Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

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Fifth Meeting of the Committee of the Whole

Extract from the *Official Records of the Second United Nations Conference on the Law of the Sea (Summary Records of Plenary Meetings and of Meetings of the Committee of the Whole, Annexes and Final Act)*

its objective the reinforcement of peace and international co-operation.

38. It was common knowledge that the efforts of The Hague Codification Conference of 1930 to establish a uniform three-mile limit for all States in the face of divergent legislation and practice had failed: the failure had been primarily due to the impossibility of fixing a uniform breadth for the territorial sea without injuring the vital interests of many States. That fact had again been confirmed at the first United Nations Conference on the Law of the Sea. Accordingly, the Bulgarian delegation was disposed to favour a realistic solution which, so far as possible, accorded with the interests of all States rather than an attempt to establish a uniform limit. He was certain that success would follow if all delegations were prepared to co-operate.

The meeting rose at 12.15 p.m.

FIFTH MEETING

Friday, 25 March 1960, at 10.45 a.m.

Chairman: Mr. José A. CORREA (Ecuador)

Consideration of the questions of the breadth of the territorial sea and fishery limits in accordance with resolution 1307 (XIII) adopted by the General Assembly on 10 December 1958 *(continued)*

GENERAL DEBATE *(continued)*

Statements by Mr. Drew (Canada), Mr. Tolentino (Philippines), Mr. García de Llera (Spain) and Mr. Geamanu (Romania)

1. Mr. DREW (Canada) said that the present Conference was faced with a great challenge, because for the first time in history a comprehensive codification of the law of the sea was in sight. Perhaps it was not fully appreciated how much progress had been made and what substantial results achieved at the first United Nations Conference on the Law of the Sea, which had been one of the most fruitful international gatherings ever held, as was proved by the scope and importance of the instruments it had adopted. Established law had been defined and codified there and new law written: an outstanding example of conciliation in the interests of the progressive development of international law.

2. The issues arising from the two questions before the second Conference had been clearly defined; but they were complex and of the utmost importance. He was certain that the differences of opinion surrounding them could be reconciled if the spirit of co-operation prevailed.

3. There were only two definite suggestions before the Conference about the delimitation of the territorial sea: one whereby any coastal State might fix the limit at any distance not exceeding six miles from the applicable baseline, the other whereby it might fix the limit at any distance between three and twelve miles.

4. With regard to fishing zones, there now appeared to be overwhelming agreement that every coastal State should have a right to establish such a zone contiguous to its territorial sea and up to a maximum distance from the baseline of not more than twelve nautical miles. The proposal for such a zone had first been put forward by the Canadian delegation at the 1958 Conference [1] to meet the needs of States that wished to have a measure of control over fishing off their coasts without being driven to adopt a twelve-mile territorial sea, an extension which his delegation still regarded as contrary to the fundamental principle of the freedom of the seas.

5. It was most satisfactory that that new legal concept of a distinct fishing zone — not provided for in the International Law Commission's draft article on the subject — should have found general acceptance, and that it should figure among all the proposals so far submitted to the present Conference. The concept offered an effective alternative to the action taken by those States which had adopted a twelve-mile territorial sea solely for the purpose of exercising greater control over fishing. With the rapid growth of world population and rising food requirements, the conservation and protection of the living resources of the sea were daily increasing in importance. Large trawlers fitted with modern refrigerating equipment could now operate far from their home ports and remain at sea for long periods — a development that called for new measures to protect the interests of those fishermen who depended for their livelihood on what they could catch off their own coasts. He hoped that all delegations, whether representing countries which relied in large measure on distant fishing countries whose waters were fished by boats from other nations or landlocked countries, would carefully examine the relevant estimates of the true extent of adjustment that the adoption of a twelve-mile exclusive fishing zone would necessitate. He mentioned that point because there had been a tendency to exaggerate the readjustment that would be necessary if steps were taken to protect the livelihood of fishermen living on coasts adjacent to waters fished by other nationals.

6. Introducing his delegation's proposal (A/CONF.19/C.1/L.4), he said that it offered a simple formula designed to meet the general desire for a wider fishing zone over which the coastal State would have full control. Though it might not altogether satisfy States whose nationals engaged intensively in distant fishing, there was considerable evidence to support the contention that such a formula was the only effective alternative to extension of the territorial sea for purposes of fisheries protection.

