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SOUTH KOREAN VESSELS OFF ALASKA

GOVERNMENT

Storage

HEARING BEFORE THE COMMITTEE ON COMMERCE UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

SOUTH KOREAN VESSELS OFF THE ALASKAN COAST

JUNE 25, 1970

Serial No. 91-71

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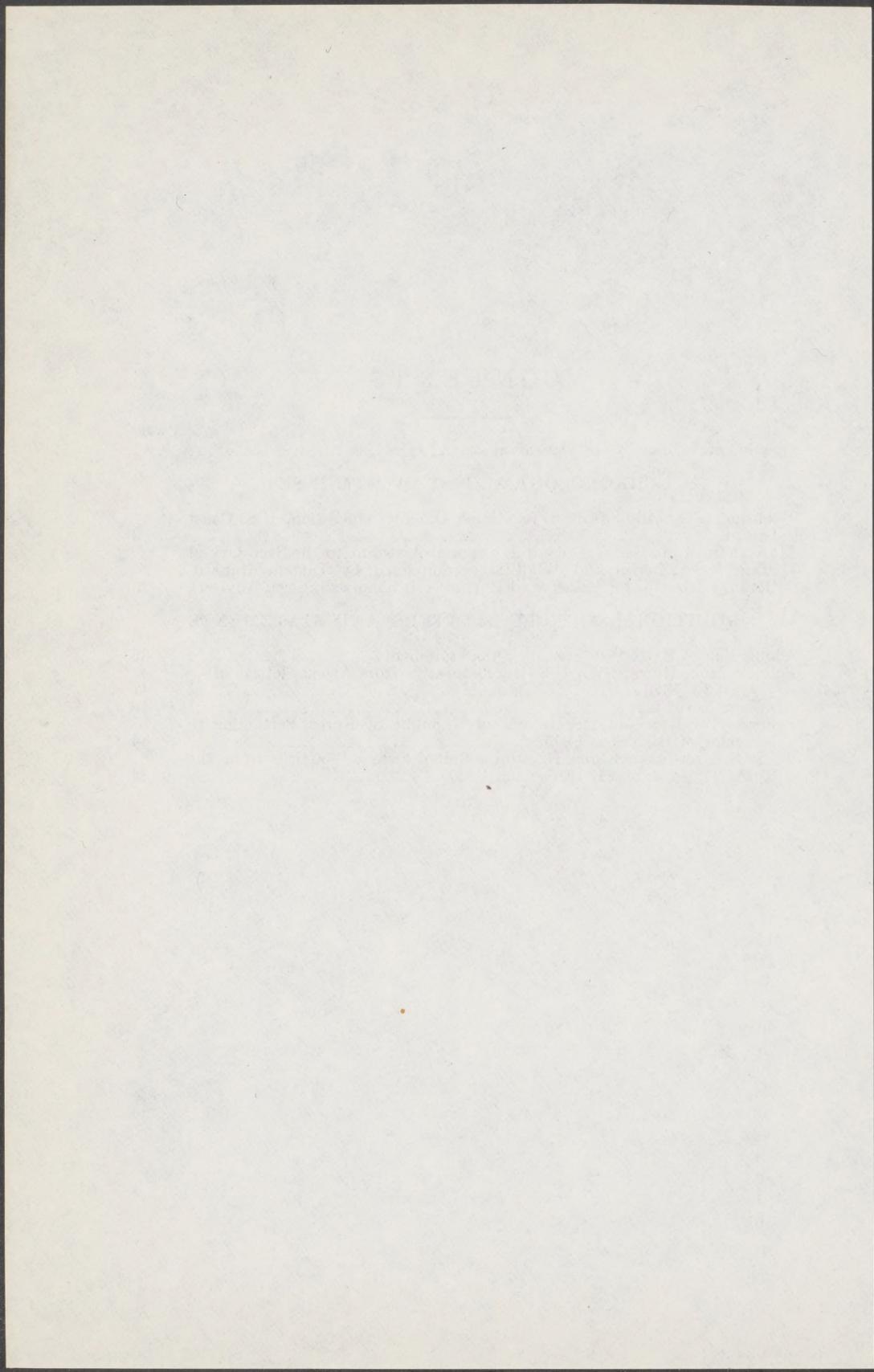
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SOUTH KOREAN FISHING VESSELS OFF ALASKA

THURSDAY, JUNE 25, 1970

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The Committee met, at 2:40 p.m., in room 5110, New Senate Office Building, Hon. Warren G. Magnuson (chairman of the committee) presiding.

Present: Senators Magnuson, Gravel, and Stevens; and Representatives Wyatt, Meeds, Pollock, and Hicks.

The CHAIRMAN. We will come to order.

I want to say for those here that this is a hastily called meeting, very informal in nature, to again discuss the problem of the South Korean fishing in the North Pacific.

The Coast Guard is here to testify, to tell us what they found out. Mr. McKernan will be here in about 10 or 15 minutes. He came in on a plane from New York.

I am sure that the Congressmen who are here with us and those interested, and the Senators from Alaska, and others, will be interested in finding out about this situation which occurred just recently.

OPENING STATEMENT BY THE CHAIRMAN

The chairman has a very short opening statement. As I say, we have called this committee hearing this afternoon to discuss a serious problem which we face in the North Pacific Ocean.

I refer to the Korean fishing fleets which began to take salmon, as we understand it, in large quantities earlier this week. They are doing so despite understandings which I and others had with the South Korean Ambassador here in Washington, and this is also a violation of understandings between our Government and that of South Korea.

We met with the South Korean Ambassador in my office approximately 5 or 6 weeks ago and had a long discussion at which time he assured us that it was his understanding that the South Korean Government's policy was to instruct their fishermen not to catch salmon or net for salmon in the North Pacific. And he knew at that time of no change in that policy. We asked him, Is it being enforced? He couldn't answer that directly, but he thought it was, and if not, he was going to get hold of the Government in South Korea and discuss the matter with them.

I assume that he did. I also understand that he has been in communication the last 2 or 3 days with his President and his Government on this matter. Whether he has received a reply from them or not, it

Staff member assigned to this hearing: John Wedin.

is obvious he has no authority to act unless his Government so instructs him.

He has talked with Secretary McKernan and when he arrives we will find out just what his reply was. I called the Korean Ambassador yesterday and apprised him of this meeting and he explained to me he had sent two or three cables and was awaiting an answer.

But the problem is still of deep concern. We had a discussion with the South Korean Ambassador in March of this year. A few days later we held another meeting in this room. It was attended by a large number of Senators and Congressmen from the west coast, and we heard from a number of representatives from the various Federal agencies and departments affected by the threat of a South Korean fishery for salmon.

The ramifications of this fishery, of course, are many. It is not just the quantities of salmon being taken, or the danger of high seas net fisheries to these fish, but the whole future of the International North Pacific Fisheries Convention and the general conservation balance on the west coast fisheries is also at stake.

We need not go into any great detail on this subject at this time. There are many present who are well qualified to do this, and we will be hearing from them shortly. I do want to note, however, that the North Pacific salmon problem has been a very difficult one since the end of World War II.

On June 2, 1953, the North Pacific Convention went into effect between this country, Canada, and Japan. We had considerable difficulty with the Japanese in their high seas salmon fishery, but this restriction to an area east of the 175 degrees west longitude has enabled us to manage the important Bristol Bay red salmon runs in a somewhat reasonable fashion.

They have threatened, on many occasions, as you know, to get out of the treaty. The life of the treaty has come to a point where any nation can give a year's notice to get out. They haven't yet formally done so. Unless the South Korean fishing vessels cease their fishing immediately I don't see how we can properly argue our case for salmon with the Japanese, Soviet Union, or the North Koreans for that matter.

We discussed this only recently, I myself yesterday, and I guess some others discussed this also with the South Korean Ambassador. I have asked him to honor our understandings. I know there will be a similar protest on the part of the State Department, which Ambassador McKernan can testify to. A report on this will be useful for our committee in determining the next course of action in convincing the South Korean Government they have much to lose by continuing this high sea salmon net fishery and thus disturb some of the good relations we have enjoyed with the South Korean people and government.

While we are waiting for Mr. McKernan, I think we better nail this down and ask the Coast Guard to come forward and tell us what they have found out or what their reports were with regard to this.

Admiral Goehring is here, chief of operations. All reports indicate, Admiral, that you people have been doing a good job of patrolling the abstention line and monitoring the South Korean Fleet. I am concerned, however, with the reports that the cutter *Confidence* may have to go in for refueling without a replacement.

This would seem dangerous during the days ahead. I would like you to comment on this and also whether or not aircraft are available.

STATEMENT OF REAR ADM. ROBERT W. GOEHRING, CHIEF, OFFICE OF OPERATION, U.S. COAST GUARD

Admiral GOEHRING. Thank you, Mr. Chairman.

Fortunately we have two vessels on the scene, so the refueling can take place without any interruption of the surveillance. With your permission, sir, I would like to go ahead with my prepared statement.

On Sunday, the 22d of June, 1970, the Coast Guard cutters *Confidence* and *Yocona* observed South Korean vessels engaged in salmon fishing in the eastern Bering Sea. Courtesy boardings were made and salmon and 5-inch gillnet were found on board.

No serious attempt was made to hide the salmon fishing although 5-inch nets were once concealed on deck under herring nets and masters have claimed to be catching salmon incidentally in their herring fishery rather than intentionally.

The *Tae Yang 11*, mothership of the fleet, has been boarded and her officials were cooperative. They claimed that the fleet has taken 300 metric tons of bottom fish and 100 metric tons of salmon since arriving in the area on June 15. The present catch was stated as 50 metric tons of bottom fish and 20 metric tons of salmon per day.

Each of the masters was asked to abstain from salmon fishing in accordance with the United States' understanding that they were not authorized by the government of Korea to take this species.

The fishing vessels' skippers said that they would stop only on direction from their mothership and the master of that vessel said only that a full report would be made of the meeting.

The master of the *Tae Yang 11* did confirm that the gillnet on each vessel measured 10 kilometers long by 5 meters deep. His license was inspected and it authorizes only cod, herring, and Alaska pollack.

The Korean fleet apparently consists of 11 trawlers, 12 gillnetters and two motherships, belonging to two Korean companies. They are presently strung out between the Pribilofs and Unimak Island along the 100 fathom curve.

The *Confidence* and *Yocona* have operated with the fleet since the run began Sunday. Photographs have been taken of the fishing license, 5-inch nets on board, salmon on board and being processed, nets being hauled with salmon, nets in the water with a ruler being used to verify mesh size, and beacons, buoys, and other items with identifying marks.

The cutters both need to return to Kodiak for fuel. The *Yocona* is on its way now and the *Confidence* will begin sometime today (Thursday June 25, 1970). The *Yocona* is expected to leave again Monday for the fishing grounds. The CGC *Storis* also goes on patrol Friday or Saturday.

During their absence, surveillance will be provided by CG aircraft and the CGC *Ironwood* with particular emphasis on determining whether the gillnetters intend to follow the run east. The *Tae Yang 11* indicated that the gillnetters would be leaving for Korea on July 5 with the trawlers remaining in the Bering Sea until August 15.

Special problems: Two heavily laden nets have been sighted without tending vessels and may be abandoned; a Notice to Mariners and Hydropac have been issued; radio beacons marking nets have

been set on 2185 and 2190 and are interfering with reception of 2182 (Koreans said that they would take steps to correct problems); and on at least one occasion heavily laden nets have sunk to the bottom and caught small tanner crab before they could be retrieved.

This is the end of my prepared statement, Mr. Chairman.

The CHAIRMAN. Well, I am sure some of us want to ask you some questions.

When you say, "They claimed the fleet had taken 300 metric tons of bottom fish and 100 metric tons of salmon since arrival on the 15th of June and the present catch is 50 metric tons of bottom fish and 20 tons of salmon per day," is that the two ships you are talking about?

Admiral GOEHRING. This is the entire fleet.

The CHAIRMAN. When you say, "His license was inspected and it authorizes only cod, herring, and Alaska pollack," is this a license from the Government of Korea?

Admiral GOEHRING. That is correct, sir.

The CHAIRMAN. They give them a license when they go out to fish?

Admiral GOEHRING. That is correct.

The CHAIRMAN. That only authorizes them to fish cod, herring, and Alaska pollack.

Now do you know if there was any question asked as to why they were taking salmon, when the license only limited them to these three types? Did anybody ask them that, do you have a report on that?

Admiral GOEHRING. This was pointed out to them and the comment was that the salmon were caught as incidental catch. This doesn't jibe with the size of the nets.

The CHAIRMAN. You say the *Yocona* is on its way now. Do you mean by that that she is on her way out?

Admiral GOEHRING. She is on her way back for refueling. Meanwhile the *Confidence* will go in and the *Ironwood* will be out there.

The CHAIRMAN. Then they will go out again to the fishing grounds?

Admiral GOEHRING. Yes, sir; they will return.

The CHAIRMAN. Where is the number of the vessels here?

Admiral GOEHRING. I believe it is on the bottom of the page.

The CHAIRMAN. The Korean fleet consists of 11 trawlers, 12 gillnetters, and two motherships, belonging to two companies.

Where are they? Are they in the vicinity of these two ships, or scattered around?

Admiral GOEHRING. They are scattered out over an area of about 30 miles I believe.

The CHAIRMAN. How far are the mother ships?

Admiral GOEHRING. They are more or less in the center of the action.

The CHAIRMAN. And they all grouped around them?

Admiral GOEHRING. Yes, sir.

The CHAIRMAN. Senator Gravel, do you have any questions?

Senator GRAVEL. You are talking about two different companies. Are they under the Samyang Fishing Co.? Is that the parent company? Were you able to make such a determination?

Admiral GOEHRING. I don't have the names of the companies. I think this can be better clarified by Ambassador McKernan. The

name you referred to has been changed to Taeyang. That is the name that shows here that is attached to the vessels.

The CHAIRMAN. May I interrupt? I suppose the license would be issued to a certain company.

