

Department, with the concurrence of the Canadian fishing industry, has recently announced its intention to provide national inspection of fresh and frozen fish and processing plants. Before Department inspection will be given any fresh or frozen fish products, the processing plant itself must meet specific requirements as they pertain to construction, sanitation, operation and equipment. Once the plant has been approved by the Department, under established standards, the following fish products will be eligible for inspection: round and dressed fish, fillets, steaks, fish sticks and similar portions. If a frozen fish product complies with clearly defined quality, processing and labelling specifications, the packer may identify his product with the designation "Canada Inspected" within a line drawing of a mapleleaf marked on the wrappers, labels, containers or, where practicable, on the whole fish. Inspected fish which is to be marketed in the fresh state as whole fish, fillets or steaks, may be identified by having the words "Processed Under Government Supervision" within a line drawing of a mapleleaf marked on their wrappers, labels or containers.

This program does not contemplate inspection beyond the processing plant level. For this reason it was felt to be the course of wisdom to use a less comprehensive quality designation on fresh fish products.

The standards for fresh and frozen fish products and the processing plants were developed in close consultation with industry and, I think, represent a satisfactory compromise between what is ideal and what is practical, keeping in mind the present day demands of the consumer. Both the Department and the fishing industry are confident of a favorable consumer response to this progressive step of making available in the retail stores both fresh and frozen fish products prepared under most rigid sanitary requirements, which possess all of the factors of high quality demanded by the discriminating buyer of today.

In order for an inspection program to be successful it must apply to the product from the raw material stage through the chain of processing and distribution to the retail level. Before too many years have passed the Department of Fisheries hopes to be in a position to offer the retailers and the consumers an inspection system to deal directly with fish quality at the time of display at the retail level. This is a tremendous and complex undertaking which will begin with inspection and grading at the wharf followed by rigid control of processing, cool and frozen storage, maximum storage periods, transport, and, finally, a reasonably systematic check of the product at the retail level. We all realize that much of the careful effort expended by the primary processing industry in quality control is often nullified by careless merchandising and storage at the retail outlets. Accordingly, much education work must be done through retail trade organizations and with as many individual stores and supermarkets as can be covered with the staff available. It is a project which will make heavy demands on the time and energy of the staff and give rise to many frustrations before satisfactory results are achieved. However, we are confident of success.

The Territorial Waters Dispute and the Shrimp Industry

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HAVING BEEN so close to the Tortugas shrimp fishery since its inception, and being a resident of Key West, it is heartening to hear of the advances made in

biological research in that area. As the state senator for the 24th District, in 1957 I passed the legislation under which the Conservation Department now controls the Tortugas area, and I am happy that the scientists are learning so much about the fishery that substantiates the need for such regulations.

Some of my information and interest in this fishery came about in 1953 and 1954, when I was the owner of a 57 foot shrimp fishing boat. These experiences keep me keenly aware of many of the problems confronting the owners and operators of fishing vessels including, but not limited to, such perils of the sea as collisions and sinkings, and such problems of operation as repairs and incompetent crews.

The unique problems of fishing are greatly complicated by the fact that most fishing is done on the high seas or within x miles of other countries, and the captain must determine just how many miles from the shore his vessel may fish without becoming subject to the further peril of seizure. Immediately he is involved in that most controversial of all matters—international relations. For the high seas are the undivided property—the highways—of all nations in their surface areas, and communal property to their very deeps. Thus, each nation, however tiny, has a voice and a vote in the disposition of the treasures of the sea. We come at once to grips with the interest of the Littoral, or Coastal State, as against the Fishing State, with its fishing fleets close to the shores of the Coastal State. The problem: How close? This is the almost insoluble problem of the width of the Territorial Sea, which is interlocked with the additional problem of the Contiguous Zone, or Fishing Sea.

When 86 states are gathered around the conference table, what makes each nation vote in a certain way on the subject of the Territorial Sea or any other world problem?

In the fisheries division of our Department of State, which has operated in a distinguished fashion these past ten years, there is a *modus operandi* based on the noble premise that if a proposal is just, reasonable, scientifically sound and does the least harm to the most people, that proposal should be advanced on its merits, that we are appealing to the higher civilized instincts of mankind in an enlightened world. This position is worthy of the United States of America, and we are proud to go to the conference table on such a high plane. But even in our democratic government we are aware that before one may become a statesman he must be a politician. The two are interwoven and inseparable. This is also true at the world level. The leaders or rulers of each nation are there because they are pleasing their own people, their constituents, and the first duty of these leaders and rulers is to feed and protect their own people.