7. Up to a point, the Canadian proposal was identical with that of the United States of America (A/CONF.19/C.1/L.3); but there was an important difference between them in that the latter sought to establish what had been described as " historic " fishing rights. Though in some respects those rights would not be as extensive as originally contemplated in the United States proposal of 1958,[2] the underlying idea was the same. A provision

[1] *Official Records of the United Nations Conference on the Law of the Sea*, vol. III, annexes, document A/CONF.13/C.1/L.77/Rev.3.

[2] *Ibid.*, vol. II, annexes, document A/CONF.13/L.29.

of that kind would benefit, perhaps, some fifteen countries. That difference apart, supporters of either of the proposals were presumably at one in favouring a maximum limit of six miles for the territorial sea with a further contiguous fishing zone up to a maximum of twelve miles from the baseline.

8. His delegation considered that if that last solution were accepted, the rights conferred should be available to all States without restriction, and that it would be inconsistent with the doctrine of equality under the law affirmed in the Charter of the United Nations to create a special exception in perpetuity for the benefit of relatively few countries. While sympathizing with the concern felt about possible losses that strict application of such a rule might cause, he believed that the consequences might prove to be less serious than was feared in some circles. Other States faced with a similar situation had discovered new fishing grounds, adapted their methods to the changed circumstances and greatly increased their catch.

9. An important objection to making allowance for " historic " rights was that to do so would discriminate against newly emergent States and those countries which did not yet possess the economic resources needed for building up long-distance fishing fleets.

10. Recognition of " historic " fishing rights would also be inequitable because it would penalize countries which had sought to establish a rule of law through international agreement under United Nations auspices, and which had accordingly refrained during the past few years from taking unilateral action to extend their territorial sea beyond three miles. The effect of giving such a proposal the sanction of law would be not to reconcile conflicting interests, but to confer special privileges as a rule of law. Conditions varied widely from country to country, from coast to coast and from year to year, and no one formula governing an exception of that kind could be made universally applicable.

11. Without wishing to minimize the problems that might arise when adjustments had to be made following on the general adoption of a twelve-mile fishing zone, he was convinced that they could best be dealt with by means of supplementary bilateral or multilateral agreements rather than by an attempt to draft a rule of international law that would cover within a single framework all possible contingencies and changes. As examples of the kind of agreement he had in mind, he mentioned the Agreement on Fisheries between the Soviet Union and the United Kingdom of 1956 and the agreement recently concluded between the United Kingdom and Denmark regulating the fisheries in the ocean surrounding the Faroe Islands.

12. The International Convention for the High Seas Fisheries of the North Pacific Ocean concluded between Canada, Japan and the United States of America in 1952 provided an illustration of the way in which agreements on fisheries had to vary in application from time to time and from place to place, and showed how difficult it would be to legislate for all situations in a single comprehensive provision. Although it had been argued that it certain cases it had proved difficult to reach such agreements, it was surely not a vain hope that, if a satisfactory solution were found to the problem of the breadth of the territorial sea and the fishing zone, conditions would be rendered more conducive to the settlement of certain outstanding problems. Indeed, it was common knowledge that some countries had postponed bilateral negotiations until they saw the outcome of the present Conference.

13. Turning to the question of the breadth of the territorial sea, which was of the utmost importance to all States since it was liable to create international friction, he said that it was in the general interest to preserve the widest possible area for unrestricted passage by air or sea. It must be remembered that freedom of air navigation was governed by the breadth of the territorial sea and that the ordinary rules of innocent passage for surface ships did not apply to aircraft. The history of the freedom of the seas had been bound up with the growth of freedom in other spheres, and extension of the territorial sea beyond the necessary limits was a retrograde step. The Canadian proposal put forward in 1958 had at first stipulated a three-mile territorial sea.[3] However, when a number of the largest maritime and fishing countries, previously firm supporters of the three-mile rule, had accepted a breadth of six miles, his delegation had recognized that the latter figure was the minimum capable of commanding general support, and had accordingly amended its original proposal in that sense.

