Korea understandably has not relied on the events which have occurred in the field of fishing and fisheries subsequent to the Geneva Conferences, but her officials have, as the Korean Bar Association had done earlier, drawn attention to certain agreements concluded between Japan and third states. Such references were particularly prominent in connection with a proposal, submitted at one stage of the 1963–1964 negotiations, which called for the suspension of the Rhee Line in favor of a forty-mile exclusive fishing zone. Leaving aside the obvious differences between treaties and proclamations, or between negotiated arrangements and unilaterally imposed measures, and the fact that the agreements which Korea has cited do not include, as does, for example, the European Fisheries Convention, most-favored-nation clauses, their terms should nonetheless be studied to determine whether they lend credence, even if only in an indirect manner, to the Korean point of view.

Under the International Convention for the High Seas Fisheries of the North Pacific Ocean,1 which was signed on May 9, 1952 and came into operation on June 12, 1953, but for which negotiations began while Japan was still under occupation, the defeated power formally consented to abstain from fishing salmon, halibut and herring in specified waters. The United States and Canada, the other two parties, in turn agreed to continue to carry out the necessary conservation procedures in these regions, although Canada also subscribed to certain abstentions thereby leaving the U.S. free to pursue her own program with regard to salmon in the Bristol Bay area. The Annex, which forms an integral part of the Convention, lists the stocks and grounds which are affected. The Japanese consented to refrain from fishing halibut of North American origin off the coasts of the United States and Canada; from pursuing this activity for this species of herring along the same shores, outside of the Bering Sea and the waters of the North Pacific Ocean west of the meridian which runs through the extremity of

Alaska; and from exploiting the salmon of the Canadian-American fisheries off these coasts, exclusive of the Bering Sea and the areas west of a provisional line following the meridian which passes through the western extremity of Atka Island, namely that of 175° West Longitude, thus barring Japanese vessels from the eastern side. Japan and Canada also accepted the abstention régime for salmon of American origin in the Bering Sea east of 175° West Longitude, with a provisional line for the southern limits drawn from Cape Prince of Wales at the tip of the Alaskan Peninsula. The Protocol attached to the Convention stipulates that the provisory lines may be altered through a determination of the International North Pacific Fisheries Commission which was created under Article II of the Convention. This body is composed of three national sections, each of which has one vote, and its decisions must be unanimous except in the instance in which the sections of only two of the contracting parties are entitled to participate. However, in contradistinction to the Japanese-Soviet Northwest Pacific Fisheries Commission, which can take a number of significant decisions, this Commission can only submit recommendations and thus cannot bind the parties. The American members of the Commission have at various times suggested that the line designed to divide the American and Asiatic species of salmon in the Bering Sea be moved westward to 170° East Longitude, for it is felt that the exploitation of these waters by the Japanese menaces the stock which originates in the rivers of the United States. On each occasion the Japanese have strenuously opposed such an extension and no changes have taken place.

Article III(1) of the Convention also authorizes the Commission subject to explicit exceptions, such as a prohibition against recommending the abstention principle to the United States or Canada for certain areas covered by the Convention, to name the stocks which, on the basis of the criteria set forth in Article IV, may be added to or, after the instrument has been in force for five years, deleted from the original list. Therefore, a proposal was advanced at the sixth annual session in 1959 for eliminating from the Annex herring of Alaskan origin. This suggestion became effective on May 24, 1960, after it had been formally accepted by each of the three Governments. At the 1961 meeting the Commission favored the lifting of the ban on herring in the waters off the coast of the United States south of the entrance to the Strait of Juan de Fuca, and an amendment incorporating this determination became binding on April 2, 1962. The ninth session saw a further modification for as of May 8, 1963 the Japanese were per-