Admiral GOEHRING. I have been led to believe that was the name of the company.

Mr. POLLOCK. May I assist here?

The Taeyang Fisheries Co. has been absorbed by the Samyang Fisheries Co., and while they still have Taeyang on them, they are owned by Samyang at the present time.

The CHAIRMAN. One company?

Mr. POLLOCK. Yes, sir.

The CHAIRMAN. And the chairman of the board is Choung?

Mr. POLLOCK. Yes, sir.

The CHAIRMAN. Senator Stevens, do you have any questions?

Senator STEVENS. Yes; I think you have made quite a contribution in holding this hearing, Mr. Chairman. I have received a telegram this morning from the Korean Ambassador, wherein he says:

I regret to hear Korean vessels are fishing salmon in the Bering Sea despite Korean Government guidance to refrain from such fishing. I immediately reported this matter to my government with strong recommendation to take urgent action to end all salmon fishing in the area. Seriously hope this will not cause any serious problem between our two countries.

As I understand it, you have a photograph of the license showing that it does not extend to salmon.

Admiral GOEHRING. That is correct.

Senator STEVENS. So, as far as the Government is concerned, it has lived up to its commitment; it has not licensed these people to fish for salmon. Are you at all informed as to whether there are any Korean Government craft in the Bering Sea at this time?

Admiral GOEHRING. There are none there, Senator, and we are not aware of existence of any.

Senator STEVENS. Thank you, Mr. Chairman.

The CHAIRMAN. Congressman Meeds?

Mr. MEEDS. Thank you, Mr. Chairman.

I, too, would like to express my appreciation for your calling this meeting and giving us an opportunity to get some of these facts. I would like to ask you, Admiral, what was the approximate longitude at which these craft were boarded?

Admiral GOEHRING. 166° seems to be an approximate longitude. If you draw a line from the Pribilofs over to Unimak, it would be in that area.

Mr. MEEDS. Clearly within the 175° which is——

The CHAIRMAN. Within the 175°.

Admiral GOEHRING. Well east of the 175°; yes, sir.

Mr. MEEDS. Were the trawlers which were sighted, which were boarded, and the general type of trawler which was observed in the area, utilized for any kind of fishing other than for herring or salmon?

Admiral GOEHRING. Under the license, the trawlers were authorized to take Alaskan pollack, and this would be a species in that category, sir.

The CHAIRMAN. Wendell?

Mr. WYATT. Mr. Chairman, I would like to emphasize the extreme importance of your having taken prompt action on this matter, because we know the resource in Alaska comes and goes, and every single solitary hour of fishing up there is extremely important. I just can't emphasize how much I appreciate your taking this very, very prompt action.

I might say that because the Korean Government didn't license this vessel for the salmon fishery, I don't think that terminates or ends their responsibility for the vessels being in that area.

I want to wait until we hear from Ambassador McKernan before saying anything further, but I would like the opportunity, Mr. Chairman, to say a few words after we hear from him.

Mr. POLLOCK. Mr. Chairman, I think Congressman Wyatt is entirely correct, and the question is we had some firm commitments from them that they were not going to license their people and they told us a license is required.

Now if they haven't licensed them, I think we ought to know what they are going to do about the fact that these nationals of theirs are in the prohibited zone fishing without a license in effect. If they can't enforce it, I think we ought to find out to what extent we can go to enforce it.

The CHAIRMAN. We went into it in some detail, the American Ambassador was there; all right, let's assume this is your policy in South Korea, how do you enforce it, what do you do? Do you wait until they get home and if they have salmon in the hold, fine them, or suspend their license, or what?

The Ambassador didn't know—and I can understand this, I am not critical—the exact procedure that they would follow. In fact he didn't know whether they had or not. But he did reaffirm over and over that this was the policy. And it is reflected I must say in all fairness in a license.

Congressman Pollock?

Mr. POLLOCK. Thank you, Mr. Chairman.

At an appropriate time I would like to testify. I have had an opportunity to confer with the Korean Ambassador and with Chairman Choung, the chairman of the company. I would like to ask the admiral for his understanding; could 4½- or 5-inch mesh gill netting be used for cod and for Alaskan pollack?

The CHAIRMAN. We have to get a fisheries expert to answer that, I guess.

Admiral GOEHRING. I am not sure on that, Congressman Pollock.

Mr. POLLOCK. I will reserve it for Ambassador McKernan.

The CHAIRMAN. You mentioned that two heavily laden nets have been sighted without tending vessels and may be abandoned. This has caused us a great deal of concern over the years, even with the Japanese, where they abandon or in a heavy storm the nets would break loose, and when we are trying, spending money and energy and time and have treaties to conserve the salmon run, the North American salmon, these nets are floating around the ocean. If they are made of good nylon, they could go around for a long, long time and keep catching fish over and over again as they rot out. Here are two heavily laden nets right now. And you people have given notice to all of the

ships that these are floating around. And this catch of fish is no good for anybody, just killing them and upsetting the balance of the run.

Of course Japanese nets have been floating around too, we know that. They claim they broke loose in a storm or something of that kind. I don't know how many such nets there are. They might sink to the bottom after they get heavy and when the fish rot out, come up and start to catch some more.

We had testimony many, many times that some of them were a mile long, maybe more, I don't know.

So I am glad you got that information for us, because that is almost more important than to see just what they have on board ship, that is important enough, but these nets just go around perpetually and catch fish. And we spend money, energy, time, everything else to preserve the North American run. And if the nets are such that they can only catch salmon, that is all they are going to catch when they float around.

All right, Mr. Ambassador, we will be glad to hear from you.

And thank you, Admiral Goehring.

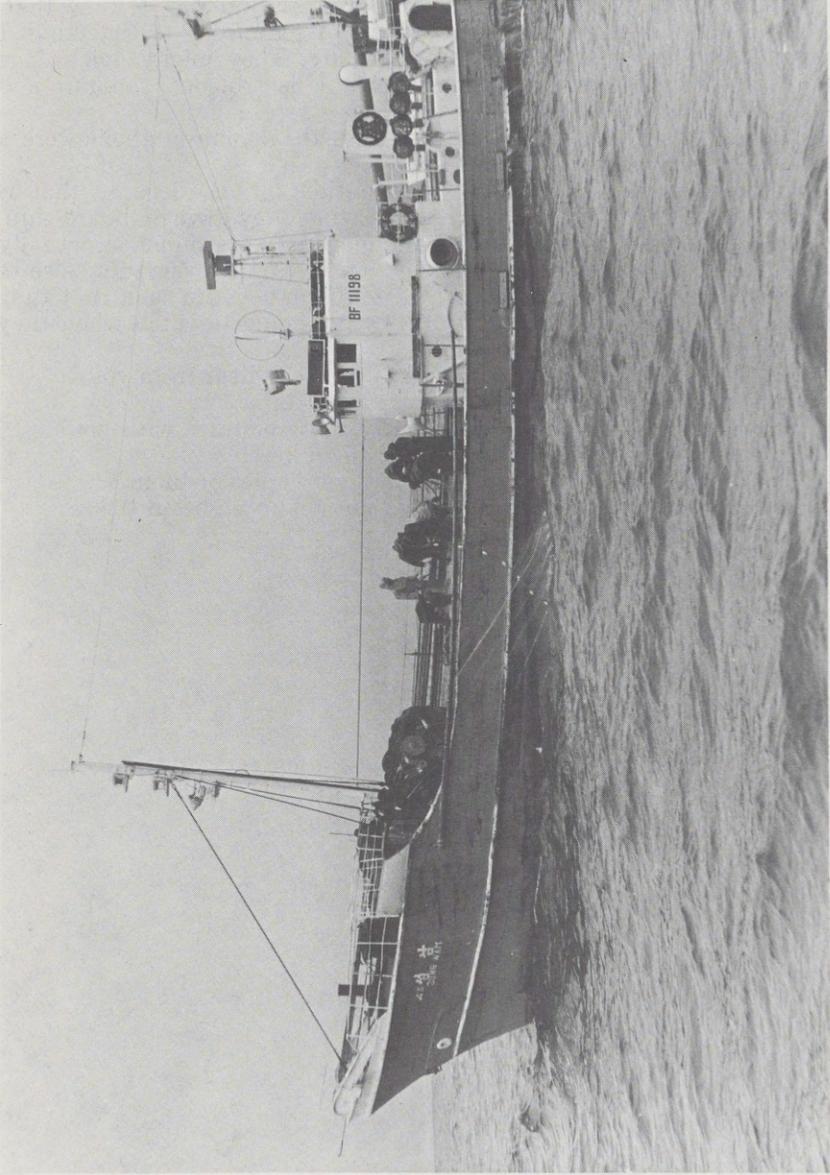
Before you go, Admiral, do you have those pictures with you?

Admiral GOEHRING. We don't have them here.

The CHAIRMAN. Will you see that we get copies of them?

Admiral GOEHRING. As soon as we can possibly obtain them.

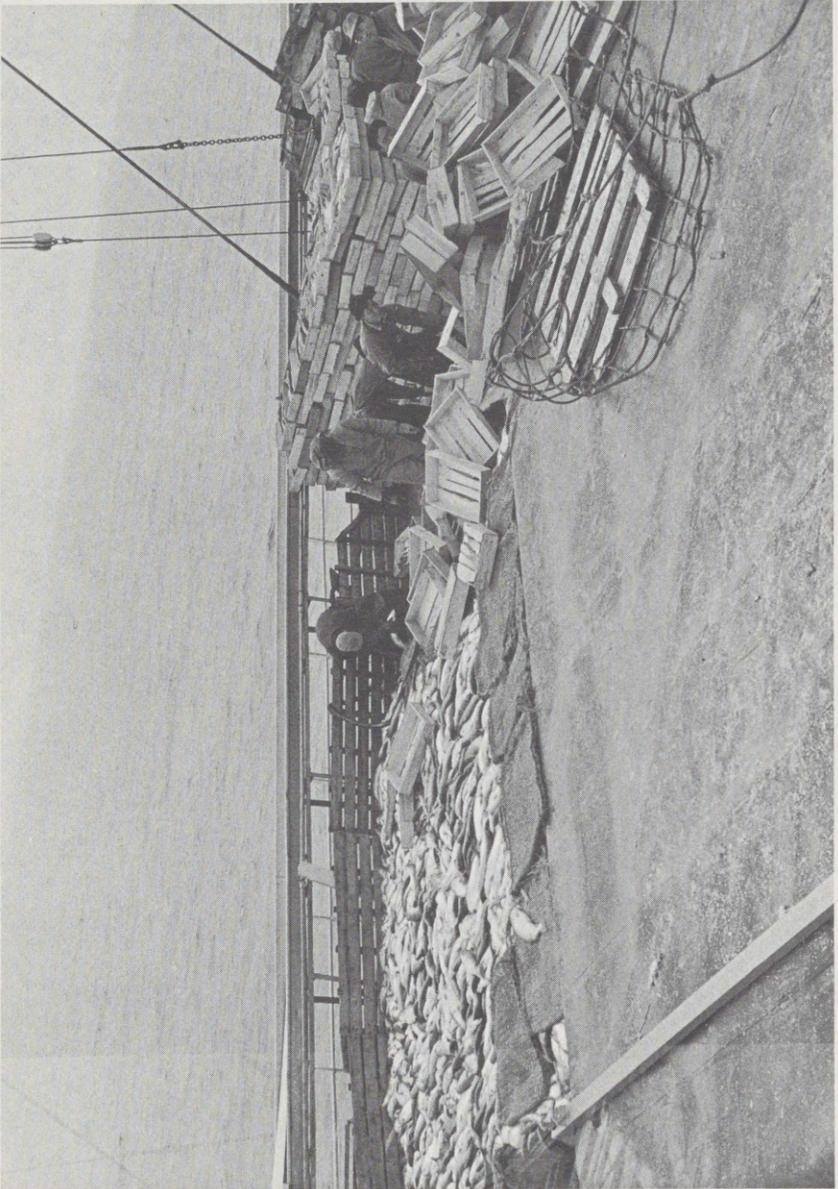
(The pictures requested follow:)



Date: 22/0600 to 0645W June 1970. Posit: 55°23' N 170°-02' W Bering Sea. Subject: Sung Nam No. 5 Korea
Gnet. Home port: Pusan. Observed by USCGC Yocona.



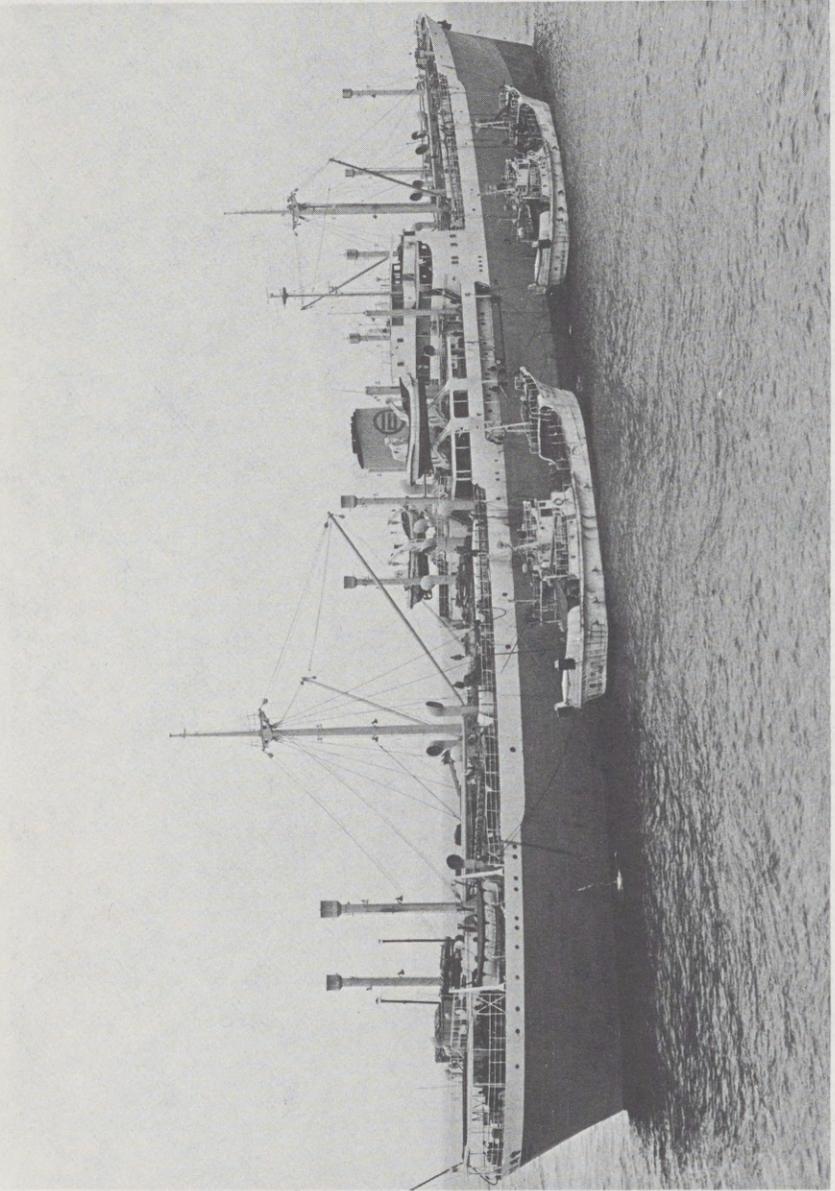
Hauling gillnet and salmon aboard Tae Yang No. 106.