14. No convincing argument had yet been adduced to prove that a wider belt was necessary for defence, and he was unable to endorse the view that an extension to twelve miles would assist the coastal State. On the contrary, the Canadian Government held that from the security angle the area over which supervision must be exercised should be as narrow as possible — a circumstance which, moreover, would be consistent with the principle of the freedom of the seas. A wider territorial sea would add immensely to the obligations and responsibilities of coastal States: a burden which, for its part, his Government had no desire to assume. It hoped that for the same reasons other coastal States would favour the narrowest possible territorial sea and that agreement would be reached on a six-mile limit. If some regard were to be paid to the opinion of those with most experience in the problems of navigation at sea and in the air, it seemed impossible to ignore the fact that more than three-quarters of all the peaceful sea traffic of the world was maintained by nations which at the first Conference United Nations on the Law of the Sea had contended that a narrow territorial sea was in the best interests of trade over the world's sea routes. An even greater percentage of total airborne traffic was carried by the same countries, which had pointed out that a wider territorial sea would lead to a general increase in shipping and air transport costs.

15. He did not propose to quote legal opinions expounded at a time when custom and usage had established discernible rules about the territorial sea. The General Assembly expected the Conference to say what the law should be for the future. He hoped that the Canadian proposal, which had been formulated as simply as possible, would prove acceptable as the most reasonable compromise. Probably no general formula could be

[3] *Official Records of the United Nations Conference on the Law of the Sea*, vol. III, annexes, document A/CONF.13/C.1/L.77/Rev.1.

found that would entirely satisfy every delegation, but with good will it should be possible to find common ground in spite of differences of view. A successful outcome would not only provide the first complete legal code of the law of the sea, it would also help to bring nations closer together.

16. Mr. TOLENTINO (Philippines), although fully aware that the first United Nations Conference on the Law of the Sea had on the whole achieved a remarkable success given the limited time at its disposal, expressed regret that it had been unable to solve the major problem of the breadth of the territorial sea. It seemed illogical that the Convention on the Territorial Sea and the Contiguous Zone should recognize the sovereignty of the coastal State over the territorial sea, and provide for the right of innocent passage of foreign merchant vessels through that sea, without delimiting its breadth. Failure to establish a generally accepted limit for the territorial sea would certainly jeopardize international harmony; indeed, disputes had already arisen between certain States in the matter.

17. International law flowed either from the general practice of States or from conventions and treaties, but there was at present no rule of international law establishing the breadth of the territorial sea. Although, in the remoter past, three nautical miles had been generally accepted as the customary breadth of the territorial sea, in practice that figure had long been discarded by many States, only about twenty out of more than seventy coastal States having still maintained it at the time of the first Conference. Moreover, no proposal had been submitted to that Conference advocating the adoption of a three-mile limit. And in the meantime many States had proclaimed the extent of sea over which they claimed sovereignty and jurisdiction. It was now for the second Conference to devise a new rule that would settle the matter for the future.

18. The breadth of a coastal State's territorial sea was inseparably linked with the question of its self-preservation and survival, and did not lend itself to the application of abstract legal principles, because political and economic considerations were the predominant factors determining the extent of territorial sea over which a State wished to assert its sovereignty and jurisdiction. As the circumstances and needs of coastal States varied greatly, it was inevitable that they should claim different breadths of territorial sea, and any rule for fixing the breadth of the territorial sea that failed to take account of those circumstances, or to recognize and respect established rights based on historic title, treaty rights or actual occupation, would be neither generally acceptable nor just. Any proposal that sought to reduce or limit the extent of territorial waters over which such States already exercised sovereignty would entail an infringement of their territorial integrity, since they regarded that extent of sea as essential to their national existence. The validity of those rights could not be affected by the mere fact that the limit already laid down by those States might exceed any maximum breadth of territorial sea the present Conference might agree upon. From the basic legal principle that acquired or vested rights could not be impaired by subsequent legislation, it followed that existing territorial seas which exceeded the limit established by the present Conference would perforce constitute exceptions to the rule. Even the fact that they extended beyond the twelve miles which, in the opinion of the International Law Commission, was the maximum limit of the territorial sea permissible under international law should not prevent their recognition as exceptions.

