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Letter dated 14 November 1991 from the Permanent  
Representative of Japan to the United Nations  
addressed to the Secretary-General

In view of the importance that the General Assembly attaches to the issue of large-scale pelagic driftnet fishing on the high seas, I request that you circulate the attached paper providing information in support of the draft resolution contained in document A/C.2/46/L.9.

(Signed) Yoshio HATANO

ANNEX

Japan's views on the resolutions on driftnet fishing

1. A threat is being posed to the consensus agreement

Two years ago, after lengthy and intensive consultations, the General Assembly adopted by consensus resolution 44/225 calling for a moratorium to be imposed on driftnet fishing on the high seas in June 1992. An important provision of that resolution is that a moratorium will not be imposed in a region if "effective conservation and management measures" are taken, "based upon statistically sound analysis". Since the resolution was adopted by consensus, it was assumed that all the Member States would abide by all of its provisions, including the conditions to relieve the moratorium, at least until a decision on a moratorium had been reached in June of next year.

However, certain countries, including principal supporters of the resolution, are now working to nullify it by introducing an absolute ban.

2. The scientific approach would be abandoned

During the consultations on driftnet fishing two years ago, Japan, as a fishing nation, emphasized the importance of scientific analysis. As a result, General Assembly resolution 44/225 includes a call for a regional review of scientific data by June 1991 and of conditions under which the moratorium will not be imposed. Whether the moratorium is to be declared has now to be decided on the basis of this scientific analysis.

Therefore, if driftnet fishing has an unacceptable impact on any ocean region, a moratorium is to be imposed automatically in accordance with General Assembly resolution 44/225. Provision has already been made for an adequate mechanism for conserving living marine resources, based upon this scientific analysis. The proposal for a total ban contained in draft resolution A/C.2/46/L.7 is an attempt to abrogate this scientific approach. It will weaken the mutual trust that has been built up among Member States. Likewise, it runs counter to the spirit of compromise that resulted in the adoption by consensus of Assembly resolution 44/225.

The claim that the proposal for a total ban is "a reflection and reiteration of General Assembly resolution 44/225" also reveals a contradiction involved in draft resolution A/C.2/46/L.7. If the sponsors of draft resolution A/C.2/46/L.7 truly seek to reiterate General Assembly resolution 44/225, they have only to reaffirm it. There is no need to put forward a proposal containing new, restrictive measures.

3. The necessity of a moratorium has not been scientifically demonstrated

Prior to the adoption of General Assembly resolution 44/225, Japan, the United States of America and Canada established a cooperative monitoring programme to collect scientific data from commercial fisheries. From the 1989 season on, scientific observers from the three nations have been deployed on

Japanese commercial squid driftnet vessels under a joint observer programme to collect scientific data. A scientific review meeting was held in British Columbia, Canada, in June of this year to review these data and assess the impact of driftnet operations on living resources in the North Pacific, with participating scientists from the United States, Canada, the Republic of Korea, Taiwan, Australia and Japan.

Participants in that in-depth review, which was conducted on a species-by-species basis, agreed that Japanese squid driftnet fishing has no adverse impact on the stocks of most target or non-target species, while noting the need to obtain additional data on certain other species. The meeting did not conclude that driftnet fishing was either wasteful or harmful. Also important is the fact that no scientist expressed the view that it had to be halted immediately in the North Pacific to avoid exposing a species to irreparable damage.

4. The by-catch of non-target species from driftnet fishing in the North Pacific is comparable to the by-catch from other fishing methods

While some countries allege that driftnet fishing is indiscriminate and wasteful, many other fishing methods result in catches of unwanted fish. The by-catch from Japanese squid driftnet fishing, according to 1990 data, was 28 per cent of the total, comparable to that from other commercial fishing methods, such as trawling, and much lower, for example, than that of United States shrimp trawlers in the Gulf of Mexico, which is often 80-95 per cent.

Again, by way of comparison, in 1990 the driftnet by-catch of dolphins and porpoises in the North Pacific was less than half of the by-catch from purse-seine net fishing by the United States and other countries in the eastern Pacific. Such fishing has killed as many as 7 million dolphins and porpoises in the last 15 years, and, although the mortality rate has declined, it still resulted in the deaths of 50,000 mammals last year. If, on the basis of a 28 per cent by-catch from Japanese squid driftnet operations, some countries claim that driftnets are wasteful and harmful, they must first ban their own commercial fisheries, which are, according to their criteria, far more so.

It also should be noted that the reported driftnet by-catch includes species that are subsequently released alive - for example, 80-90 per cent of the reported by-catch of sea turtles.

As part of its conservation and management plan, Japan has suggested that pomfret, an abundant fish with little market value that was previously discarded, is to be utilized for human consumption as much as possible. This would drastically lower the proportion of by-catch from the current 28 per cent.

5. Conclusion

Japan was one of the principal supporters of General Assembly resolution 44/225, which stresses the importance of fishery conservation and management based on scientifically sound analysis, and it remains firmly committed to it. It was for this reason that Japan sponsored draft resolution A/C.2/46/L.9, which reaffirms Assembly resolution 44/225. Draft resolution A/C.2/46/L.7 rejects the scientific approach to which its sponsors have committed themselves and it abandons a resolution adopted by consensus while claiming to reinforce it. Japan therefore cannot support draft resolution A/C.2/46/L.7.