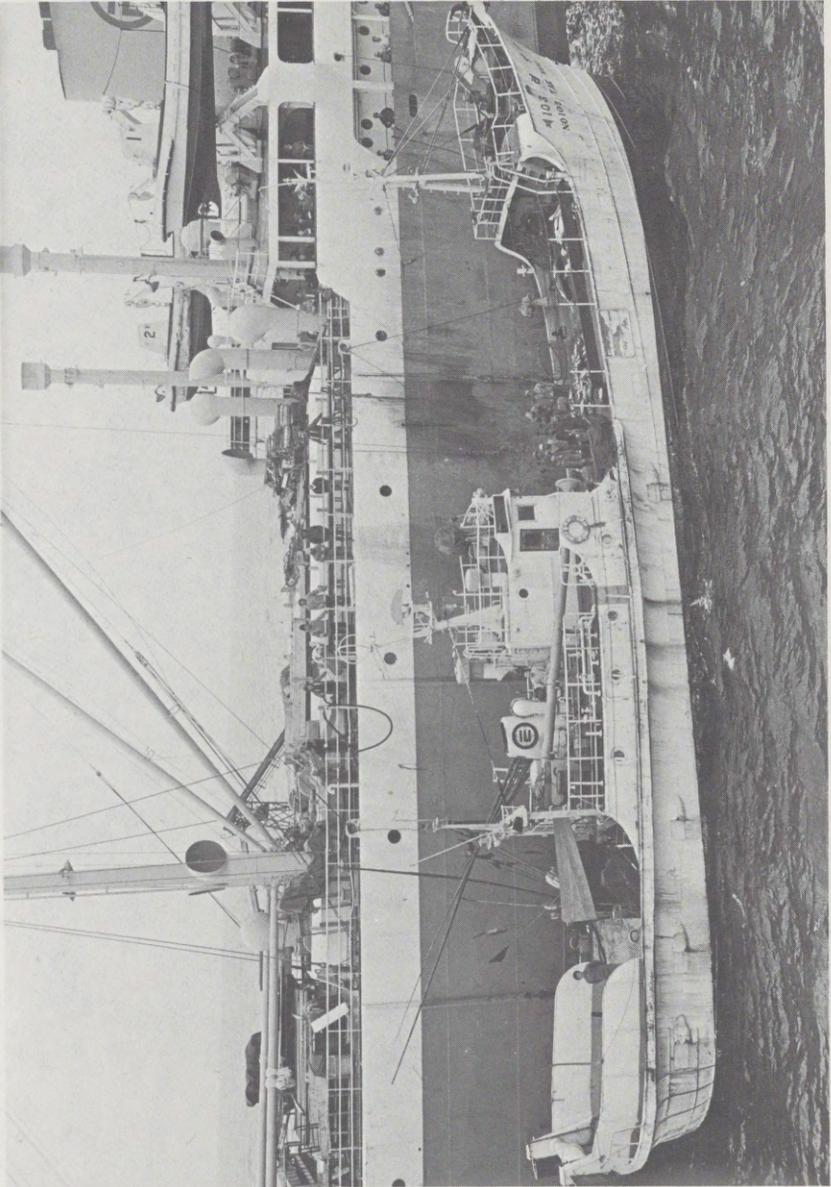
Salting salmon on Tae Yang No. 11.



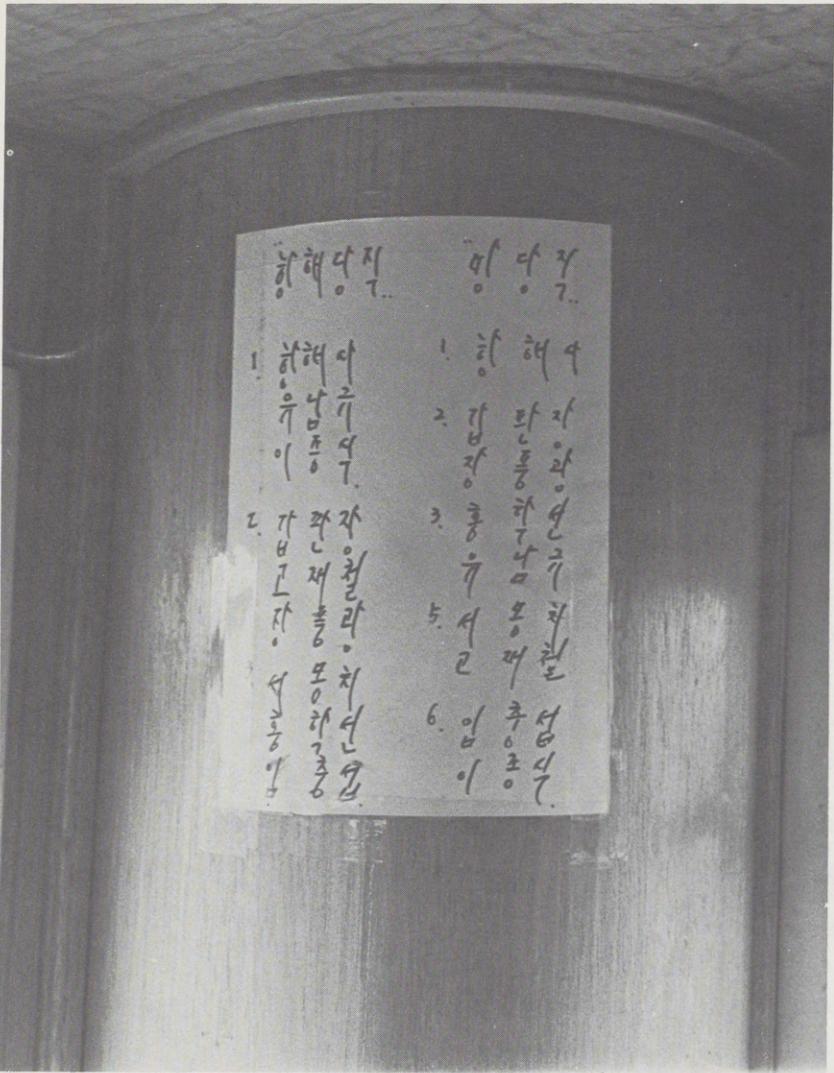
Tanner crab taken from salmon net on Tae Yang No. 106.



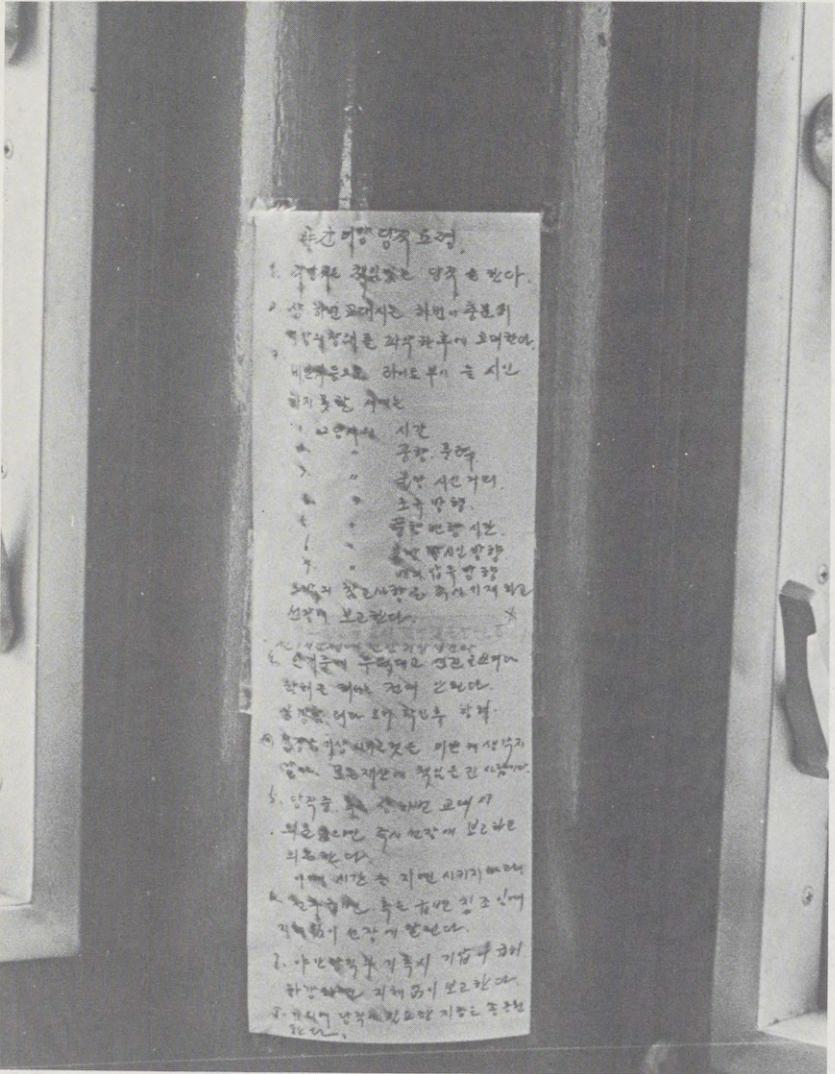
Tae Yang receiving salmon from two gillnetters.



Tae Yang No. 103 offloading salmon to Tae Yang No. 11.



In pilot house of Tae Yang No. 115.



In pilot house of Tae Yang No. 105.

관산 비행 영구 도어

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2. 상 하엔 도어는 한번 충분히
정비할정도로 좌우 후미 도어한다.
3. 비전등으로 하도 부시 늘 시간
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4. 비상시 시간
 - 가. 공항 공항
 - 나. 비상 시엔 거리
 - 다. 조류 방향
 - 라. 비상 비상 시간
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5. 도어와 관련된 사항은 즉시 지적 하라
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6. 선정하에 무관하고 정권 관련
항해에 관한 것만 쓰라.
7. 비상할 때 도어 좌우 후미
8. 비상할 경우 비상 버튼 이면 비상할지
않고 모른다면 정권은 관 사한다.
9. 영구 손 후 비상엔 도어 시
비전등으로 주시 선정에 보인
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직접 하에 선정에 알린다.
12. 비상할 때 후미 비상 버튼 누르면
항해에 관한 것만 보고 한다.
13. 비상할 때 비상 버튼 누르면
항해에 관한 것만 보고 한다.

제 20 호

자격변경증인서

선장 김 영수

기 선 안 태양 호

총톤수 또는
순 톤 수

상기 (회) 항선으로 변경함을
승인함

서기 1960년 5월 23일

부 산 세 관

Tae Yang No. 106.