19. In any event, the limits mentioned by the Commission in its draft articles on the territorial sea were not binding on the present Conference, as was shown by the fact that, although the Commission had specified a maximum distance of fifteen miles off-shore for the closing line across the mouth of a bay, the first Conference had increased that distance to twenty-four miles in the Convention on the Territorial Sea and the Contiguous Zone which it had adopted.[4] Moreover, the Commission itself had recommended that exceptions be recognized where necessary to protect established rights. From the purely practical standpoint, therefore, he would urge the Conference to facilitate agreement by recognizing accomplished facts and making provision for exceptions, of the kind he had described, to any rule it might adopt, since States would not readily renounce rights they already enjoyed. The United States of America was itself proposing to recognize and preserve the historic fishing rights of foreign States as an exception to the exclusive fishing rights of a coastal State in its contiguous fishing zone. It was of course understood that only existing or established rights would be respected as exceptions to the rule fixing the breadth of the territorial sea, and that no future extensions to existing limits would be permitted in those cases.

20. The Philippines would be one of the exceptional cases he had referred to, inasmuch as it had established rights over sea areas that in some places would involve much more than the twelve miles recognized by the International Law Commission as the maximum permissible breadth of territorial sea. But the exercise of sovereignty and jurisdiction by the Republic of the Philippines over such areas was not the outcome of a mere unilateral act of his Government, but a treaty practice of very long standing. The Philippine Archipelago was a compact group of more than 7,000 small islands, linked by a common submarine platform, and had from time immemorial been considered as a single territorial unit. After three centuries as a Spanish colony, the archipelago had been ceded to the United States of America under the Treaty of Paris of 10 December 1898, article III of which had described the territory as the " Philippine Islands ", laying down its boundaries in terms of latitude and longitude. Through the agency of the Government of the Philippine Islands, the United States of America had subsequently exercised sovereignty and jurisdiction over all land and all sea within those boundaries. The same boundaries had been reaffirmed in the Convention regarding the Boundary between the Philippine Archipelago and the State of North Borneo, concluded between the United States of America and the United Kingdom on 2 January 1930. On attaining its independence on 4 July 1946, the Republic of the Philippines had assumed full sovereignty and jurisdiction over the same territory as provided for in his country's Constitution, which had been approved and

[4] *Ibid.*, vol. II, annexes, document A/CONF.13/L.52, article 7.

signed by the President of the United States and ratified by the Philippine people through a plebiscite. At no time during the period that had elapsed since the conclusion of the Treaty of Paris had any State protested against the exercise of sovereignty, either by the United States of America or subsequently by the Republic of the Philippines, over all the land and all the sea described in article III of that Treaty. Countless generations of Filipinos had derived a large part of their food supply from the waters between and around the islands making up the archipelago, and all those waters, irrespective of their width or extent, had always been regarded as part of the inland waters of the Philippines. Thus, his country's claim to a territorial sea extending to the limits set forth in the treaty of Paris was based on a historic right and adequately supported by geographical and economic considerations. The case of the Philippines would remain *sui generis*, and he hoped that the Conference would give sympathetic consideration to the inclusion in any rule it might adopt on the breadth of the territorial sea of a clause expressly recognizing existing established rights, including those of his country.

21. He recalled that an attempt had been made at the first United Nations Conference on the Law of the Sea to formulate a special rule on the régime of archipelagos,[5] at the instance of the International Law Commission, which had clearly stated in the commentary to its draft article 10 on the law of the sea that the provisions dealing with the manner of measuring the territorial sea of separate islands were not applicable to the territorial sea of archipelagos. But there was no existing rule of international law on the matter, and if one were promulgated by international convention it must not be allowed adversely to affect archipelagos in which the extent of territorial waters was sanctified by history and by treaty agreements. In view of its unique position, the Philippines had no direct interest in the breadth of the territorial sea the present Conference might finally agree upon; but in the interests of peace and international harmony it would co-operate in all efforts to formulate a generally acceptable rule on the subject, consistent with its own position. Nevertheless, he was obliged to stress yet again that his country would be unable to support any proposal susceptible of being interpreted in such a way as would permit the infringement of any of its historic rights or enable foreign vessels and fishermen to penetrate with impunity into the heart of the Philippine Archipelago.

22. Mr. GARCIA DE LLERA (Spain) recalled that the doctrine of the freedom of the seas had first been formulated in the sixteenth century by Vitoria and other Spanish jurists at the time when Spain had been one of the great maritime powers of the world.