Thus the internal affairs of each nation, large or small, primarily determine its conduct and its vote on external or world affairs. Thus we face the fact that the internal affairs of Laos, Cambodia, Algeria and Ghana affect the daily operation of vessels in Fort Myers, Tampa, Galveston and Brownsville.

Man has risen above the beasts (and the fishes) because he has a mind and a will to bring law to an evolving and changing world, so that he will know his rights, duties and liabilities, and be able to live at peace with his neighbor if possible, and know the rules of warfare if he must fight. We are completely ruled by law, and it is significant that when you say the word "Law" you immediately think of "Law and Order." Now the borders of nations are closer than ever in the jet age, and the solutions of problems left pending are imminent and important. Our only forum for these solutions is the United Nations.

The United Nations has not been asleep on these vital matters. The Hague Conference of 1930 failed to reach agreement on the limits of the territorial sea. Wisely, the U. N. directed the formation of the International Law Committee, which for eight years held hearings and studied the Law of the Sea in all of its phases. It finally emerged with excellent recommendations which formed the Agenda for the U. N. Conference on Law of the Sea held this year at Geneva, from February 24, through April 27. Eighty-six nations participated. There were five accredited fisheries advisors to the State Department, including the writer, and two others attended for partial periods. They represented every segment of U. S. fisheries.

The Gulf shrimp industry made notable gains at this Conference. When you hold your own at an international conference you have achieved something. When you better your position, it's time for a celebration. But let us heed a word of warning. There is nothing static or fixed in any world position; it is a fluid thing like jelly or quicksilver; it must be constantly guarded and contained. General agreement on a particular convention or treaty may be reached and then there may be failure to obtain enough signatories ratifying without crippling reservations to make that document effective.

But progress at the world conference level is still progress.

Recall my earlier remarks about the Coastal State and the Fishing State. The United States is really both; we fish our own coastal waters intensively and we roam afield in tuna, shrimp and other fisheries. This dual interest helps a little to understand both sides of the matter.

At this point let us also think of the problems of some of the smaller coastal states whose resources do not include large, modern fishing fleets; who say they need the protein of nearby fish stocks to feed their people; who stand on their dignity and rights as sovereign members of the community of nations, and whose political leaders must think of world problems as they affect internal affairs, not necessarily from an informed scientific viewpoint, but as a sounding board for the mass thinking of their people.

It is obvious that stocks of fish should be fished to the greatest extent possible consistent with the maximum sustainable yield, as determined by scientific study for sound conservation. The world needs this food, this oil, this rich harvest. The question is—Who does the harvesting?

The discussions of the U. N. Conference on Law of the Sea were divided into five committees. Committee V, on land-locked countries, does not concern us here, although remember that these land-locked countries also exercised their right to vote on sea-going matters. Committee II discussed the Regime of the High Seas, and this touches on our going and coming over the waters. Committee IV discussed the new problems of the Continental Shelf; new because the doctrine had its inception in the Truman Proclamation of 1945. Here we passed our first obstacle.

Should crustacea (shrimp) be considered a part of the continental shelf? What animals belong to the shelf? Should it go so far as to include pelagic fish?

It takes but a few seconds to say that we won our position that shrimp should not be considered as belonging to the shelf. But between close, even tie votes, in Committee IV and motions in plenary, there were five anxious weeks of guarding against possible combinations that would distort this position by improper modification.

Committee III, on Fisheries, was another problem. Many nations tried delay-

ing tactics in an effort to link proceedings with the problem of the Territorial Sea which was the bone of contention in Committee I. Here was done the most heroic work of our State Department fisheries people, with the result that there is a delicately balanced convention which gives coastal states additional rights but protects the interests of the fishing states if those rights are not properly exercised by requiring compulsory arbitration. Here, too, is a fair document which helps our shrimp fishing industry provided it does not become, in the course of ratification, too riddled with reservations.

Where do we stand with regard to the territorial sea now? Like the Hague Conference of 1930, Geneva of 1958 did not resolve the problem, but some advances were made. The conferees knew from the outset that this would be the most controversial of all subjects discussed, so it was saved to the final days, and there was even an extension of two days made because the debate and the voting on the territorial sea was so prolonged.

It is so evident that extreme viewpoints are involved that we shall confine ourselves here to a few vital factual results:

(1) It is tacitly admitted now that claims beyond twelve miles, such as advanced by Peru, Ecuador and Chile, were rejected.