TY 106

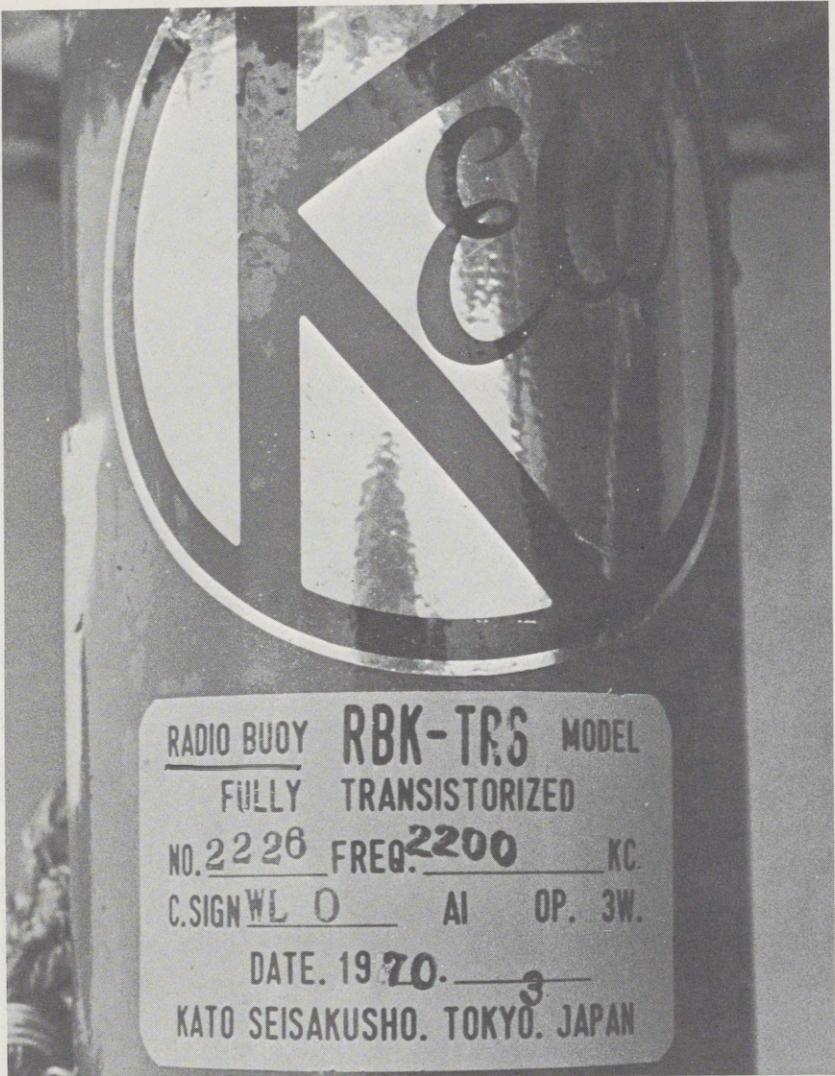
LIST OF ITEMS STORED

Signature of Master

Date: 7. 5. 20

Type of Articles	Quantity	Name of Articles	Quantity
<u>USCG PART</u>		<u>USS PART</u>	
Goniometer	1 ea	Steering gear motor	1 ea
Sextant	1 ea	Kilometer	1 ea
Azimuth circle	1 ea	Eng. room spare part	1 set
Requiflex	1 ea	Main eng. spare part	1 set
Radar spare part	1 set	A/S	1 set
Forg nuts	1 ea	Refrigeration	1 set
Parallel ruler	1 ea		
Life jackets	20 ea		
Top watch	1 set	<u>USS PART</u>	
Parold pump	1 ea	主送受信機	1 set
Electric iron	1 ea	自動工計通報器	1 ea
Living apparatus	1 set	主送受信器予備品	1 -
Gas bottle	1 ea	S.C.B.	1 -
Electric water pot	1 ea	通信工機 - 切	1 set
Electric heater	2 ea	主送受	2 set
Iron net	3 set	漢明漢具	1 set
Sea anchor	1 ea		
Telephone	1 set		
Eng. spare part	1 set		
Eng. room spare part	1 set		
Eng. room	2 set		
Eng. room	2 set		

Tae Yang No. 106.



Radio buoy used by Tae Yang No. 117.

定員 20 名

해 원 명 부
CREW LIST

선박번호
Official Number

BF 21642 호

선명
Name of Vessel

태양 106 호

선적항
Home Port

釜山

항행구역 또는 종업제한
Operating Water or Type of Fishing

漁船 제=종

총톤수
Gross Tonnage

133.16

기관의 종류와 개수
Number of Engine

내燃機 1

선박의 용도
Service

기관의 동력마력
Horse Power

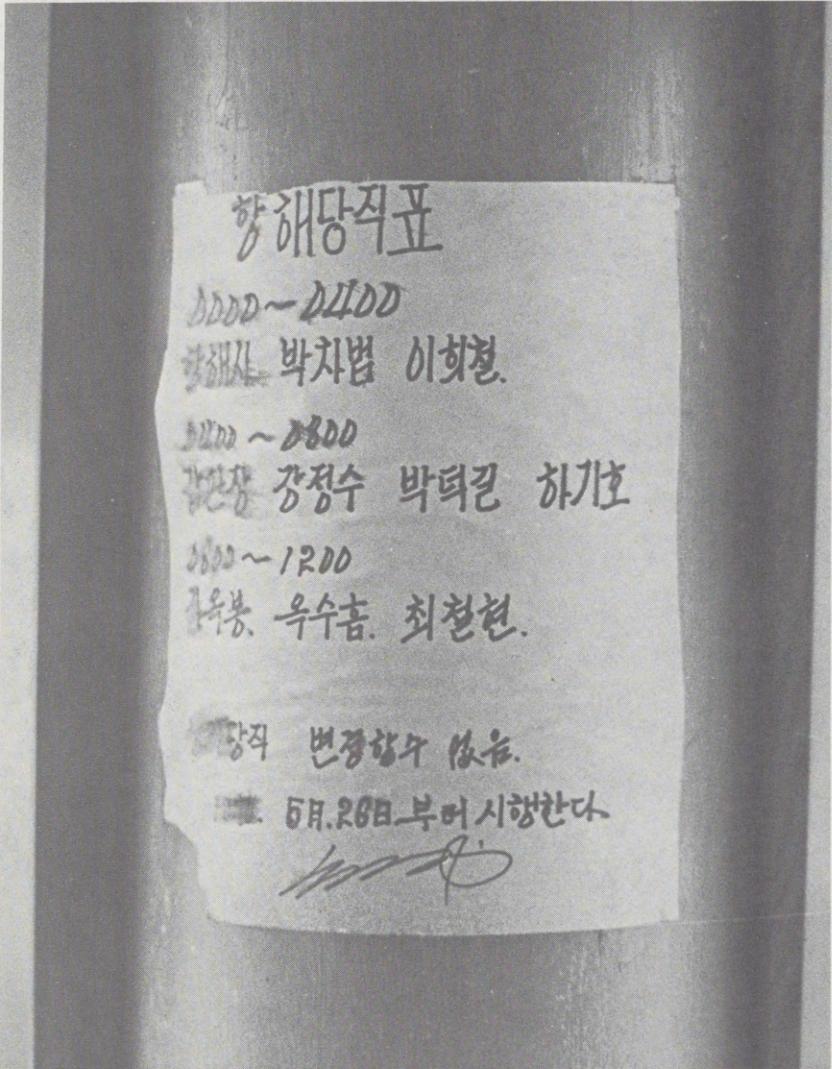
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선박소유자의 주소와
성명 또는 명칭
Name & Address of Owner

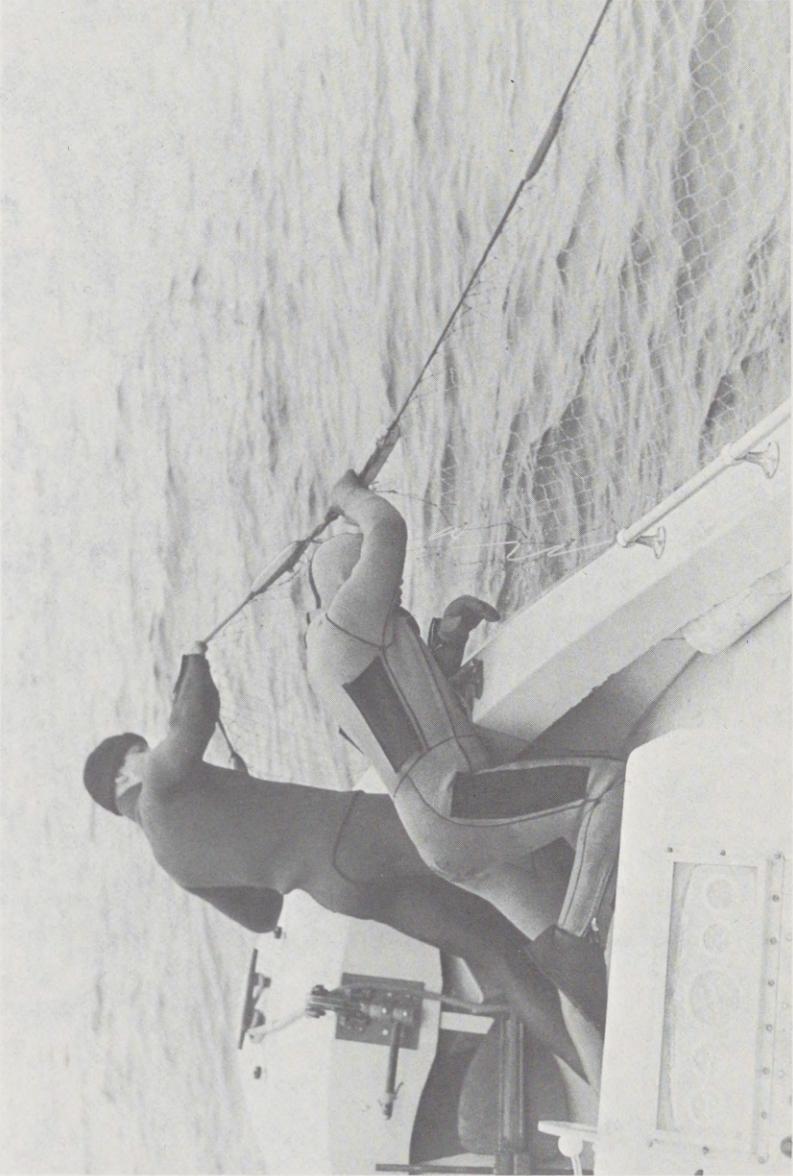
태양어업주식회사

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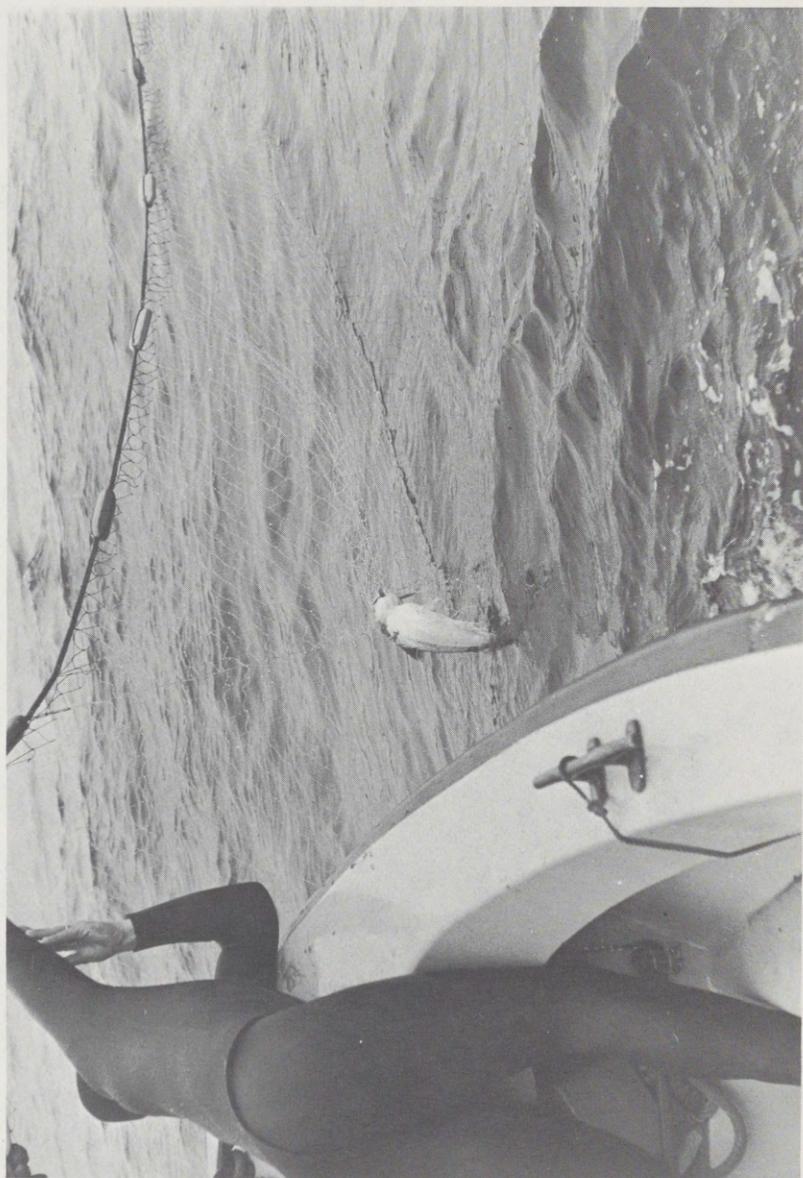
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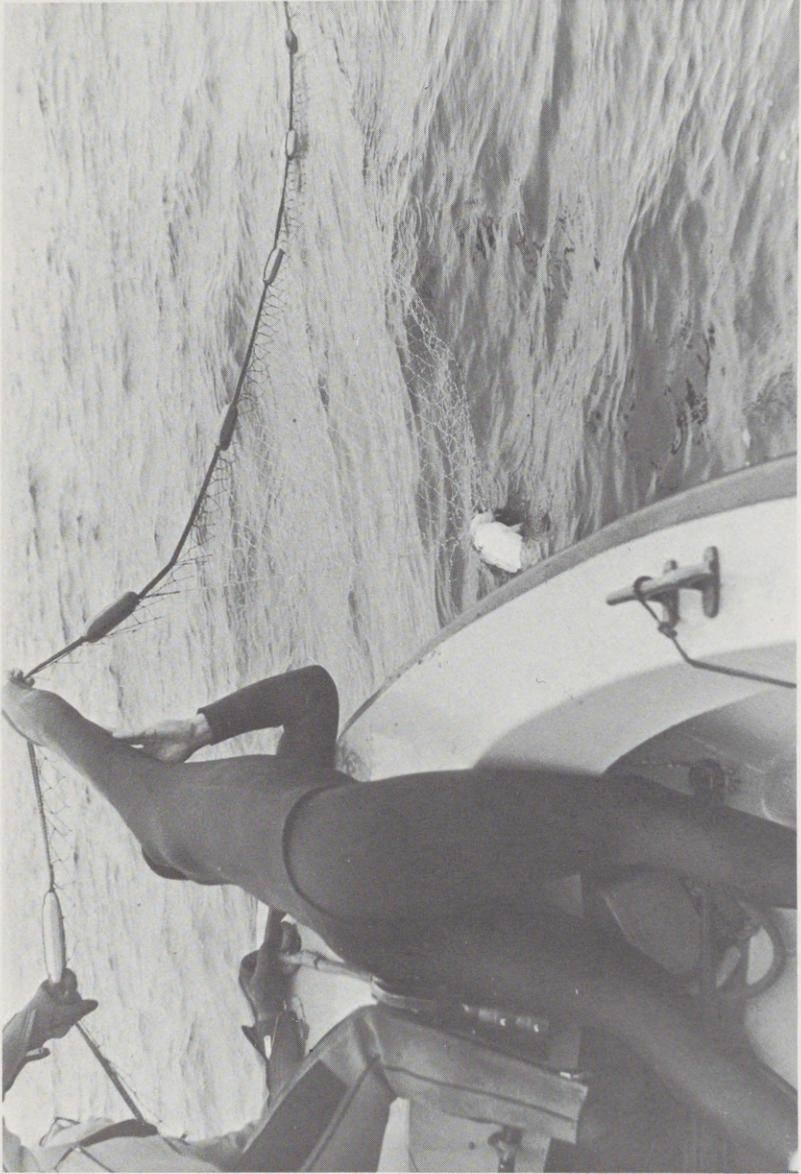