23. The Conference should be moved by a spirit of co-operation and understanding in broaching the questions before it, which involved new problems — problems unknown at the time when there were generally accepted rules deriving from largely concurrent though unilateral legal action taken by various States in the matter. There could be no doubt that unilateral action by States could give rise to rules of customary international law, and in the case of the breadth of the territorial sea, state practice had seemed ripe for codification. But a unilateral decision which changed the extent of a State's jurisdiction affected the established rights and vested interests of other States, and therefore, in accordance with the universally accepted rules of international law, could validly take effect only if explicitly or implicitly recognized by the States affected.

24. Although the task facing the Conference was not that of codifying existing rules, but rather that of formulating new ones, it was essential not to lose sight of the difference between the explicit or implicit legal recognition by a State of a given situation, such as the unilateral extension by another of its jurisdiction, and the validity of that situation *erga omnes* regardless of the will of the States affected by it.

25. International practice in the matter of the breadth of the territorial sea and special sea areas showed that those questions had not been solved in explicit terms by international law. Accordingly, the Conference was called upon to lay down new rules in the matter, and the Spanish delegation, for its part, wished it every success in its task.

26. For several decades the claims of States concerning jurisdiction beyond their territorial sea had been increasing in scope. The purposes of those claims, which had not always won general recognition, had been that of safeguarding the coastal State's security, customs and conservation interests, and that of excluding foreign fishermen from certain areas, or reserving the resources of the soil and sub-soil of the continental shelf to the nationals of the coastal State.

27. In a recent book,[6] an eminent Dutch jurist had pointed out that there was great diversity in state practice regarding the powers exercised in the sea areas in question. It was perhaps in the matter of fisheries that the situation was most confused, affected as it was by the concepts of the territorial sea, of a contiguous exclusive fishing zone and of a contiguous zone for the conservation of the living resources of the sea. He drew attention in that connexion to the opinion of the late Professor Gidel that, under positive international law, fishing interests did not constitute valid grounds for establishing a contiguous fisheries zone by unilateral declaration on the part of a coastal State, and that only by virtue of an international agreement could unilateral measures taken by a State beyond its territorial sea be made binding on other States.[7] The Spanish delegation therefore considered that a general agreement alone could make possible a solution of the problem of fishery limits with due regard for all the interests involved.

28. With regard to the breadth of the territorial sea, in the absence of uniform state practice in the matter, the Conference was called upon to formulate a new rule, and the Spanish delegation considered that the breadth laid down by that new rule should be uniform for all States; the formulation of such a uniform rule alone could solve the difficulties, and facilitate settlement of the disputes, to which the existing situation had given rise.

[5] *Ibid.*, vol. III, 52nd, meeting, paras 23-41.

[6] H. Ph. Visser 't Hooft, *Les Nations Unies et la conservation des ressources de la mer* (The Hague, Martinus Nijhoff, 1958), pp. 93 ff.

[7] Gilbert Gidel, " La mer territoriale et la zone contiguë ", *Recueil des Cours de l'Académie de Droit International*, 1934, II, p. 268.

29. It was patent that very few States were opposed to a breadth of six miles for the territorial sea. It was equally clear that a breadth of twelve miles could not command general acceptance. The Spanish delegation supported the six-mile rule, a rule which had been a part of Spanish municipal law for two centuries past. As long ago as 1760 and 1775, a distance of two leagues from the coast had been laid down by Royal Ordinance as the limit of Spanish jurisdiction for customs purposes. The Royal Decree of 3 May 1830 mentioned a breadth of six miles, which had been reiterated in 1852; in 1864, in an enactment relating to customs, a distance of six miles had been specified as the equivalent of two leagues. In 1870, legislative provisions had further clarified the position by laying down that the breadth of six nautical miles of territorial sea corresponded to 11,111 metres. Lastly, an Order of 5 October 1874 had confirmed that the breadth of Spain's territorial sea was six nautical miles, a distance that had been proclaimed yet again in the regulations issued on 13 October 1913 in pursuance of the Maritime Navigation Act of 1909.

