty Japan does not have the right to transfer sovereignty over the territories renounced by it therein. In the opinion of the United States, the signatories of the San Francisco Treaty would not be bound to accept any action of this character and would presumably reserve all their rights thereunder.

The United States has reached the conclusion after careful examination of the historical facts that the islands of Etorofu and Kunashiri (along with the Habomai Islands and

Shikotan which are a part of Hokkaido) have always been part of Japan proper and should in justice be acknowledged as under Japanese sovereignty. The United States would regard Soviet agreement to this effect as a positive contribution to the reduction of tension in the Far East.

Nanpo Doho Engokai, ed., Hoppo ryodo no chi'i (Tokyo, 1962), pp. 599-600.

X. Soviet-Japanese Joint Declaration (19 Oct. 1956)

9. The Union of Soviet Socialist Republics and Japan agree to continue, after the restoration of normal diplomatic relations between the Union of Soviet Socialist Republics and Japan, negotiations for the conclusion of a Peace Treaty.

In this connexion, the Union of Soviet Socialist Republics, desiring to meet the wishes of Japan and taking into consideration the interests of the Japanese State, agrees to transfer to Japan the Habomai Islands and the island of Shikoton [sic], the actual transfer of these islands to Japan to take place after the conclusion of a Peace Treaty between the Union of Soviet Socialist Republics and Japan.

United Nations. Treaty Series, vol. 263 (1957), 116.

XI. The Japanese-Soviet Fishery Interim Agreement, (27 May 1977).

ARTICLE VIII

No provisions of this agreement can be construed as to prejudice the positions or views of either Government, either

in regard to the various problems of the Law of the Sea which is being studied at the Third Session of the United Nations Law of the Sea Conference or in regard to various problems in mutual relations.

Japan, Foreign Office. Japanese-Soviet Bilateral Interim Fishery AGreement, pp. 29-35, July 1977.

APPENDIX B

CHRONOLOGY OF JAPANESE-SOVIET FISHERY RELATIONS

1945

August - Japan accepted the Potsdam Declarations

September - MacArthur Line established

September - Soviet Union declared that the Kurils and southern Sakhalin were Soviet territory.

1946

April - First Japanese fishing vessel seized by the Soviets

1951

September - San Francisco Peace Conference opened

September - Soviet Union refused to sign peace treaty with Japan

November - North Pacific Fishery Convention held in Tokyo

1952

April - San Francisco Peace Treaty came into force, and MacArthur Line was abolished

\- Japan-U.S. Security Pact came into force

May - Japanese Northern Pacific Fishery resumed (salmon mother ship type fishery; three mother ship with 50 fishing vessels)

1953

May - Japanese government authorized 191 drift gill net salmon fishing vessels in the North Pacific.

1954

May - 1897 drift gill net salmon fishing vessels operating in North Pacific area south of Latitude 48°N

1955

June - First Japanese-Soviet Peace Treaty negotiations held in London.

1956

January - Japanese government permitted 19 mother ships and 557 salmon fishing vessels in North Pacific including the Sea of Okhotsk

March - Peace Treaty negotations broken off

March - Soviet Union establish the Bulganin Line

May - Japanese-Soviet Tentative Fishery Treaty signed

- Japan allowed to catch 65,000 metric tons of salmon within the Bulganin Line

July - Peace Treaty negotiations resumed in Moscow

October - Japanese-Soviet Joint Declaration signed in Moscow.

- Agreed that with the settling of a peace treaty, the Soviets would return the Habomai Islands group and Shikotan Island to Japan

December - High Seas Fisheries Convention was ratified (ten year term)

1957

February-April — First Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation 120,000 metric tons in the areas north of Latitude 45°N (A zone)

1958

January-April — Second Japanese-Soviet Fishery negotiations held in Moscow.
- Japan's salmon allocation 110,000 metric tons in A zone, and agreement to closed salmon fishing in the Sea of Okhotsk, starting 1959.

1959

January-May — Third Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation 85,000 metric tons

1960

January - — Soviet Union criticized the extension of the Japan-U.S. Security Pact in 1960.

February-May — Fourth Japanese-Soviet Fishery negotiations held in Moscow.
- Japan's salmon allocation, 67,500 metric tons in A zone.

1961

January - Soviet Union criticized overharvesting of salmon by Japan in areas south of Latitude 48°N

February-May - Fifth Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation, 60,000 metric tons in A zone.

November - Soviet Vice Minister Mikayan visited Japan in connection with the industrial fair and demanded the application of regulations for the northern convention to salmon fishing throughout the Pacific.

1962

February-May - Sixth Japanese-Soviet Fishery negotiations held in Moscow.
- Japan accepted Soviet regulation extending to the South.
- Japan's salmon allocation: A zone, 55,000 metric tons; B zone, 60,000 metric tons

1963

March - April - Seventh Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation:
  A zone, 57,000 metric tons
  B zone, 63,000 metric tons

June - Tangle collecting agreement signed in Moscow (the Habomai Islands group).

1964

March-April - Eighth Japanese-Soviet Fishery negotiations held in Moscow.

- Japan's salmon allocation:

  A zone, 55,000 metric tons

  B zone, 55,000 metric tons

1965

March-April - Ninth Japanese-Soviet Fishery negotations held in Tokyo.

- Japan's salmon allocation:

  A zone, 55,000 metric tons

  B zone, 60,000 metric tons

May - Tangle collecting agreement extended two years

June - Japanese Minister of Agriculture and Forestry Akagi proposed the safety operation plan to the Soviet Union

1966

March-April Tenth Japanese-Soviet Fishery negotiations held in Moscow

- Japan's salmon allocation:

  A zone, 48,000 metric tons

  B zone, 48,000 metric tons

June - The Soviet Minister of Fisheries Ishkov visited Japan and agreed that the High Seas Fisheries Convention be extended every year.