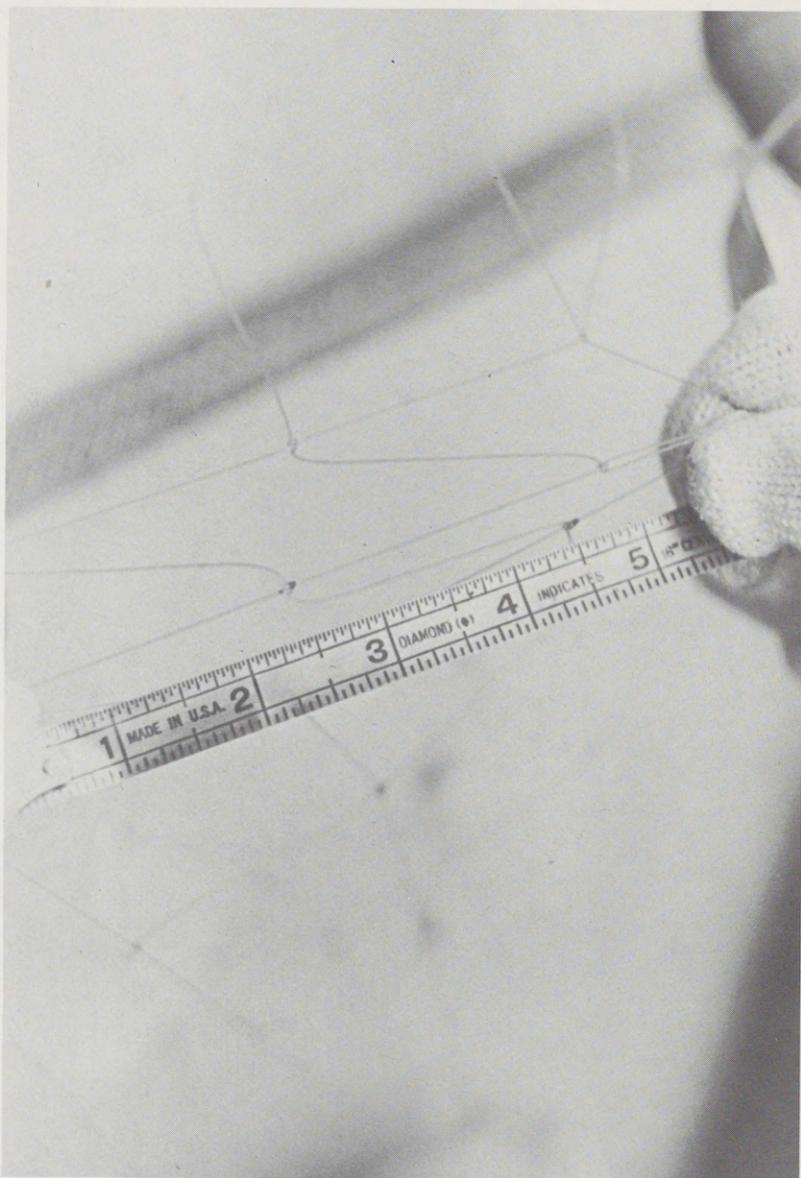
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STATEMENT OF AMBASSADOR DONALD L. MCKERNAN, SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR FISHERIES AND WILDLIFE; ACCOMPANIED BY DONALD RANARD, COUNTRY DIRECTOR FOR KOREA, AND HORACE (FIL) SHAMWELL, LEGAL ADVISER

Ambassador MCKERNAN. Thank you, Mr. Chairman.

First I wish to apologize for appearing at this important hearing late. My airplane from New York was delayed.

The CHAIRMAN. We appreciate your coming. But I think you realize the emergency of this matter with all of us.

Now I think the first question is that I have been told you have been in contact with the Korean Ambassador.

Ambassador MCKERNAN. Yes, Mr. Chairman.

The CHAIRMAN. Do you have any report to make to us now?

Ambassador MCKERNAN. Yes, Mr. Chairman.

If you would permit me, I would like to introduce Mr. Donald Ranard, the Country Director for Korea, and Mr. Shamwell, a legal adviser from our Department on my left.

Yes, Mr. Chairman; I have been in contact with the very distinguished Korean Ambassador, Ambassador Kim, and I might say I never experienced such quick response and close cooperation from any foreign government in all of my experience in international fisheries. He has been most kind and tremendously concerned, I believe as concerned as we have been, as the Chairman has been and other distinguished Members of Congress who sit with you here today, and he has done everything asked of him by the U.S. Government, and I do have some late news, but with the permission of the chairman, I would like to review just a little bit why our Government considers this to be such a very serious matter and why we have taken as prompt action as we possibly could.

As the chairman knows and has fought for and understood for many years, this Government has held that since salmon are anadromous fish, they swim up from the sea, up freshwater rivers to spawn in the headwaters of these rivers on our soil, that they require a substantial investment by their natal states to survive and to successfully reproduce.

Because of this, it is the position of this Government that they should be harvested only by the country of origin, subject to consideration of historic fisheries.

Now our scientists have concluded from very carefully designed experiments over a great number of years that it is not possible to properly conserve the separate and distinct races of salmon if they are subject to high seas fisheries, because unlike truly sea fisheries, there are many genetically separate stocks which make up the runs occurring from the Arctic to the Sacramento River on the Pacific coast and in the case of the Atlantic, in the rivers of Northern New England. It is because of this unique characteristic that we believe the harvest must be in close proximity to the river of origin of these stocks and races of the various species of Pacific salmon.

It is with this background, and this great scientific base behind us that we have considered the policy of this Government with respect to salmon.

Furthermore, we are well aware that salmon is undoubtedly the single most important species of fish in the United States as a food and as a source of recreation.

Now, very early after the last war, partly at the urging of the chairman, and when salmon were threatened by foreign fleets, our Government negotiated with Japan and Canada the International North Pacific Fisheries Commission which incorporated the principle of abstention, which kept Japan from fishing most of the stocks of fish of particular concern to the United States, including most of the stocks of salmon.

Now this treaty negotiated in 1952 was far from a perfect treaty. Again as the chairman knows, for he certainly is an expert on this treaty, and it did include certain ambiguities that arose from the negotiations and from the urgency of arriving at an agreement on this treaty. Yet it has allowed the United States at very great national expense and great sacrifice to our fishermen to rebuild these salmon runs of the Pacific coast and Alaska, to the extent, Mr. Chairman, that the catch this year, from the season that is just getting underway, should be perhaps the greatest in many, many years indeed, maybe the greatest in 30 or 40 years.

Now I say should be, because there of course are danger signs ahead and that is the reason for this hearing.

In spite of our rather optimistic view during the past several months about these runs, this recent fishing by South Korean fishermen has certainly reduced the run headed for the coast of the United States by an unknown amount. We still do not have a clear idea of the amount of fish that has been taken.

Focusing on the problem at hand, the specific problem, South Korea has expanded her fisheries throughout the world in recent years, producing of course much needed protein for the South Korean people and obviously building up very valuable exports. In this expansion, it is only natural, as it was natural for the Soviet Union and Japan, ourselves and Canada to turn to the North Pacific and these rich oceans close at hand, to begin and carry out a good deal of this expansion.

Now we saw this expansion coming. A number of people that are here, a number of Congressmen and Senators from the Pacific Northwest and Alaska saw this expansion, you urged our Government to hold consultations with Korea and several years ago we did. At that time we invited the director of the Korean Fisheries Agency here to the United States, to Washington, and we held a number of extremely important and valuable discussions with him.

And furthermore, we did our very best because of our close cooperation and the fact that we were working with Korea in a number of areas, to attempt to direct their fisheries development along lines that would have the least adverse impact on the United States and on its fisheries. Essentially this worked pretty well until last year we were somewhat shocked to find Korean fishermen dipping their nets in the water and they took perhaps some 500,000 or 600,000 salmon last year, after again a general understanding that they would not fish for salmon in 1969.

Following the season, again at the urging of this committee, and the House Merchant Marine and Fisheries Committee—

The CHAIRMAN. And some further talks with the Ambassador, over and over again.

Ambassador MCKERNAN. Yes; we contacted the Korean Government this winter several times.

The CHAIRMAN. I mean the Korean Ambassador.

Ambassador MCKERNAN. Yes; and we did invite the present director of the Korean Fisheries Agency to Washington, and we had an understanding with him about a course of action which involved essentially two points.

First, how to get by this season without serious confrontation between our two Governments and our fisherman, respective fishermen, and secondly, that we should meet, we dealt with the problem of meeting together later on in the year, without forces and pressures of the current season, to try and work out some resolution of this problem on a long-range basis.

And here again consultations with the chairman of this committee assisted in accomplishing both of these objectives we thought at that time.

We did have an understanding with the Korean Government that they would not fish for salmon this year and we have proceed with our plans and regulations. Our fishing season in the State of Alaska has proceeded on that basis. So obviously we were shocked to find, to have the extremely current and up-to-date records by our Coast Guard and the enforcement officials of the Bureau of Commercial Fisheries, that there was salmon fishing after what we felt was an agreement by that Government not to fish.

Now that brings us up to date.

The CHAIRMAN. Let's get a little further up to date at that point.

This is the irony of it. I remember and you remember, in the beginning of our development loans and technical aid we sent people to South Korea, we helped them in building boats so they might go out and get their food and fish properly based on conservation in the Pacific Ocean and the Japan Sea. That has been to the tune of millions of dollars, so let's get the background properly here.

Last year in development loans and technical aid, and this has been going on ever since 1946, it was \$34 million. In this year's budget it is \$29.3 million for fiscal 1971. And we have expended in Korea up to now \$8,277 million. And this is the kind of cooperation we get from South Korea.

Ambassador MCKERNAN. Mr. Chairman, we notified our Embassy immediately, we called in Ambassador Kim. We found the Korean Government and Ambassador Kim shocked at the reports and news we had. Ambassador Kim immediately agreed to cooperate with us to the fullest extent, and he has contacted his Government and the head of his Government several times since this news came in this past weekend.

The CHAIRMAN. The last 2 or 3 days, or ever since we knew about it.

Ambassador MCKERNAN. Yes, in fact since about Monday.

The CHAIRMAN. He told me yesterday he was still contacting his Government.

Ambassador MCKERNAN. Yes; that is true, I saw him yesterday, he has been in daily contact with the Department of State, and I think he has been practically in daily contact with his own Govern-

ment in Seoul. We also gave him a written indication of our great concern and we have received only the greatest cooperation from Ambassador Kim. I think I can say he feels very deeply that his close relationship with you and other members of this committee has certainly been jeopardized by this, and I know he wants to put an end to it right away.

Now as has been stated by Congressman Pollock, the director of one of the very large companies fishing in this area, fishing for salmon, has been in Washington, D.C., and has been conducting some business. And I know that Ambassador Kim has contacted this man and has demanded he immediately stop fishing.

The CHAIRMAN. What did he say?

Ambassador MCKERNAN. To the best of my knowledge, he has agreed.

Mr. POLLOCK. May I interrupt?

Chairman Choung assured me they quit salmon fishing about midnight local time, which was roughly 7 a.m. this morning here, and that the herring gill fishermen are going back to Korea and the other fishermen, the bottom fishermen, are going to stay in the area for bottom fish, and once again I got assurances there would be no more salmon fishing, period.

The CHAIRMAN. Well, can I ask this question? This can be off the record.

Didn't he give you any justification or explanation or did he say he misunderstood the policy or what did he say?

Mr. POLLOCK. Mr. Chairman, the Korean Government I know gave you and the Ambassador gave me assurances they would not be licensed to fish for salmon this year and I told them they had 4½ or 5 inch gill netting aboard their vessels scheduled to depart May 1, and he assured me they would not be able to depart and they inspected the vessels before they left Pusan and there was no salmon gear aboard and the Korean Ambassador postulates they either went to Japan to get it or it was loaded aboard from another vessel in the high seas after they departed.

The CHAIRMAN. Maybe they picked up one of the floating nets some place.

How does he explain this action?

Mr. POLLOCK. Both the Ambassador and Mr. Choung feel he is going to be fined, probably fined, and there will be a confiscation of the cargo when they get back to Korea. I really think the officials of the Korean Government are very embarrassed by it.

The CHAIRMAN. When they read this they ought to be embarrassed.

Mr. POLLOCK. Excuse me, Mr. Ambassador.

Ambassador MCKERNAN. That is perfectly all right. I am glad to have that additional information.

While I was in New York this morning, our office did receive word from Korea, we also received word from Ambassador Kim. There has been a cable to Choung, to his vessels, by the Korean Government. They have ordered the fleet to cease salmon fishing immediately. We understand that Chairman Choung sent a cable at 3 a.m. Washington time and we assume that this has brought about the desired action.

I also know that Admiral Goehring's fine ships are on top of this, are watching every minute, and I think we can expect within the next 24 hours confirmation of this, if in fact that is what happened.

Senator STEVENS. May I interrupt you there?

Is it possible South Korea could authorize our Coast Guard to enforce their licensing laws and confiscate these vessels and bring them into our ports if they are not licensed to fish for what they are fishing for now?