30. That breadth of six miles, in addition to being of long standing in Spanish legislation, conformed with the tradition of the Mediterranean countries. It was true that the six-mile rule was viewed with some misgivings by certain coastal States in the vicinity of whose coasts nationals of other States engaged in fishing. In that respect, there could be no doubt that international law was in process of development. Many bilateral and multilateral international agreements had been signed in recent years with the object of regulating fisheries in certain sea areas, and those agreements left no doubt about the legitimate character of fishing activities conducted by the nationals of the non-coastal States.

31. The Spanish delegation considered that the provisions of the Convention on Fishing and Conservation of the Living Resources of the High Seas, adopted by the first Conference in 1958, adequately protected the interests of coastal States, and that the fears of those States would to a very large extent be dispelled if that Convention entered into force. The present Conference should therefore refrain from creating conditions likely to make it more difficult for certain States to ahdere to the 1958 Convention. His delegation did not believe that any State wished arbitrarily to exclude foreign fishermen from their traditional fishing grounds. On the other hand, it was in the interests of all States to protect the living resources of the sea from over-fishing and depletion. That question was particularly important to a country such as Spain, which held ninth place among the fishing nations of the world in respect of total catch.

32. The Spanish delegation considered that recognition of the coastal State's special interest in the seas adjacent to its coast should not be granted at the cost of the indiscriminate sacrifice of legitimate interests which were entitled to protection under international law: the interests of those States the nationals of which had been fishing for centuries in seas far from their own shores and had, through their efforts, discovered and developed new sources of wealth for the benefit of all mankind. It would therefore oppose any measure entailing sacrifice of the general interest that might cause a decrease in the food resources of the peoples of the world, including the Spanish people, who had to seek their daily food in distant seas.

33. Mr. GEAMANU (Romania) said that it was a pity that, although the first Conference had succeeded in codifying a large part of the law of the sea, it had been unable to reach agreement on the breadth of the territorial sea or on fishing limits. It was to be hoped that the second Conference would find a solution to those problems, for the better development of international maritime relations and the improvement of the political atmosphere generally.

34. The lack of success that had attended previous attempts, both at the Codification Conference held at The Hague in 1930 and at the first United Nations Conference on the Law of the Sea in 1958, did not mean that no generally acceptable solution could be found that would take due account of all the legitimate requirements and interests at stake. There were no outstanding international problems that could not be equitably solved through negotiation. Although in 1930 a handful of maritime Powers had attempted to enforce the alleged three-mile rule, it was pertinent to recall that in more recent times many States had come out in favour of a breadth for the territorial sea of more than three miles, and that agreement could be reached on the recognition of the right of any State to extend the breadth of its territorial sea up to twelve miles. Moreover, the easier international atmosphere that seemed to prevail at the present time should be propitious to a successful outcome of the Conference's deliberations.

35. The Romanian delegation considered that the law of the sea should bring nations together rather than create international tension. Seen against that background, it was quite evident that there was no conflict between the interests of coastal and those of non-coastal States. It was, indeed, in the common interest that the problem of the breadth of the territorial sea should be settled equitably. The Conference would succeed in doing so if it based its work on two great principles of modern international law: that of the equality of sovereign States and that of peaceful co-operation. One of the implications of the equality of sovereign States was equality in the matter of the right to international security. The very essence of an attempt to give practical expression to international co-operation by the establishment of a rule governing the breadth of the territorial sea and fishing limits would be perverted if accompanied by a further attempt to impose any impairment of the interests of coastal States in respect of security. The Romanian delegation was ready to lend its support to any proposal that was truly realistic. It would consider as lacking in realism any attempt to compel a State to abdicate any part of its territorial sea that was an integral part of its sovereign domain. Romania had fixed the breadth of its territorial sea at twelve miles in the light of the imperative requirements of its economic and military security. The government of a coastal State was the sole judge of that State's interests.

36. Certain States had seen fit to fix the breadth of their territorial sea at three miles, whereas others had fixed it at four, six, nine, ten or twelve miles — sometimes even more; but the great majority of maritime States had decided on a distance of up to twelve miles. By so doing they had infringed no rule of international law and

had made every provision for the need to avoid obstructing international maritime communications and the exercise of rights deriving from the principle of the freedom of the high seas. Any legal formula intended to reflect the facts of international life would have to sanction the present position that States had in general decided on a breadth of up to twelve miles for the territorial sea.