(2) The Soviet bloc and a few other nations are solidly committed to a 12 mile zone.

(3) The United States and the European nations, long exponents of a three-mile limit, showed a realization of a changing world, and a genuine desire to compromise by proposing a six-mile territorial sea, plus a fishing zone of an additional six miles, preserving historic fishing rights.

(4) India, Mexico and others, in a different type of compromise, proposed an elastic territorial sea, to be set by each nation, somewhere between three and twelve miles. The difficulty here is that there would really be no standard, and this proposal would tend to bless further unilateral acts by nations, a procedure to be avoided. Furthermore, the practical effect of this proposal is twelve miles.

None of these proposals won the necessary two-thirds vote, but the U. S. proposal did receive the most affirmative votes, the final vote being 45 for, 33 against, with 7 abstentions. The Russian 12-mile proposal was soundly defeated: 21 affirmative, 47 negative and 13 abstentions. The elastic three to twelve mile proposal of India and Mexico received 39 affirmative, 38 negative votes, with 8 abstentions.

We may say fairly now that the preponderance of sentiment was with the U. S. proposal, and we are hopeful that an acceptable formula may be found to define "historic fishing rights" in such a manner as to win a few more votes and attain the two-thirds majority necessary to embody this principle in a Convention.

At Geneva, failing to reach agreement, the Conference recommended to the United Nations that this subject be again considered in the future. We believed that with some time for cooling off, plus further negotiations and appeals to reason by our diplomats throughout the world, a favorable atmosphere for a future conference might be built up. But another failure at Geneva has precipitated matters, and even now it is being discussed at the United Nations in New York.

The powder keg in this instance is Iceland, a nation almost entirely dependent on fisheries for its life and its economy. Fishing is about 90 per cent of Iceland's

business. It is a unique and entirely different situation for fisheries than exists anywhere else in the world. Ordinary rules do not fit Iceland's situation. We had hoped that some provision might be made at Geneva to recognize this situation, but a resolution that might have helped the matter failed of passage. So, acting unilaterally, Iceland declared its own fishing sea, the United Kingdom sent its trawlers accompanied by warships, and there resulted the so-called "codfish war" which has featured prominently in the news. Iceland has appealed to the U.N. for a direct solution to its problem.

The U.N. itself, we believe, is not the proper forum for the resolution of fishery matters, but this is a subject which should again be considered at a conference called especially for this purpose. The statesmen, diplomats and international lawyers at U.N. Headquarters are not equipped with the scientific and biological information so vital to reach proper solutions about fisheries matters. And it is likely that such a conference will again be called, perhaps next August, or early in 1960, although we had hoped that it might be later, because these are troubled times, with many serious non-fishing matters under discussion. But these other problems become interwoven in such a manner as to cloud real issues and cause voting for spite or for trading purposes.

The shrimp fishery has a real interest in all of these matters at the international level. A business man must do the best he can—take advantage of every possible peek into the future—to plan the holding and the development of his business in an intelligent and informed manner. Probably in no other business do there exist as many variables as in the shrimp industry. Stocks of shrimp come and go, sometimes because of improper conservation; sometimes for yet unknown biological reasons. The industry requires large capitalization and brings great benefits from an economic standpoint. Yet it must meet these variables at the international level, plus the perils of the sea, incompetent crews, changing markets—it is a challenge and an adventure as well as a business.

The freedom of the seas for fishing is a time-honored, established principle in the community of nations. The growing populations of the world need the protein content in seafood, a food that supports long life with its lean meat content better than any other source.

Any increase in the Territorial Sea or the so-called Contiguous or Fishing Zone vitally affects the off-shore Gulf shrimp industry, and, from an economic standpoint, all of the shrimp industry in the eastern part of the United States. Should our larger off-shore vessels be precluded from distant fishing they would necessarily then compete with the smaller vessels and smaller nets nearer home ports. Our own shrimp stock will not support such a fleet biologically, nor would it be sound to operate on the reduced catch-per-effort which would then result.

At the business man's level our relations with our neighboring countries have been excellent. The Shrimp Association of the Americas is an outstanding example. That our governments have failed to reach as good an accord is to be deplored. It points up the significant fact that the inter-relation of fishery problems to other world problems, such as defense, provides an atmosphere of difficult negotiation.

Let us hope that science and reason will prevail at the council table, and let us remember that we must play our part on this stage to keep alive and informed—and to carry the message of our needs and problems actively and persuasively to the negotiators of our own country, and, as far as we are able, to our contemporaries in other nations.