Ambassador MCKERNAN. It is possible they could do so, but I believe it might require legislation on both their side and our side as well, since we would not in normal circumstances have authority to board and make arrests on foreign vessels. That would be my offhand belief, that it would require perhaps some convention and perhaps ratification by the Senate and implementing legislation.

Mr. POLLOCK. Would you yield further on that point? Isn't it correct that if there is any, if we are beyond the 12-mile limit, beyond the contiguous zone, and there is a violation of an international convention, we cannot punish the culprit, they have to go back to their country of origin to be censored?

Ambassador MCKERNAN. It depends on the convention. Some conventions are different from others, Congressman, and some conventions do provide for reciprocal action to be taken, and various degrees of enforcement by both flag country and the nonflag country, parties to the convention.

The CHAIRMAN. I have to go to the floor, but Senator Gravel will take over here. I think I got the gist of your statement. I think it is quite significant; however, when I called the Korean Ambassador and said we were going to do this today, they got busy; didn't they?

Ambassador MCKERNAN. There has been a very important news release in Seoul, Korea, quoting you, Senator. We will have to get that into the record so you can see it.

(The article referred to follows:)

[From the Korea Times, June 24, 1970]

U.S. SENATOR ASKS KOREA TO STOP SALMON FISHING

WASHINGTON (UPI).—A United States senator asked the Korean government Tuesday "immediately" to stop its fishing vessels from intercepting United States salmon runs in the north Pacific. He termed the action "a direct violation of an understanding between the two governments."

Sen. Warren G. Magnuson, Chairman of the Senate Commerce Committee, said he was told that a coast guard cutter had observed red salmon aboard Korean fishing vessels on the high seas.

The fisheries and wildlife office of the State of Washington said the salmon were seen aboard several ships of the Tae Yang Co. Ships of no other firms were sighted with the fish.

"The 1978 Bristol Bay red salmon run needs to be protected," Magnuson said, "and the entry of Korea into the fishery not only endangers the harvest balance of the north Pacific, but is a threat to the international north Pacific fisheries convention."

Senator GRAVEL (presiding). Does your legal staff know what the law is in Korea with reference to listing? Does the mentioning the fact that they don't have it on this list that they can't fish for salmon, or is this perfunctory? In other words, is there something enforceable in Korea.

Ambassador MCKERNAN. We understand there is something enforceable and the Korean Government is now considering actions that can be taken against the fishermen upon their return. Our embassy has been informed that in fact this is under study and under investigation by the Korean Government. They have asked us to supply them with photographic evidence and other evidence of the violations, which of course we can do, because of the very outstanding job the Coast Guard has done in this regard.

Senator STEVENS. Could you, for our guidance—I don't think this will be the last we hear of this subject—could you get a paper for us on what the law is in Korea regarding the licensing of nationals to fish on the high seas, and what the penalties are for violations of it? I mention that, Mr. Ambassador, because—you will remember we have had a series of these vessels. We had one pull up to the dock in Juneau and go back under bond, and I have yet to hear what happened to the people who went back.

Now if these guys go back to Korea, they are apparently no better than a bunch of fishing pirates. They are not licensed by their own country to do this.

I would like to see what has been done. I think we really ought to explore whether we can authorize our Coast Guard or our law enforcement people to enforce those laws, their own laws, on their own nationals.

Ambassador MCKERNAN. In all fairness, the vessel that came into Juneau was a Japanese vessel.

Senator STEVENS. I understand that, but it is the same concept.

Ambassador MCKERNAN. We will certainly do our best. I am sure we can get that material and we will make it available for the record.

(The material requested follows:)

SUMMARY OF LAW AND REGULATIONS OF REPUBLIC OF KOREA PERTAINING TO LICENSING OF HIGH SEAS FISHING

High seas fishing operations of the Republic of Korea are governed by the Fisheries Law (Law No. 295 promulgated 9/9/53, as amended) and by the Enforcement Decree of the Fisheries Law (Decree No. 1936, 11/15/63, as amended). The portions of these laws quoted below are from the Fisheries Code—1967, published by the ROK Office of Fisheries in English.

1. The following provisions of the Fisheries Law, *inter alia*, are pertinent to license issuance:

"Article 11 (Fishing Permitted and Deep Sea Fishing Designated by Administrator of Fisheries Office)." (Summary) Permission of the Administrator of the Fisheries Office is required for 13 designated types of fishing, including: deep sea long-line, large trawl, whaling, purse seine, mackerel pole and line, manufacturing vessel fishing (i.e., "catching fish with mother ship equipped with manufacturing, refrigerating, cooling processing or other treatment facilities, and their subordinate boats"), drift net, shrimp trawling.

"Article 15 (Limitations On and Conditions For Fishing) The administrative agencies may, if deemed necessary for the adjustment of fishing or other reasons for public interests, attach limitations or conditions to fishing licenses or permission at the time of issuing them."

"Article 16 (Prohibition of Issuing Licenses or Permission)" (Summary) Fishing licenses shall not be issued "when there are reasons subject to application of provisions" of Article 20, items 1-4 (See below) or "when it is feared that licenses or permission for the same kind of fishing will be unreasonably concentrated on the same person."

The Enforcement Decree, Article 9, stipulates that persons intending to obtain permits under Article 11 of the Fisheries Law must submit an application with the Office of Fisheries for each vessel with the following information: kind of fishing; name of fishing gear or fishing method; operation area; name, kind, quality and

size of vessel and number of vessels; gross tonnage of vessels; kind and horsepower of engine; kind of catch; fishing season; landing port; major equipment and appliances; period of permit; and address and name of applicant. Required additional supporting papers are: attested copy of the ship register, copy of ship inspection certificate, business schedule, and specification of size of major equipment and appliance.

2. *Penalties.* According to Article 71 of the Fisheries Law those operating a "fisheries industry" without the licenses or permission prescribed by paragraph 1 of Article 11, or who have obtained licenses or permission fraudulently, shall be subject to imprisonment for not longer than two years or fines amounting to not more than won 100,000.

"Article 72 (Penal Provisions) Those falling under any of the items listed below shall be subject to imprisonment for not longer than six months or fines amounting to not more than won 50,000. (1) Those violating limitation, suspension, buoying or cancellation measures taken as prescribed in Articles 15, 20 or 46; and (2) those failing to comply with measures taken under Article 54 or to report in accordance therewith."

"Article 73 (Confiscation) In such cases as prescribed in Articles 71 and 72, catchings, manufactures, fishing vessels, fishing gear, explosives or poisonous substances under the ownership or in the possession of offenders may be confiscated, provided, however, that in case confiscation is totally or partially impossible, money equivalent thereto in value may be collected."

"Article 76 (Regulations of Both Penal) In cases where a representative, family head, family member, person living together, employee or any other worker of a juridical person or individual has violated the penal provisions in regulation of Article 71, 72, 74 or the preceding Article in connection with the business of such juridical person or individual, the juridical person or individual cannot be exempt from being punished on the ground that such violation was committed not under his instruction."

The Office of Fisheries can cancel licenses or suspend fishing under several provisions of the Fisheries Law, e.g., for conservation, national defense or navigation necessities, for violation of fishing agreements with other countries, for fishing operations by other than those licensed, etc. We understand that Article 20 Sec. 4, quoted below, is pertinent in this case.

"Article 20 (Limitations on or Suspension or Mooring or Cancellation of Fishing Deemed Necessary for Public Benefits) In any of the cases prescribed in the items listed below, administrative agencies may limit or suspend fishing, moor fishing vessels, or cancel fishing licenses or permission: when those issued fishing licenses or permission violate measures, limitations or conditions prescribed under this Law or decrees as may be issued in accordance with this Law."

[NOTE.—In connection with the monetary fines mentioned above, the exchange rate as of July 25, 1970 was roughly \$1 US=won 308.]

Senator GRAVEL. Do you know if this fleet stopped in Japan to pick up the gear?

Ambassador MCKERNAN. The preliminary examination of this gear indicates it is Korean-made gear. Some of the boats did stop in Japan, however, as is the normal practice to pick up certain supplies. Now whether or not they picked up additional gear in Japan, at the present time we don't know. But the first indications are that this gear may well be Korean made gill net.

Senator GRAVEL. And if it is Korean gear, from the evidence you have, and the fact that they picked it up in Japan, that would seem odd. In other words, it would seem the gear was shipped to Japan and they picked it up in Japan.

Ambassador MCKERNAN. Yes. If I had to speculate, I would speculate there are a number of ways they could avoid inspection of their vessel. For example, they might meet another nonfishing vessel outside of the harbor upon leaving port and transfer gear at that time.

Senator GRAVEL. Do you know what they did with the catch last year after they left the fishing grounds?

Ambassador MCKERNAN, Yes, and no, I know they brought the catch into Pusan; they transferred it to freighters and shipped it to Japan, where it was disposed of through Japanese trade channels.

Senator GRAVEL. Do you know where the boats, the vessels that are in this fleet, are made—constructed?

Ambassador MCKERNAN. I believe most of the fishing vessels were constructed in Japan and as part of the reparations. The Japanese do owe certain reparations to Korea, and under the Japanese-Korean agreement or treaty, they have supplied money and some vessels. Of course, the Koreans have a capability of constructing some vessels themselves. And the largest vessel is a Norwegian vessel.

Senator GRAVEL. Norwegian?

Ambassador MCKERNAN. Yes.

Senator GRAVEL. Do you happen to know if the Norwegian vessel was built as a part also of the reparations program?

Ambassador MCKERNAN. I don't believe so; I don't think so. I think this was a financial transaction with a Norwegian company.

Senator GRAVEL. Would you ascertain that for the record, though?

Ambassador MCKERNAN. I am not sure we can, since it is a private transaction, but we will certainly try.

(The information requested follows:)

STATEMENT ON ACQUISITION OF ROK FISH FACTORY SHIP

The former Norwegian dry cargo ship *Bataan* of 9,320 deadweight tons, built in 1946, was purchased in 1967 from a Norwegian private company by the Shin Hung Refrigeration Co. of Seoul, a private Korean firm. The vessel was converted at Oslo to a fish factory ship by installation of fish freezing and canning facilities. It appears that the transaction was financed at least in part by loans from a Seoul bank. While the details and ultimate source of the funds are not known, it does not appear that the transaction involved Japanese funds under the "normalization" program.

Senator GRAVEL. Would the Japanese benefit to any degree if the treaty we now operate under were put asunder for one reason or another?

Ambassador MCKERNAN. On the surface the Japanese might benefit. But it is my judgment in the long run the Japanese would suffer—and so would we. The reason for this, Senator, is because the Japanese have a treaty with the Soviet Union in the western part of the North Pacific. This, like our Salmon Treaty, is a tenuous kind of arrangement, very delicately balanced, and it is my judgment that the Japanese in the final analysis would view these two agreements as a package and would decide, as I would decide if I were in their shoes, that they are better off as it is at the present time, and under present circumstances. As you know, they are harvesting some salmon from North American streams west of the 175th longitude or 175th west longitude line. And they also negotiate each year with the Soviets.

One could speculate that if the line were gone, if our own treaty broke down, they could fish freely east. But if they did, I would guess there would be immediate reaction by the Soviets to try and cut down on their fishing to the west. Obviously fishing closer to the American mainland, while there are a great deal more fish, is more expensive for them. Furthermore, of course, it would cause the same kind of reaction in the United States that the Korean fishing has caused. And when one considers all of the factors, Senator, I think I come out to the conclu-

sion that the Japanese see this about as we do, and that the present arrangements, while not very good from their standpoint, nor perfect from ours, are about the best you can think of at the present time.

Senator STEVENS. Did you call to the attention of the Ambassador of Korea the amendments Senator Gravel and I put in to cut off their aid unless they enforce their own laws on their nationals?

Ambassador MCKERNAN. I can't remember whether I mentioned it to him or he mentioned it to me. We were in constant contact and he learned it very quickly from sources in the Senate and on the Hill. But he knew it as soon as I did and maybe before.

Senator STEVENS. Have they, to your knowledge, in the past enforced their laws on their nationals when they are outside of their own jurisdiction?

Ambassador MCKERNAN. Yes. The Koreans wanted to fish salmon in 1967 and 1968 and they didn't fish salmon. Obviously the Korean Government controlled their fishermen at that time. So it is my judgment that on balance, the Korean Government can control its fishermen.

I haven't formed a firm judgment as to what has happened now, but one explanation is that a fishing company put something over on their Government. That is one conclusion that can be reached.

Senator STEVENS. We do enforce our laws on our nationals, notwithstanding the fact that they go outside of our national jurisdiction?

Ambassador MCKERNAN. Absolutely. We are right in the process now of arresting fishermen who are fishing in violation of the Inter-American Tuna Commission regulations, who are fishing a thousand miles away to the south and west of the U.S. southern border.

Senator STEVENS. So we are not really asking them to do anything that we haven't done in our own country and for the best of international fishing countries?

Ambassador MCKERNAN. We do it regularly and normally.

Now, one must remember that this is somewhat of a departure from Korean fishing practice of the past decades. One must remember this nation has in the past been a coastal fishing nation and did not have distant water fisheries. It is only within really the last 10 years they have had distant water vessels, vessels capable of fishing in the Indian and Atlantic Oceans and North Pacific.

So while not wishing to excuse this, what I consider to be an inexcusable violation of our understanding, I still would remind you distinguished gentlemen that there is a long procedure, a long history on our side and a very short one on their side, in this high-seas fishing industry.

Senator STEVENS. The fact that we are supporting so much of their military efforts, their own defense effort, thereby making available to them for their own economy means for expansion of their activities in this way, I think, has accelerated their entry into this field. And I want to assure you as far as I am concerned, we are serious about this amendment if they don't do something.

Senator GRAVEL. Congressman Meeds?

Mr. MEEDS. Thank you, Mr. Chairman.

Mr. Ambassador, I would like to ask some questions about the types of ships and the type of fishing that was going on.