1967

March-April - Eleventh Japanese-Soviet Fishery negotiations held in Tokyo
- Japan's salmon allocation, 108,000 metric tons

May - Tangle collecting agreement extended 2 years

1968

March - Twelfth Japanese-Soviet Fishery negotiations held in Moscow.
- Japan's salmon allocation, 93,000 metric tons

March - Japanese government protested the Soviet's including crabs as a creature of the shelf

April - Japanese-Soviet crab fishing negotiations signed and separated from the main negotiations to be held every March in Moscow after 1969.

1969

March - Soviet Union announced the ban of roe-bearing herring catch in the Sea of Okhotsk.

March-April - Thirteenth Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation, 105,000 metric tons

April - Tangle collecting agreement extended 2 years.

September - Japanese Minister of Foreign Affairs Aichi visited Moscow and proposed the safety operation plan.

1970

March-April - Fourteenth Japanese-Soviet Fishery negotiations held in Moscow.
- Japan's salmon allocation, 90,000 metric tons

1971

March-May - Fifteenth Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation, 95,000 metric tons.
- Japan agreed to stop the catching of roe-bearing herring in the Sea of Okhotsk

June - Agreement to tangle collecting agreement every year after 1971.

1972

January - Japan initiated normalization of relations with the People's Republic of China

March-April Sixteenth Japanese-Soviet Fishery negotiations held in Moscow.
- Japan's salmon allocation, 87,000 metric tons

1973

March-April - Seventeenth Japanese-Soviet Fishery negotiations held in Tokyo.
- Japan's salmon allocation, 91,000 metric tons

October - Japanese Prime Minister Tanaka visited Moscow. Announced the Joint Communique concerning the northern territories.

1974

March-April — Eighteenth Japanese-Soviet Fishery Negotiations held in Tokyo.
- Japan's salmon allocation, 83,000 metric tons.

1975

March-April — Nineteenth Japanese-Soviet Fishery Negotiations held in Moscow.
- Japan's salmon allocation, 87,000 metric tons.

April - Japan accepted that all areas west of Kamchtka were closed to crab fishing resulting in the destruction of the Japanese mother ship crab fishery.

1976

February - Soviet Secretary-General Brezhnev at the Twenty-fifth Party Congress, denounced Japan's northern territories claims as "unwarranted and illegitimate."

March-May — Twentieth Japanese-Soviet Fishery Negotiations held in Moscow.
- Japan's salmon allocation, 80,000 metric tons.
- Japan accepted a cutback to 50% of Japan's actual catch in the Sea of Ohkotsk in 1975.

September - - The MIG-25 interceptor flew into Japan.
- Foreign Minister Miyazawa inspected the northern territories.

December - - The Soviet Union declared the establishment of 200 mile fishery zone and drew the Soviet border line within the northern territories (enforcement on March 1, 1977).

1977

February - - Suzuki-Ishikov talks concerning future fishery negotiations.

March - - Japan declared its own 200 mile fishery zone within the northern territories.

April - - Japanese Chief Cabinet Sonoda visited Moscow. Soviet Union denounced the High Seas Fisheries Convention.

May - - Japanese 200 mile fishery zone and 12 mile territorial waters came into force.
- Japanese Minister of Agriculture and Forestry visited Moscow for third round of fishery negotiations.

May-August - - The Japanese-Soviet Fishery Interim Agreement for 1977 was signed in Moscow. Japan accepted Soviet's 200 mile zone within the northern territories.
- Japan's total allocation, 45,500 metric tons in the Soviet 200 mile zone (June to December)

May-August - (cont.)
- Soviet's total allocation, 33,500 metric tons in Japan's 200 mile zone (July to December).
- Japan accepted total ban of herring fishing and salmon fishing in the Soviet's 200 mile zone.

November-December
- Japanese-Soviet fishery negotiation held in Moscow.
- Japanese-Soviet Fishery Interim Agreement for 1978 signed in Moscow.
- Japan total allocation, 850,000 metric tons in the Soviet's zone.
- Soviet's total allocation, 650,000 metric tons in Japan's zone.

1978

February -
- Japan accepted to extend the ban of salmon fishing zone from Longitude 175°W to Longitude 175°E in the new North Pacific Fishery Convention.
- The Soviet Union proposed the total ban of salmon fishery on the high seas.
- Japanese-Soviet salmon fishery negotiations held in Moscow.

April -
- Five Year Japanese-Soviet Bilateral Fishery Cooperation Agreement for 1978 signed in Moscow.
- Japan's salmon allocation, 42,500 metric tons or 32.8 million salmon (whichever

came first). 8.2 million dollars for fishing fee to the Soviet Union.

April - - Soviet Unionand Japanese fishing companies reached non-official agreements of five joint ventures.

June - - Japanese government approved five joint ventures.

August - - Japan and the People's Republic of China signed the Japanese-People's Republic of China Peace Treaty.

September - - Soviet Minister of Fisheries Ishkov told a visiting Japanese Diet group that the five joint ventures should be abandoned in 1978.

November - - Japanese-Soviet Fishery negotiations held in Tokyo.

- Japanese-Soviet Fishery Interim Agreement for 1979 signed. Japan's total allocation in the Soviet zone, 750,000 metric tons.

- Soviet's total allocation in Japan's zone, 650,000 metric tons.

1979

February - - Soviet Minister of Fisheries Ishkov dismissed from the post by reason of advanced age.