37. The arguments advanced by the Canadian, Spanish and United States delegations, that to fix the breadth of the territorial sea at twelve miles would be incompatible with the freedom of the high seas and would furthermore be out of date in an age of nuclear armaments, were not defensible. There was no threat to the freedom of navigation in the application of the twelve-mile limit, since merchant ships enjoyed the right of innocent passage through territorial waters; on the other hand the situation with regard to the passage of warships was governed by the security of the coastal State. In that connexion Mr. Geamanu quoted a statement made on 20 January 1960 before the United States Senate Foreign Relations Committee by the head of the United States delegation to the present Conference, endorsing the following words of an American admiral:

> " Naval forces are more important in the missile age than ever before. Mobility is a primary capability of navies. Support of our free world allies depends upon the ability of the Navy to move, unhampered, to wherever it is needed to support American foreign policy."

It was obviously in the interest of the maintenance and reinforcement of peace and international security that naval forces should not be able to approach too close to the coast in order to bring pressure to bear on other countries.

38. Conscious as it was of the important contribution that the Conference could make to the improvement of international relations, the Romanian delegation was resolved to take part in its work in a spirit of constructive co-operation.

Organization of work

39. Mr. MATINE-DAFTARY (Iran), speaking on a point of order, urged that the general debate be concluded as quickly as possible. The time of the Conference was limited, and the Committee should turn as soon as possible to detailed consideration of the questions referred to it.

40. The PRESIDENT shared the view of the Iranian representative that, if the general debate continued in a somewhat abstract vein, there would be a real danger that the Committee would find itself left with too little time for dealing with its basic task of concluding an agreement on the recommendation or recommendations to be made to the Conference in plenary.

41. He proposed therefore that, in making their statements in the general debate, the representatives should also deal as specifically as possible with the proposals before the Committee.

The Chairman's proposal was adopted unanimously.

The meeting rose at 1 p.m.

SIXTH MEETING

Tuesday, 29 March 1960, at 10.45 a.m.

Chairman: Mr. José A. CORREA (Ecuador)

Consideration of the questions of the breadth of the territorial sea and fishery limits in accordance with resolution 1307 (XIII) adopted by the General Assembly on 10 December 1958 *(continued)*

GENERAL DEBATE *(continued)*

Statements by Mr. Carmona (Venezuela), Mr. Hare (United Kingdom), U Mya Sein (Burma), Mr. Riphagen (Netherlands), Mr. Emiliani (Colombia) and Mr. Vlachos (Greece)

1. Mr. CARMONA (Venezuela) said that the great strides taken in a comparatively short period towards the codification of the law of the sea showed that the topic was ripe for consolidation in a new and solidly based code of maritime law in keeping with modern needs. Although the principle of respect for the freedom of the high seas and for international navigation, which was in the minds of all, should not be forgotten, the advancement of many countries, the newly achieved independence of a number of States and a broader understanding of the rights and interests of each group of the human community necessitated solutions other than those which States had been advocating until the recent past. The first United Nations Conference on the Law of the Sea, after wrestling with dogmas and political attitudes for almost three months, had succeeded in drafting four Conventions which, except for two questions, covered the entire subject of maritime law.

2. The Venezuelan Government had tried to put those Conventions into effect as soon as possible. The Convention on the Continental Shelf and the Convention on the High Seas had been approved, with the reservations entered at the time of signature, by the Chamber of Deputies and were at an advanced stage of consideration in the Senate. The Chamber of Deputies had approved the Convention on the Territorial Sea and the Contiguous Zone and the Convention on Fishing and Conservation of the Living Resources of the High Seas, which were now before the Senate, and the Senate was awaiting the results of the second Conference before concluding its consideration of those two Conventions. Hence, the destiny of the Conventions depended on the success of the Conference. The statement made at the 1st plenary meeting by the United Nations Legal Counsel showed that several other States were in a similar position.

3. The two questions remaining to be settled were the breadth of the territorial sea and contiguous zone and the fishery limits. The Venezuelan Act on the Territorial Sea, the Continental Shelf, and the Protection of Fishing and Air-space fixed the breadth of Venezuela's territorial sea at twelve nautical miles measured from baselines specified in the Act. In that belt, the State exercised sovereignty over the waters, the land, the subsoil and the resources within it and the superjacent air-space. In cases where the effect of the delimitation would be