From the report we get from the Coast Guard, there were 300 metric tons of bottom fish and 100 metric tons of salmon. I see no mention of any tonnage of herring and yet it seems to me that in all probability the only valid reason under their licensing for the gill-netters to be in the area would have been for herring. I don't believe those gill-netters ever intended to fish herring. I think they intended to fish salmon. So that 11 gill-netters left with the mother ships with herring equipment and there is no herring caught 15 days after they have been in the process. And yet 100 metric tons of salmon.

Well under those circumstances I find it extremely difficult to believe that the South Korean Government, or certainly the owner of this business, Mr. Choung, the president of this organization, had no knowledge that his people were actually going to fish for salmon.

Ambassador MCKERNAN. Congressman Meeds, I haven't said that the chairman of this company didn't know his boats were going to fish for salmon, because I think that he did. That is a pure guess on my part. He is a very experienced man and I can't conceive of anybody who has run a company as long as he has, very large corporations in Korea, you know, it isn't possible in my judgment that he didn't know what his boats were going to do.

Mr. MEEDS. I think this theory is further borne out now by the information that all of the gill-netters are going home now, which would also indicate that since the salmon fishing party has been put to an end, there is no longer need for them. Would that tend to support that theory?

Ambassador MCKERNAN. I can't say. I do know that herring as a world commodity is scarce, it is valuable, and it is used in Korea and there are stocks of herring that are available and are being taken in rather large quantities by the Soviets and Japanese.

In this case I would hope that these boats are going home as part of a penalty for their actions in fishing salmon. This, of course, would be very expensive for them if they were brought home in the midst of their season and if the salmon were confiscated later, which I hope they will be.

Mr. MEEDS. Is it your intention, Mr. Ambassador, to pursue this matter and to make available to us reports of your findings with regard to the types of questions I have been asking and the types of questions that the Senators have been asking? Do you intend to pursue this further?

Ambassador MCKERNAN. Yes.

Mr. MEEDS. Through the State Department level?

Ambassador MCKERNAN. Yes, and fortunately we have some people in our embassy and with our mission in Korea who have a good deal of knowledge of these matters. So I think we can, or at least we will try very hard to get additional information on this. We were quite successful last year, so I presume that we can get further information this year.

Mr. MEEDS. You were quite successful last year and yet we have the same occurrence again this year.

Ambassador MCKERNAN. We were quite successful in getting information.

Mr. MEEDS. That is what I mean, you were quite successful in getting information and yet we have a breach of the agreement which

I thought we had with the Ambassador of South Korea and which the rest of the gentlemen here felt we had.

In view of this, and upon receiving those reports, is it your intention to attempt by some method to restrict this type of fishery in the future?

Ambassador MCKERNAN. Yes.

Mr. MEEDS. Do you have any ideas about what might be done to restrict it?

Ambassador MCKERNAN. Well, we have been giving this matter a good deal of thought, the Department of Interior and ourselves, and we have had in mind conferring with the Korean officials this fall and attempting to negotiate a solid agreement with them which would constitute and have the force and effect of a convention between our two governments.

Mr. MEEDS. In that event, would it be your intention to attempt to achieve some kind of accord under which our own vessels would enforce the arrangement and agreement prohibiting this type of fishery?

Ambassador MCKERNAN. It would be my intention to attempt to incorporate in such an agreement enforcement provisions. Now I confess that I have not concluded what kind of enforcement provisions would be the best for us to attempt to put into effect. But I certainly have had that in mind and I have already talked to the Koreans about that when their Director was here at the end of March and the first part of April.

Mr. MEEDS. As a practical matter it is very difficult for them to enforce it on the high seas, is it not?

Ambassador MCKERNAN. Yes.

Mr. MEEDS. Much more difficult for them than for us?

Ambassador MCKERNAN. Yes, but I have very strong feelings, Congressman Meeds, that any nation that uses the resources of the high seas has a responsibility to fish in a conservative manner, to cooperate with other countries that are fishing these resources, and has certainly the responsibility to see that its citizens carry out the arrangements and conservation agreements.

In regard it is quite obvious the South Koreans do not have that capability at the present time—

Mr. MEEDS. Or at least have not exercised it.

Ambassador MCKERNAN. Or at least have not exercised it.

Now the Japanese have enforcement vessels in the area, and the Soviets have enforcement personnel on all of their larger ships. So that it seems to me that any nations that are big boys now in the world fishing business have a responsibility to control the action of their citizens, just as we do and as every other high seas fishing nation does to the best of my knowledge.

Mr. MEEDS. Thank you, Mr. Ambassador.

Senator Gravel. Congressman Wyatt.

Mr. WYATT. Thank you, Mr. Chairman.

Mr. Ambassador, you have always been a very aggressive friend of the American fishing industry and you have shown it again in this crisis. I would like to emphasize that every day that goes by very many thousands of this valued resource are gone, as I am sure you know. I think frankly that the conduct of the South Korean Government in this instance is inexcusable. We negotiated in good faith with the government officials. The people in our industry made it

very plain that they felt these ships were coming over here anyway, regardless—they have never felt we had a secure agreement. The South Korean Government knew this. And in spite of that, they took apparently no real precautions to prevent this from happening.

So to say that I am upset is very mild, when we have provided them with the basis not only of their total defense, but also of their very viable economic recovery. We furnished money to them to develop this fishery, they then agree that they won't come into our waters and fish, and then they violate that agreement.

Now if we can't depend upon the word of the Government of South Korea, I see no reason why we should any longer support that government to the tune of 50,000 troops in South Korea, and to the tune of the many millions of dollars that we are furnishing them in foreign aid, both economic and military.

I think that the Ambassador here should convey the message, for whatever it is worth, to the South Korean Government that this is a perfect example of why I have not supported foreign aid in the past. And it will discourage me from supporting foreign aid in the future.

Again, I would like to congratulate you for the aggressive steps that you have taken. I am somewhat fearful, in spite of the assurances that we have, that there will be cables back and forth and back and forth, and pretty soon the season will be gone, and so will the salmon. But I would hope we can be a little more optimistic.

Ambassador McKERNAN. I would like to comment on Congressman Wyatt's remarks. He has hit on a very important point.

These salmon surge through these waters in loose net aggregations at this time of year, concentrating more and more as they get toward Bristol Bay, this particular run, and we have called attention to the Korean Government in every cable that has gone out that this was a matter of immediate urgency, a matter that had to be taken care of within hours. The cables that we sent and Ambassador Kim sent yesterday pointed out that it simply could not continue for another 24 hours.

So your point is well taken. And we have tried to foresee that. And while I certainly don't want to excuse the laxity that seems to be apparent in carrying out the arrangements, I believe at the present time that the Korean Government is doing everything it possibly can to knock this off, and to come about and carry on with its arrangements with us.

Of course with the excellent cooperation we are getting from the Coast Guard, we are going to be able to observe whether these fishermen now comply or not. We will be able to test that on an hour-to-hour basis.

Mr. WYATT. Thank you, Mr. Ambassador.

Mr. Chairman, we have a rolcall coming up, so I have to leave.

Senator GRAVEL. Mr. Pollock?

Mr. POLLOCK. Mr. Ambassador, I want to join my colleagues in expressing appreciation to you for the work you have done not only in this instance but on a continuing basis over the years for the fishermen.

In the interest of time and because of the problems of our having to return to the House, Mr. Chairman, I would respectfully request that two letters I have here be made a part of the record.

One of them is a letter dated April 15 to the Honorable Minister Cho, the Minister of Agriculture and Forestry, the Republic of Korea, and the other one is dated June 4, to Mr. K. S. Choung, chairman of the board of Samyang Fisheries Co.

(The letters referred to follow:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 15, 1970.

Hon. Minister CHO, SHI HYUNG,
Minister of Agriculture and Forestry, Republic of Korea,
Seoul, Korea.

MY DEAR MINISTER CHO: Late last evening I returned to Washington, D.C. from my trip to the Republic of Korea and Japan, and I want my first order of business to be this communication to you.

Mr. Minister, I deeply appreciate the opportunity I had of meeting you, and wish to convey my heartfelt thanks for many things—for your gracious hospitality as my excellent host for both the extensive business meeting we had and the marvelous dinner and entertainment which followed. I thank you also for your very nice gift, which my wife and I certainly appreciate. But most of all, I thank you for giving so much of your precious time, for giving so liberally of yourself to make our meeting the meaningful and fruitful exchange it was.

Of course, I also very much appreciate the opportunity to have conferred with the Members of the National Assembly, Congressman Moon, Tae Jun and Congressman Yang, Jung Cyn. I deem their participation and interest invaluable—and, too, I appreciate the presence and contributions of Assistant Vice Minister Rhee Duk Yong, Assistant Vice Minister Kim, Yong Hwan, and the Director of Fisheries Development, Office of Fisheries, Dr. Kang, Yong Soon.

Mr. Minister, it would be mutually beneficial, I believe, if I now restate some of the major points of my discussion with you, and the essence of your several responses, as I understood them:

1. Alaskan and other American salmon fisherman, as well as officials of the United States government, are seriously concerned about the plans of Tai Yang Fisheries Company to send a fishing fleet to the northeast Pacific off Alaska to harvest salmon in international waters. Accordingly, it is our earnest hope that the government of the Republic of Korea will adopt a strong policy against salmon fishing by Korean fishermen in the northeast Pacific water off Alaska, and will exert every means to prevent it.

2. For many years the Republic of Korea and the United States of America have had a close bond of friendship, perhaps as great as any two nations on earth, and we have long maintained ever-developing economic ties which have been most beneficial. We wish nothing to adversely affect that unique relationship. While we do recognize your problems concerning fishing, we fervently hope you also recognize ours. We do not expect that you will withhold all your commercial fishing in the northeast Pacific, but we do ask that you refrain from high seas harvesting of salmon, king crabs and other products of the sea in areas where they are now taken by our own fishermen or where our fishermen are prohibited from harvesting such creatures of the sea. This would not preclude fishermen of the Republic of Korea from harvesting the abundant bottom fishery of the northeast Pacific in a manner consistent with good conservation practices, to the end that a sustained yield of the fish can be maintained.

3. The several species of salmon in the waters of the northeast Pacific are anadromous fishes, of course, i.e., they are spawned in fresh water streams of Alaska, then move out to the ocean to feed and grow to maturity before returning to their original fresh water streams to spawn a new generation. There is a substantial accumulation of data available to clearly establish that these northeast Pacific salmon originated in Alaskan streams. Thus, we feel a strong proprietary interest in these fishes, even when they swim into international waters of the ocean. For conservations purposes, we do not allow our own fishermen to harvest

the salmon on the high seas. Thus, we deem it a paradox that the fish we are trying to protect will be taken by Korean fishing fleets off our shores. It is for this reason that a growing body of concerned American fishermen are seeking a modification in international understandings, to allow the relevant coastal state to exercise jurisdiction and sovereignty over anadromous fishes, regardless of the distance from the coastal waters of that nation.

4. We understand, of course, that there is presently no Korean national law or international law or convention which would prevent Korean fishermen from harvesting salmon on the high seas, beyond the 12-mile limit off Alaska. Yet, we are keenly aware also that last year we had the assurances of the government of the Republic of Korea that there would be no Korean salmon fishing in the northeast Pacific waters. Nevertheless, the Korean fishing fleet of Tai Yang, or its predecessor fisheries companies of Sam Yang or Shin Hung, did venture into the area and harvest salmon. Now, we again have the assurances of the Korean government that there will be no Korean salmon fishing in the waters of the northeast Pacific Ocean. We recognize that the Korean government has the power (a) to withhold the granting of a license to Tai Yang Fisheries Company to fish for salmon in the northeast Pacific, and (b) the Korean government can prevent the Tai Yang fishing fleet from departing Korea with gear for harvesting salmon. As I indicated to you in our meeting, Tai Yang has a fishing fleet scheduled to depart Korea on 1 May for the northeast Pacific waters off Alaska, outfitted with 4' mesh gill netting, which can only be used for catching salmon, plus some gill netting for herring. If Tai Yang departs with salmon netting, the company will fish for salmon; if, they do not, they cannot very well make a salmon harvest.

5. Naturally, we are cognizant of the marketability of a salmon harvest by the Korean fishermen, and are aware of your need for earning foreign exchange. We understand, too, your national desire for international recognition as a competitive fishing nation. We recognize that the management of Tai Yang Fisheries Company and their bankers have little concern for the relationship between our countries, but are only interested in amortizing their extensive investments and making a profit. I further understand from our conversation that Tai Yang is reputed to have invested approximately 2.1 billion won (nearly \$7 million) in salmon mesh netting, and that this will be a total loss to the company if they are prohibited from departing Korea with it. That would be an enormous amount of money for netting alone; and, thus, I would presume this investment to cover netting, other specialized salmon gear, and possibly even vessel construction or maintenance costs. In any event, it would appear questionable whether the total sum of 2.1 billion won would be lost if Tai Yang refrained from fishing salmon. All of these factors complicate the issue, or course. However, let me repeat that we fervently hope your nation will recognize our problems associated with Korean fishing for what we deem to be Alaskan salmon. Our fishermen depend upon the salmon fishery for their livelihood, and we deem an invasion of that fishery to be of serious proportions. So far as the investment of Tai Yang is concerned, I presume some compensation might be in order. However, in my view the company is not blameless, for they must have been aware of the attitude and commitment of the government of the Republic of Korea to accede to the United States request that there be no salmon fishing by Koreans in the northeast Pacific.

6. Mr. Minister, in response to my comments of serious concern and my request, I understand your assurance and commitment to be that neither the Tai Yang Fisheries Company nor any other Republic of Korea fishing company will fish for salmon this year in the northeast Pacific, and further that the fishing fleet of Tai Yang will not be allowed to depart the Republic of Korea with the 4' mesh netting which they previously purchased for the purpose of fishing salmon in the northeast Pacific Ocean this year.

