state to regulate the fishing of nationals and foreigners in order to conserve marine resources; (*b*) the right to establish fishing monopolies for the nationals of the state, to the exclusion of other countries.

The Hague Codification Conference of 1930 was opposed to the idea of any contiguous zone for fisheries in the absence of a treaty. It was stated that international law recognizes no rights of a littoral state beyond the legal maritime belt. Nevertheless, President Truman's proclamation indicated that the Government of the United States regarded it as proper to establish conservation zones for its own nationals in some areas of the high seas contiguous to the coast where fishing activities were maintained on a substantial scale.[27] Thus, the United States favored zoning for conservation but not for monopolies. This trend has been followed by many other countries and is growing stronger among international jurists. One of the foremost authorities in this matter, Dr. Gilbert Gidel, in a report to the United Nations, supported contiguous zones for fisheries, provided that the purpose was conservation and not monopoly.[28]

The main reason for controversy in the contiguous zone is in connection with tunafish companies in California, Oregon, and Washington. These companies fish off the Pacific coast of North and South America. The tuna is not caught near the shores, but the live bait is. Because the bait fish are within the territorial seas, permits have to be obtained from the various Latin American governments for that purpose. The Latin American countries do not participate actively in the tuna industry, but, realizing its possibilities, fear that the United States might deplete their resources of both the tuna and the bait fish. Some countries have attempted to assert their sovereignty beyond the 3-mile limit, claiming jurisdiction over an area extending 200 miles from their coast (El Salvador, Ecuador, Peru, Chile).

The alarm began when, in 1947, the Costa Rican Government, noting the disappearance of bait fish from Nicoya Bay, accused U.S. fishermen of depleting their resources. The Peruvian Government proclaimed a 200-mile limit that same year, but did not file complaints against U.S. fishermen until 1952, when a shortage of tuna was noted. The issue was aggravated when American tuna industries attempted, though unsuccessfully, to obtain a tariff on fresh and frozen tuna imported from Peru and other countries. Declarations of a 200-mile limit were made also by El Salvador and Ecuador in 1954.

Ecuador and Peru made seizures within the 200-mile zone, either detaining or penalizing American fishing vessels. The fines were usually $1,000 per ship. Once the fine was $3 million against a naturalized U.S. citizen who "infringed" upon the zone claimed by Peru with five vessels, all flying the Panamanian flag.

The U.S. Government has continuously upheld the doctrine of the freedom of the seas, opposing any changes in the contiguous zone claimed by the Latin American countries. A Federal statute of August 1954 has authorized the Treasury to reimburse the American owners for the fines assessed outside the 3-mile limit.

The U.S. Government's policy has been to try to settle the argument by means of conservation agreements with the Latin American coun-

[27] 10 Federal Register 12304.
[28] Herbert W. Briggs, "The Law of Nations," 1952, p. 383.