7. With reference to the inquiry of Congressman Moon, Tae Jun as to the possibility of what the United States might do in return for the Republic of Korea not licensing or allowing salmon fishing in the northeast Pacific, I responded and hereby affirm that such a discussion or negotiation is properly within the province of our Ambassador Donald McKernan, of the United States State Department. It is my understanding that Director Koo, Ja Choon and Ambassador McKernan had extensive meetings here in Washington. Among other things, I know that Ambassador McKernan discussed the possibility of United States assistance to help develop port and harbor facilities in the Republic of Korea, and I am sure Director Koo will discuss the results of these meetings with you in detail when he returns to Korea this weekend. I understand that a future meeting is scheduled between Director Koo and Ambassador McKernan sometime this Fall to discuss future United States assistance to the Republic of Korea.

Well, my friend, forgive me for writing such a long letter. Nevertheless, I felt it important to commit our discussions and understandings to writing, for our joint use.

Once again, thank you for the honor and hospitality you so graciously bestowed upon me. I feel that our meeting was extremely useful in bringing about a better understanding of the salmon problem.

Warm personal regards to you, to Congressman Moon, Congressman Yang and the others who joined with us in the meeting.

Cordially, and with respect,

HOWARD W. POLLOCK,
Congressman for Alaska.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1970.

Mr. K. S. CHOUNG,
*Chairman, Board of Directors, Samyang Fisheries Co., Ltd.,
Seoul, Korea.*

MY DEAR CHAIRMAN CHOUNG: It was a pleasure to have you visit my Washington Congressional office once again, as you did some 2 years ago.

As you are aware, I recently met with Korean Director of Fisheries Koo, Ja Choon in Washington, and thereafter in Korea met with The Honorable Minister Cho, Shi Hyung, The Minister of Agriculture and Forestry, who is in charge of Korean fisheries and fishing matters. In my meeting with Minister Cho it was my pleasure also to have in attendance two distinguished Members of the National Assembly, Congressman Moon, Tae Jun and Congressman Yang, Jung Gyn, along with Assistant Vice Minister Rhee, Duk Yong, Assistant Vice Minister Kim, Yong Hwan and the Director of Fisheries Development, Office of Fisheries, Dr. Kang, Yong Soon.

The purpose of my meetings and negotiations with these top officials of government for the Republic of Korea was to solicit and receive official assurances that Korean fishing fleets would not enter into the waters of the Northeast Pacific off Alaska to fish for salmon. Alaskans have a strong proprietary interest in the salmon, for they are anadromous fishes hatched in the fresh water of Alaskan streams before going out into the ocean to feed and grow to maturity, thereafter returning to Alaskan streams to spawn and reproduce succeeding generations of salmon. We do not allow our American fishermen to harvest the salmon on the high seas, and i.e. strictly control the harvest when the salmon return to the territorial waters of Alaska, so as to insure that there is adequate escapement of spawning salmon in order to build up the salmon stocks and provide a sustained yield over the years. Since we do not allow our own fishermen to take the salmon on the high seas, I believe you can understand that we do not look kindly toward the fishermen of any other nation harvesting the salmon stocks in areas where our own fishermen cannot.

As I informed you yesterday, and as you very well knew already, I received the assurances of Minister Cho, on behalf of the government of the Republic of Korea, that the Korean fishing fleets would not be licensed by the Korean government for salmon fishing in the northeast Pacific, nor would such Korean fishing fleets be permitted to depart the Republic of Korea with 4' mesh gill netting or similar netting intended to be utilized for the purpose of fishing salmon in the northeast Pacific Ocean.

At the time of my visit with Minister Cho and the other distinguished officials of the Republic of Korea, I was concerned about the plans of the Tai Yang Fisheries Company entering the salmon fishing waters in the northeast Pacific off Alaska. However, I am now informed by you that the Tai Yang Fisheries Company is no longer in existence but has been absorbed and its assets and liabilities assumed by the group of companies of which you are Chairman. I understand these to be the Samyang Fisheries Co., Ltd., Samyang Navigation Co., Ltd., Samyang Development Co., Ltd., and Hanil Tourist Co., Ltd. Although assured that the government of the Republic of Korea fully intends to abide by their agreement not to allow Korean fishing fleets into the northeast Pacific waters to fish for salmon off Alaska, I nevertheless deeply appreciate the opportunity we had of meeting yesterday, and of your ultimate decision to support the position of your government and refrain from bringing the fishing fleet of Samyang Fisheries Co., Ltd. into the northeast Pacific waters.

Accordingly, you startled me with the information that the salmon catcher boats of Samyang Fisheries Co., Ltd. have already departed Korea for the northeast Pacific. Nevertheless, I am greatly relieved and deeply grateful that, by reason of our discussions, you will undertake immediately to radio the commander of that fishing fleet and have the fleet returned to Korea immediately and permanently.

I am hopeful that you will be quite successful in your negotiations to dispose of the mother factory ship, the two carriers and 24 salmon catcher boats. I recognize the enormous investment which is involved. Accordingly, I hope you can sell the salmon vessels and recoup your investments and cover your losses. I am further hopeful that you will be able to negotiate a long-term loan to invest in joint ventures in Alaska mining, petroleum, timber and related industries. Alaska has enjoyed an excellent and friendly diplomatic and business relationship with Japan in many fields of endeavor, and it is my firm conviction that a similar relationship can be developed with industrial enterprises of the Republic of Korea.

I wish you well in your ventures, and I am happy to inform you that I will do whatever I can to assist you in developing business enterprises in Alaska which will be mutually beneficial to you and the citizens of Alaska, so long as Korean fishermen refrain from entering the northeast Pacific waters off Alaska to compete with our own fishermen.

I know you are keenly aware that Korean fishing in our northeast Pacific waters has been a source of friction between the Republic of Korea, the people of the State of Alaska and the political leaders in Washington, D.C. It is my further belief that, because the Samyang Fisheries Co., Ltd. has been in the center of this friction, you personally regret any ill will which may have developed. I believe we will both agree that if there were no Samyang Fisheries Co., Ltd. fleets available for fishing salmon, king crab, halibut and other marine resources taken by our Alaskan and American fishermen, there would be no Korean fishing in the northeast Pacific Ocean. I am firmly convinced that you have no wish now or in the future to be the source of international fishing problems, nor the cause of placing your government in a difficult position with the citizens of Alaska or the citizens of the United States. There are so many other possibilities for mutual benefit to our nations; and as I have indicated, I would be happy to be of assistance to you in helping develop any industry in Alaska which will be of mutual benefit to your nation and my State, and will not cause conflict or competition to my people.

Warm personal regards and best wishes.

Cordially always,

HOWARD W. POLLOCK,
Congressman for Alaska.

Mr. POLLOCK. In both of these cases, I think it was perfectly clear to these people prior to this time that we took this matter rather seriously about anyone coming into international waters, and taking the anadromous fish, which are our fish, and I agree with you heartily that these should be harvested only by the country of origin and they should be harvested near the river of origin.

Through the series of negotiations I had with the Minister over there, I made it perfectly clear these fish hatched in our streams and they went out to sea to grow to maturity. We do not allow our own fishermen to harvest these fish on the high seas, and we don't look kindly on any nation going out there and taking them, because they would come back to our streams to be harvested and we would do it on a controlled sustained yield basis.

Mr. Ambassador, I would like to emphasize one or two points you touched on before. No. 1, why can't Korea, if they are going to get into the international fishery business, provide law enforcement vessels for their fishing fleets? And if they cannot or will not, for any reason, why can they not then authorize us to do it to protect our fish from their fishermen?

Ambassador McKERNAN. First, Congressman Pollack, I have heard through my Korean colleagues of the very fruitful discussions

you held with a number of officials when you were in Korea, and I am of the opinion this has been helpful in getting the prompt response we have had.

I think in answer to your first question that the Koreans can and must supply adequate enforcement of agreements and arrangements.

But beyond that, they must provide scientists and personnel to collect adequate records so that they can assure the world that they are not depleting these tremendously valuable resources, resources that do not belong to them, resources that are owned by every nation in the world when they are on the high seas.

And second, they can and we can reach an agreement that the United States could enforce any provisions of such an agreement.

Now such arrangements are rare, but they do occur. They do occur, and they could occur in such an agreement that we might reach with them.

I certainly would advocate such an arrangement if in fact they are unable for one reason or another—although I can't conceive of why—if they would be unable to launch their own enforcement system in an adequate fashion, to patrol the activities of their fishermen.

Mr. POLLOCK. Mr. Ambassador, is it possible, while we are negotiating 9-mile zones, 50-mile zones, 200-mile zones, in the international complex that we can make a strong case for the coastal state having total protection of the anadromous fish?

Ambassador MCKERNAN. Yes.

Mr. POLLOCK. This isn't going to be in conflict with any of our military or other reasons or safeguards, as I see it.

Ambassador MCKERNAN. No. In 1958 we advocated the acceptance of such a principle, and we barely missed the necessary votes for acceptance of such a principle. Again in 1960 in Geneva we advocated such a principle. And as you know, we are now considering with a number of other nations in the United Nations a new convention attempting to resolve the problem of the territorial sea and some other matters, and among the things we are considering is just such a provision as you are advocating here.

Mr. POLLOCK. I would certainly urge the United States to take that position. It is vital so far as Alaskans are concerned with the salmon industry.

Mr. Chairman, I think that is all I have except to emphasize again what has already been said earlier, that there is an immediate urgency to this thing and I am sure you will take every step you can to contact Ambassador Kim to assure him that this is an extremely serious matter not only for the people of Alaska but the United States in general and we do not look kindly on it. Thank you.

Senator GRAVEL. To your knowledge, last year was the ownership of this fleet in Government hands or partially in Government hands?

Ambassador MCKERNAN. The Government has taken over the assets of this company and it is true that there is quite a lot of Government money. I can't tell you exactly how much, but the Government has considerable control over this fleet, because it has not been economical. The fishing by this fleet in the North Pacific, as I understand it, has lost money every year.

Mr. POLLOCK. Mr. Chairman, may I make a comment here, be-

cause this is a very complex thing. The Sam Yang Co. was taken over by Taiyang and several collateral companies. Now Tai Yang has again been taken over in a restructuring of the whole complex by Sam Yang. So it depends on what point in time you are talking about.

Senator GRAVEL. At an earlier time before Sam Yang and Tai Yang got involved, was it primarily the Government of Korea that owned these vessels?

Ambassador MCKERNAN. No; I believe the operation of the vessels had been under the control of private individuals, Senator. I will try and look up more specifically the information on this, because it is a good question. But I don't believe the Korean Government has operated these vessels. I think that very likely these vessels come into the hands of private individuals by soft loan programs and by Government subsidies and aids of a nature that are probably not too different than engaged in by other fishing nations and, to a small degree, by our own Nation.

Senator GRAVEL. Would there be any veracity to reports, based on your knowledge, that many of the executives of the operating corporations now were former Government officials, who have moved laterally over to this private company? Do you have any knowledge as to that allegation?

Ambassador MCKERNAN. Yes. Some of these, and it is my understanding that some of the officials have in the past been Government officials. But I am not aware that this is any regular thing or that, for example, Mr. Choung himself has been, recently at least, a Government official.

Senator GRAVEL. Would it be fair then to make this development thesis, that, (1) the vessels were built essentially with Government money, reparation money; (2) the Government's involvement in the management of it is hazy, but it somewhere is involved—

Ambassador MCKERNAN. Yes.

Senator GRAVEL (continuing). And (3) the former Government officials were deeply involved in the management of a supposedly private corporation.

Is that a fair statement?

Ambassador MCKERNAN. I couldn't say, Senator, how deeply involved. I am sorry, I just don't have that information.

Senator GRAVEL. But from our point of view it would seem odd that you have a situation where there is so much Government help and then we received their assurance that they won't do it, and there is no end to the amount of cooperation we get, but the truth of the matter is they fished last year, they fished this year.

What really can we expect as a result of our efforts?

Ambassador MCKERNAN. I am not quite as pessimistic as you are, Senator Gravel.

I recall in dealing with the Soviets, and here of course we have direct Government ownership, we have had violations, rather wholesale violations of our agreements in the early stages of these agreements. As soon as the word got around, a few people got punished, and the Government officials who had negotiated these arrangements got firmly in control, then the violations ceased.

And this has happened several times in my experience with countries who are not too experienced, as we are, in dealing with bilateral and multilateral high seas fisheries arrangements.

Senator GRAVEL. I think that is an interesting comparison, because on my trip last year to Korea I brought up this problem on several occasions with their President and several other officials in high places in the Government and essentially what I got was a sort of know-nothing attitude, that this wasn't much of a political issue and they didn't want me to talk directly with anybody that was directly involved with this.

So all I can say is it was known at the highest level and there was in my mind an indifference at the highest level and not the aura of cooperation which apparently you have been successful in obtaining.

Suppose you were successful through one manner or another in getting this particular fleet out of the salmon business. Do you think that, since they have no economic impetus on their backs at that time, that we might secure a written agreement, no more verbal understandings, but a written agreement that they would not carry on any economic activity in the direction of the salmon fisheries?

Ambassador MCKERNAN. That is our objective, Senator.

Senator GRAVEL. Are you optimistic about this agreement?

Ambassador MCKERNAN. Yes, but I am rather less optimistic this week than I was last week; but I have to be a born optimist to stay in this business. So I am optimistic we will overcome this and that we will find some way to mutually accommodate each other's interests and protect this tremendously valuable resource.

Senator GRAVEL. I can only thank you and also compliment you for your good work in these areas. I would just state for the record, which I understand will be reported in Korea, but the introduction by Senator Stevens and myself of a bill to cut off foreign aid to Korea was not simply a maneuver, but was taken very seriously, and I would hope our move in the Senate in this regard will enhance your negotiation.

Ambassador MCKERNAN. Thank you. I believe it was mentioned that this had already been reported in the Korean press.

Senator GRAVEL. I am sure it will get even more press when the debate begins on the floor of the Senate.

Thank you very much, Mr. McKernan.

We will adjourn the hearing.

(Thereupon, at 4 p.m., the hearing was adjourned.)

